

LAW AND ORDER IN ALBURY-WODONGA 1838-1860

Edited transcript of a talk by Howard Jones (presented at A&DHS General Meeting, May 1996 and reprinted from A&DHS Bulletin Numbers 348 & 349)

The police presence in Albury-Wodonga may be traced to 1838, when four soldier-police were posted to guard the crossing place at the Murray River. In that year Governor Gipps of NSW posted armed Mounted Police to Melbourne Geelong and three crossing places on the Sydney Rd, at the Goulburn River (Seymour) the Broken River (Benalla) and the Murray (Albury). None of these locations yet had a town, and Robert Brown's store was the only building here. These police were soldiers who had been court-martialled and were not paid. The catalyst for action had been the Faithfull Massacre near Benalla in April 1838.

Lady Franklin, who crossed the Murray in 1839, recorded that the Albury police hut had been built in 17 days in October 1838. It was located on a bank overlooking the crossing place, just above where the Albury Swim Centre is now located. Lady Franklin described a hut of stringybark boards with bark roof and without glass in the windows. An Aboriginal couple and their daughter did menial jobs for the police. The police paddock was between the hut and Brown's store near the Hovell Tree

At that time, both sides of the river were in NSW, and the Port Philip District extended only to the Warby Ranges until the boundary was redrawn on the Murray in 1843. The Albury police therefore served both sides of the Murray.

In January 1847, the NSW authorities established a Court of Petty Sessions in Albury. John Roper, the explorer was appointed first Clerk of Petty Sessions, the initial bench of justices being three squatters: James Wilson, of Tallangatta Valley, Elliott Heriot, of Carabobola and David Reid, of The Hermitage, Barnawartha. Reid died in 1906, after almost 60 years a JP. The original bench sat once a month. Dr Jeffrey Keating was the first JP resident in Albury. As well as dealing with minor cases, the bench took up other issues, such as the poor quality of the police horses, and the need for a bridge over the Wodonga Creek.

Coincidentally with the new court, Governor Charles FitzRoy appointed John McEvan as chief constable, assisted by two constables. Again these mounted police were also soldiers, not part of the regular NSW police, and were known as troopers. McEvan's appointment at £70 a year began on February 22, 1847.

Little is known about McEvan. A man of that name was married to Mary Cooney in Sydney in 1838 and a child, Emily, was born in 1839. Among early cases McEvan dealt with was a robbery of the Melbourne to Sydney mail 15 miles north of Albury. The two robbers stripped and tied up the mailman and stole his horse. McEvan and two other police "accompanied by a black," gave chase.

There was also the curious case of the 42 homesick New Hebridean islanders who had fled their employer 140 miles on the Murray downstream of Albury and arrived in the township in October 1847, aiming for Sydney. A superintendent and interpreter who followed them asked the Albury bench to help return the islanders, but the magistrates refused, being without legal powers to act. A newspaper reported: "The Murray tribes are very frightened of them. The islanders swear that if they catch Captain Kirsopp they will eat him for bringing them to this country." Several islander groups decamped from stations and returned to Sydney or Melbourne.

In 1850, after members of Parliament complained of the cost of Border and Mounted police in remote areas, and lack of discipline, they were dissolved and the Police Act was extended to all

of NSW. McEven found himself out of a job. Under the new rules, Governor FitzRoy appointed Henry Ringwood to be chief constable from June 1, 1851 at £100 a year. He served 12 years. Ringwood was an Irishman from Kilkenny and an Anglican. He married Catherine Duffy at Appin in 1845 and had several children. He had served as a police constable in Sydney from 1847 to 1850, catching several thieves in the streets.

In Ringwood's time, police wore a blue tunic, waistcoat, kepi cap, leather cross strap with cartridge pouch, cord pantaloons and riding boots. They had a sword, a .36 Colt revolver and a .53 Calliser and Terry carbine.

Ringwood's task changed dramatically after the discovery of gold on the Ovens in 1852. Suddenly there was a need for a large police presence, mainly to control the miners and escort the gold.

In March, 1853 another Irish migrant and Anglican, Heyward Atkins, was appointed the first resident Police Magistrate at Albury at £350 a year, later increased to £375. Victoria appointed a police magistrate at Beechworth, a young Canadian named Archibald Campbell, and stationed a policeman at Wodonga in about 1855. However, to save costs, Victoria appointed Atkins to handle cases in Wodonga. He had to get there on the punt!

Roper had ceased to be clerk of petty sessions in 1851 and was replaced by a Mr Oliphant. However, on October 1, 1854, Oliphant was replaced by Atkins' brother-in-law, Samuel Charles Valentine North (1832-1921), who was only 22. North had served previously as a clerk to his own father's court in Carcoar when only 16 years old. North later became an auctioneer and agent, an alderman and mayor in 1865.

Heyward Atkins was the most important person in Albury socially and legally until the first town council and mayor were elected in 1859. He led the welcome to the first paddlesteamer in 1855, and presided at town meetings. He was church warden at St Matthew's and chaired a group planning a hospital.

A Small Debts Court was established in 1857, followed by the District Court which first met on November 9, 1859, under Judge Callaghan, with Capt William Hovell, a police magistrate at Gundagai, joining him on the bench. The opening of the telegraph to Wodonga and Albury respectively in 1857 assisted police and legal work.

Judge Callaghan deplored the unsatisfactory lock-up that then served Albury and initiated events that led to the Albury Jail being built in 1861, following the brick and granite Court House erected in 1860. It appears the police barracks were then in the former Criterion Hotel in Hume St.

Heyward Atkins resigned in 1860 and Capt Marcus Brownrigg, another Irishman and Anglican, took over.