‘MILITARY OUTRAGE’: THE RIOT OF THE 96TH REGIMENT IN LAUNCESTON IN 1845

Stefan Petrow

In his history of Northern Tasmania, Llwelyn Bethell observed that from 1810 to 1870 ‘many famous British regiments of the line did garrison duty in Tasmania’ and he went on to describe, in colourful terms, how varied in their origins and accents were the regiments who quartered in Launceston. Most of the regiments were popular and generally ‘the soldiers lived on good terms with the townsfolk’ but, writes Bethell, ‘occasional clashes’ did occur. Dollery also noted some hostility but believed the British troops were an unalloyed good and were ‘the staunch bulwark of our social structure and our heritage’. They maintained ‘civil law and order’, guarded the convicts, protected against Aborigines and performed ‘multifarious duties unconnected with and foreign to the normal avocation of professional soldiers’.

In early 1843 a number of men from the 96th Manchester Regiment arrived in Launceston, which became their headquarters in Australia under the command of Lieutenant-Colonel Charles Brownlow Cumberland. By April 1845 the rank and file of the 96th numbered 395, and a further 270 were distributed to thirteen other locations in Van Diemen’s Land. Little is known of their life in Launceston but Bethell gives a brief account of one of their clashes with civilians. This occurred on 20 May 1845 when up to fifty men of the 96th Regiment took siege of the town for about ninety minutes. Bethell describes the violent antics of these men, but does not say if they were punished or not and concludes that ‘no one seemed to know the reason why’ the riot occurred. Bethell based this conclusion on one account in the Examiner, but in this article I want to use a wider range of sources and try to explain the reasons behind this extraordinary event. Before I consider why the 96th Regiment turned from heroes to villains, I will first discuss the role of the army in Britain and Australia.

The British Army

The British Army had a mixed reputation in the early nineteenth century. Influential on the negative side was the Duke of Wellington’s famous statement that the army was ‘composed of the scum of the earth’ and most men ‘enlisted for drink – that is the plain fact’. What is often forgotten was that he added that the army ‘made them the fine fellows they are’. Despite the food, shelter, pay and pension it offered, the working classes did not view soldiering as ‘a popular or honourable occupation’. They enlisted to avoid a life of unemployment and possible starvation in the growing cities of Britain or a life of crime leading to transportation to Australia. As it was always difficult to persuade enough men to enlist, the military authorities were not overly concerned about ‘respectability and sobriety’.

3 AOT, Correspondence File Army Regiments; see The Military Index, notes compiled by Miss Wayn; AOT Correspondence File on CB Cumberland.
4 AOT, CSO 22/118/2410, Distribution of troops serving in Van Diemen’s Land, 1 April 1845.
5 Bethell, p. 105; Dollery, p. 6 also mentions the clash.
With so many regiments being posted overseas, recruits found themselves living in foreign lands in ‘uncomfortable’, overcrowded and often ‘unhygienic’ barracks, eating monotonous food, and facing ‘a life of crushing discipline, and even more crushing boredom’. Many deserted rather than face the ‘soulless drudgery of unvarying military routine’. On the other hand troops who spent most of their time in barracks were ‘much healthier than troops on campaign, even disregarding losses from combat’. No wonder the men sought solace in drunkenness, which Wellington called ‘the parent of every other military offence’. To keep the soldiers in line the army relied on punishment but more important was the desire of the men not to dishonour the regiment or to offend their commanding officer. Discipline was necessary because the army, mostly composed of the infantry regiments of the line, played a crucial role in the Empire in three ways: they prevented ‘external aggression by a foreign power’, subdued ‘unstable or lawless frontier regions’, and maintained ‘internal security’.

Although a healthier place to be stationed than India, life in Australia was not without difficulties. In the early decades those on garrison duty in New South Wales endured ‘uneventful and tedious’ postings and lived little better than the convicts they were deployed to guard. No regiment based in Australia won ‘military glory’ and regiments felt that their military reputations were tainted by their proximity to convicts. Governors and their commanding officers were concerned that the convicts, who came from the same social class, would corrupt the soldiers and rotated detachments to reimpose discipline. The regiments did not regard their frontier conflict with the Aborigines or their chase after bushrangers as honourable causes or opportunities to distinguish themselves. Respectable colonists usually appreciated this kind of duty and military protection from convict uprising and general disorder, but like those at home probably held soldiers in low regard. To the convict and ex-convict classes the soldiers, who had guarded them on convict ships coming to Australia, were symbols of authority and oppression and ‘animosity [was] frequently expressed in street or tavern brawls’. In that context, we now look at the animosity that surfaced in Launceston in 1845.

Sequence of events

We can reconstruct what occurred on the evening of 20 May 1845 from the accounts given by two of the three Launceston newspapers – the Examiner and the Launceston Advertiser. The relevant issue of the Cornwall Chronicle is missing from the microfilm copy. On 21 May the Examiner was the first to report that Launceston was ‘thrown into the greatest excitement by the violent conduct’ of soldiers of the 96th Regiment. Two days later the Launceston Advertiser reported that ‘the peace’ of Launceston was

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10 Strachan, pp. 65, 79–81.
11 Burroughs, pp. 162, 165.
14 Peter Stanley, ‘“Soldiers and fellow countrymen” in colonial Australia’ in M Browne and M McKernan (eds), *Australia: two centuries of war and peace*, Australian War Memorial, Canberra, 1988, p. 69.
17 Stanley, ‘Soldiers and fellow countrymen’, pp. 66, 70–1; AF Harris, ‘The British army in South Australia 1836–1870’, *Sabretache*, vol. 44, 2003, p. 44, claims that the presence of the military was not appreciated in South Australia.
18 Examiner, 21 May 1845.
‘interrupted in a manner never before witnessed’. At first believing that the reports had been exaggerated, the *Advertiser* found on further investigation that ‘much greater cruelty had been committed and more property destroyed than what has even been reported’. The *Examiner* reported hurriedly soon after the events, while the *Advertiser* had more time to establish what happened and reported the sequence of events in a different order. Here I will summarise the *Advertiser*’s account and note differences between the two reports.

Both newspapers agree that at about 6.30 pm on 20 May between forty and fifty soldiers left their barracks and armed themselves with ‘heavy bludgeons, palings and other weapons of a similar description’. Their intentions soon became clear. They rushed into James Childs’s *Black Swan* and began ‘attacking every person within reach with the most brutal ferocity’. They cut open the head of the bar man in ‘a dreadful manner’ and knocked down the landlady Mrs Childs with a bludgeon. A patron named Brooks was ‘so roughly used’ that he was taken to a surgeon. Everyone in the bar and the parlour was attacked with bludgeons and injured in some way. Rumours of the riot soon spread around the town and within ten minutes all the shops in Charles Street were closed. The townsfolk were greatly disturbed by the rumour that ‘several people had been killed’ and many proceeded to defend their houses and arm themselves, according to the *Examiner*.

In a blaze of ‘fury’, the soldiers then proceeded to Robert Pearson’s house, the *Woolpack Inn*. They knocked down men standing at the bar and ‘most severely’ assaulted a man in the taproom who tried ‘to rescue two women from their brutality’. Another man received thirteen gashes to the head. After fifteen minutes of such mayhem, the soldiers left but soon returned to find that Pearson had ‘secured his doors’ and were content to smash his windows. They traversed the streets smashing the windows of eight cottages before turning their attention to Thomas Dudley’s *Verandah Wine Vaults*, where they broke more windows and injured two men.

The next object of their ‘rage’ was the *Hibernia Hotel* run by Edward Potts. He had been warned that they intended to attack his pub and had time to send his family to a safe place and ‘secure the doors’. Prevented from entering Potts’s pub, they broke his windows and threatened to return ‘the next night and burn his house down’. But their rage could not wait and they returned to demolish a window frame and break more windows. Some soldiers managed to shatter the side gate of the pub, but were deterred from entering when Mrs Potts set ‘a very savage dog’ on to them. They moved on to the house of Lewis, the lamplighter. They destroyed his property, beat Lewis in ‘the most cruel manner’ and his wife, who was in confinement, was frightened into ‘a dangerous state’. The *Examiner* reported that Lewis was beaten with sticks and kicked ‘until his whole body was one mass of bruises’.

Their rage still not satiated, the soldiers then assailed John Ashton’s *Good Woman Inn*. They broke his lamps, sixty-two panes of glass and three-dozen tumblers and smashed ‘the whole of his shop front’. Worried that they were going to leave his pub in ruins, Ashton took defensive action. He loaded two pistols, one wounding a soldier and the other misfiring. The ploy worked as the soldiers retreated. According to the *Examiner*, Ashton took the opportunity to muster ‘a dozen stout men and a few fire arms’, but the soldiers did not return. The soldiers were similarly dissuaded from destroying William

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19 Launceston Advertiser, 23 May 1845.
20 Examiner, 21 May 1845; Launceston Advertiser, 23 May 1845.
21 Launceston Advertiser, 23 May 1845.
22 Examiner, 21 May 1845.
24 Launceston Advertiser, 23 May 1845; Radford.
25 Examiner, 21 May 1845.
26 Launceston Advertiser, 23 May 1845; Radford.
27 Examiner, 21 May 1845.
Mason’s *Elephant and Castle* when confronted with a man brandishing a musket. The *Green Gate* was not so lucky as over twenty windows were broken and nearly a row of case bottles were smashed. Mary Stonnor, who was passing at the time, was knocked down and her arm was ‘dreadfully fractured’. Another woman had an infant snatched from her arms and thrown onto the street and she was then beaten ‘most unmercifully’. The *Examiner* denounced this act of ‘unceremonious and cold blooded vengeance’.

The ‘fury’ of the men ‘seemed to increase with every additional act of cruelty’ and any one who came near was attacked without provocation. The *Examiner* reported that ‘bodies of the inhabitants were seen flying in all directions, followed by the soldiers hooting and shouting with a kind of frantic exultation’. The torrent of violence lasted about ninety minutes and was only stemmed by the appearance of two companies of soldiers with fixed bayonets, ‘forming a picquet and headed by the adjutant’. The rioters ran off in ‘all directions’ and only five were captured. The rest rushed back to barracks and at the muster only two men did not answer when the roll was called.

On the morning of 21 May the men were assembled in the barrack yard and townsfolk were invited to identify those involved in ‘the fray’. One man was identified and may have been sentenced to the lash. The lash had been used increasingly less in the British Army by the 1840s and Colonel Cumberland hoped that its use here would convey a message to his men to abstain from further troublemaking. To prevent a repeat of their ‘cowardly onslaught’, Cumberland marched a number of the suspected rioters out of Launceston to do duty at Campbell Town. As they marched, the soldiers ‘taunted and insulted’ those they had attacked by offering to ‘send them glaziers to repair their “glaze”’. The *Cornwall Chronicle* denounced Cumberland’s insensitivity.

That did not end the matter. It was rumoured that on the night of 21 May the soldiers planned to repeat their attacks. The plan was foiled by the quick thinking of Cumberland and the Adjutant, who went to Stephen Murphy’s *Young Queen* pub where the soldiers were drinking and ‘coaxed them back to barracks again’. The *Launceston Advertiser* welcomed this intervention because it saved ‘many lives’. Publicans and tradesmen had armed themselves to offer ‘spirited resistance’ to the soldiers, who reputedly had ‘bayonets concealed in the sleeves of their coats’. Undeterred, on the night of 26 May a party of about thirty soldiers from the 96th Regiment, ‘very violent in their demeanour’, did leave the barracks to insult the townspeople but no civilian was injured. However, they knocked down the sentry and guard at the barracks and assaulted a corporal. This time four rioters were tried by court martial. Although details are sketchy, three of the rioters were imprisoned for periods of between three and five months and part of the term was to be served in solitary confinement. It appeared that attacking their fellow soldiers was a more serious offence than attacking the townsfolk of Launceston.

As the soldiers had ‘grossly disregarded military discipline and set at defiance the authority of the government’, the *Cornwall Chronicle* thought they deserved more

28 *Launceston Advertiser*, 23 May 1845; Radford.
29 *Launceston Advertiser*, 23 May 1845; it is not clear whether the *Green Gate* was run by Matthew Mason or Israel Shaw, see Radford.
30 *Examiner*, 21 May 1845.
31 *Launceston Advertiser*, 23 May 1845.
32 *Examiner*, 21 May 1845.
33 *Launceston Advertiser*, 23 May 1845; *Examiner*, 21 May 1845.
34 *Launceston Advertiser*, 23 May 1845.
35 AOT, Correspondence File Army Regiments; see The Military Index, notes compiled by Miss Wayn.
36 Burroughs, p. 174.
37 *Cornwall Chronicle*, 24 May 1845.
38 *Launceston Advertiser*, 23 May 1845; Radford.
39 *Examiner*, 28 May 1845; *Launceston Advertiser*, 30 May 1845.
40 *Examiner*, 28 May 1845.
41 *Examiner*, 11 June 1845.
severe punishment. The Chronicle criticised Cumberland for allowing soldiers to attack the residents of a town they were charged with protecting and, especially, for allowing a number to be out of barracks on the next evening. The newspaper urged ‘influential’ residents to call a public meeting ‘to memorialise the local government for protection against the military’. This did not happen but Cumberland learnt his lesson. On 27 May a detachment of the 96th was removed from Launceston and marched along the Windmill Hill road to avoid further altercations with Launcestonians. Later, the 11th Light Infantry Regiment was directed to relieve part of the 96th Regiment, which was to go to New Zealand.

Discussion

According to the Examiner, the first night of outrage was apparently ‘premeditated’. It appeared that the men ‘generally were sober, but seemed bent wholly upon reckless destruction without any known motive’. The Launceston Advertiser agreed that the attack was ‘premeditated, having been planned long previously’. This prompts an obvious question: why did these attacks occur? To answer that question the historian is a hostage to his evidence and that evidence is lacking. Despite a search of all relevant and available government and military series, I can find no enquiry into these events. There are some gaps in the record and these may give vital clues, but no official report was apparently written by Cumberland or sought by Lieutenant-Governor Eardley-Wilmot. If true, this was a case of negligence. As Civil Commandant in the north, Cumberland not only discharged military duties but was also paid from colonial funds to conduct a range of duties, including superintending convicts and the northern officers of the public service. As the leading administrator of the north, a serious conflict between the military and the civil population surely warranted an official report, but perhaps he felt he had the authority to deal with it himself. Moreover, it would not have been in Cumberland’s interests to bring the matter to official notice as the lack of discipline his men displayed would have surely reflected on his command and leadership. Perhaps he wanted a quiet life and had become complacent. After all, Launceston was ‘a favourite quarter with the officers of HM’s regiments’ mainly because of ‘an agreeable provincial society in the vicinity, more given, perhaps, to the country-house hospitality of the old country’ than was found in the other Australian colonies.

Cumberland used his powers of regimental or detachment court-martial, which were held in secret and could be conducted quickly to reimpose discipline without the formalities of general court-martial, to punish the obvious suspects and to keep the affair as local as possible. A court-martial had the benefit to his men at least of preventing further proceedings before the civil courts. The 1845 incident in Launceston had no impact on Cumberland’s career because a decade later he retired from the army as a Major-General. While the office of Civil Commandant was discontinued after Cumberland left Launceston in September 1845, this was probably due to Lieutenant-Governor Eardley-Wilmot’s desperate need to save money.

42 Cornwall Chronicle, 24 May 1845.
43 Examiner, 28 May 1845.
44 Cornwall Chronicle, 31 May 1845; Launceston Advertiser, 27 June 1845.
45 Examiner, 21 May 1845.
46 Launceston Advertiser, 23 May 1845.
48 GC Mundy, Our antipodes, (first published in 1852), abbreviated with an introduction by DWA Baker, Pananus Books, Canberra, 2006, p. 239.
It would be valuable to have the views of soldiers of the 96th who were not involved in the commotions, but, as the soldiers were ‘often illiterate and disinclined to leave written records’, these seem to be rare.\textsuperscript{52} The evidence that has survived is not especially helpful in ‘piecing together the hidden life of the barrack-room or the nuances of the soldiers’ relationships with civilian society’. This is true of the diary of a member of the 96th Regiment, Edmund Ashworth, who was stationed at George Town at the time, but he does not mention the events of 1845.\textsuperscript{53} Regimental histories such as Wylly’s similarly ignore any behaviour that cast the Regiment in a bad light. As men joining the 96th were enjoined ‘to keep pure and unspotted by base conduct, crime or military offence’ and remain steadfast on ‘the paths of honour’, regimental loyalty would perhaps preclude discussion of the Launceston outrages.\textsuperscript{54} Moreover, the Regiment’s fight against the Maoris overshadowed anything that occurred in Van Diemen’s Land in the annals of regimental history.\textsuperscript{55}

The newspapers give little insight into the reasons for the attacks. The \textit{Launceston Advertiser} claimed that the violence was ‘wanton and unprovoked’.\textsuperscript{56} The paper added to the mystery by describing the regiment as ‘hitherto well-conducted’ and comprised of ‘a great number of highly respectable soldiers, who necessarily suffer from the misconduct of their comrades’.\textsuperscript{57} The \textit{Advertiser} omitted to mention that some privates of the 96th Regiment had been involved in highway robbery and stealing earlier in 1845 so the Regiment’s record was not without blemish.\textsuperscript{58} The \textit{Cornwall Chronicle} acknowledged that the real men and soldiers of the 96th Regiment looked on the conduct of the rioters with ‘the strongest disapprobation’.\textsuperscript{59}

The \textit{Examiner} waited about three weeks before commenting. It was surprised that a body of men stationed in Launceston to protect the residents violated ‘the peace they ought to preserve’, destroyed property and endangered lives.\textsuperscript{60} The \textit{Examiner} lamented that the community ‘cannot be compensated for the peril to which their lives were lately exposed’. But it did urge Cumberland to ‘reimburse those who have sustained actual loss’. He should do this not only in his ‘military capacity’, but also because he received a salary ‘from the local government as commandant’. The \textit{Examiner} was right to press this ‘equitable’ claim. According to David Radford’s listing of licensees, four licensees whose businesses came under attack – those in charge of the \textit{Black Swan}, \textit{Woolpack Inn}, \textit{Verandah Wine Vaults} and \textit{Hibernia} – stopped running those pubs in 1845 and this must have been in large part due to the financial losses they incurred.\textsuperscript{61} There is no evidence that Cumberland offered any compensation.

The \textit{Examiner} was not astonished that so few men were punished and that the punishments were relatively light.\textsuperscript{62} It had heard an officer ‘employing the language of entreaty instead of command’, which showed that strict discipline was not enforced.\textsuperscript{63}

\textsuperscript{52} Peter Stanley, ““Oh! The sufferings of my men”, the 80th Regiment in New South Wales in 1838’, \textit{Push From the Bush}, no. 11, November 1981, pp. 1–2.

\textsuperscript{53} Transcript of Diary of Edmund Ashworth, 96th Manchester Regiment, Acc 2990, Local Studies and Archive Centre, Central Library, Ashton-under-Lyne, Tameside.

\textsuperscript{54} HC Wylly, \textit{History of the Manchester Regiment (late the 63rd and 96th foot)}, volume 1, 1758–1883, Forster, Groom, London, 1923, p. 214; see also P Mileham, ‘Difficulties be damned’: the King’s Regiment 8th, 63rd, 96th: a history of the city regiment of Manchester and Liverpool, Fleur de Lys, Knutsford, 2000, pp. 42–3.


\textsuperscript{56} Launceston Advertiser, 23 May 1845.

\textsuperscript{57} Launceston Advertiser, 30 May 1845.

\textsuperscript{58} Cornwall Chronicle, 18 January, 1 February 1845; Launceston Advertiser, 7 March 1845.

\textsuperscript{59} Cornwall Chronicle, 24 May 1845.

\textsuperscript{60} Examiner, 11 June 1845.

\textsuperscript{61} Radford.

\textsuperscript{62} Punishment was not always so light. We might note here that Austin lists two men from the 96th being transported in April 1845 and one being transported in September 1845, but gives no details, M Austin, \textit{The army in Australia 1840–50 prelude to the golden years}, Australian Government Publishing Service, Canberra, 1979, pp. 226–7.

\textsuperscript{63} Examiner, 11 June 1847; on 4 September 1847, when contrasting the 11th Regiment with its predecessor the 96th Regiment, the \textit{Examiner} blamed ‘the violent and riotous scenes’ of 1845 on ‘the lax discipline that prevailed’.
The *Examiner* felt that the show of ‘mutinous sprit’ by soldiers in England was less serious than if it had occurred in Van Diemen’s Land because it could ‘soon be overawed or extinguished’. But this was not the case in a penal colony where ‘military insubordination assumes a more serious aspect’. Perhaps the *Examiner* meant by this that the soldiers’ conduct would encourage the convicts to rise up *en masse* or even that the soldiers, who came from the same class as the convicts, might join forces and overwhelm civil society.

After the change from the assignment system to the mismanaged probation system, respectable colonists saw the protection of the troops as doubly necessary ‘to keep the convict population in subjection’ and were understandably worried at signs of military indiscipline. ‘Their anxiety was no doubt heightened by the parsimonious refusal of the British Government to increase troops to meet the great increase in convicts in the 1840s. As a general rule Eardley-Wilmot thought it risky to station small detachments of between ten and forty soldiers at different points because they would be ‘useless’ in the event of a convict uprising and their control by non-commissioned officers in ‘distant localities entirely destroys their discipline and leads to great abuses’. Ashworth is not helpful on the issue of discipline, although he did mention that at Launceston in September 1844 Cumberland ‘generally marched us out once or twice a week’ and put them through drills. This seems like a minimal level of drill and indicates that discipline was not high on Cumberland’s list of priorities. On the other hand there is evidence that Cumberland was too strict. In February a private who broke the window of a shop and stole an article of ‘trifling value’ received 150 lashes in front of the regiment. This seems disproportionate to the offence and did not deter his colleagues from worse destruction in May.

We have one account from a resident of Launceston at the time and it provides a different perspective from the newspapers. Henry Button was sixteen and an apprentice printer at the *Examiner* in 1845. In his autobiography *Flotsam and jetsam* published in 1909, Button remembered that, like other regiments, the 96th Regiment was made up of ‘a large proportion of drinking men’ and claimed that ‘quarrels between them and the townsfolk were of frequent occurrence’. He recalled that during drunken fights the soldiers used the heavy brass plates on their belts to inflict ‘serious injuries’ on fellow combatants and at night military patrols scoured the town to take drunken ‘stragglers’ back to barracks. Interestingly, Button refers to ‘a cheap beer’ called the ‘96’ which was provided for the ‘special delectation’ of the poorly-paid 96th soldiers. He did not specify if that beer was offered in all pubs or just some. Although this was not mentioned in the accounts of the riots, perhaps the soldiers targeted those pubs which either did not sell them cheap beer at all or stopped selling them beer for some reason. If Radford’s listing of licensees is any guide, there were around 68 pubs operating in Launceston in 1845 and there must have been a reason why seven were singled out. Most of the pubs were near the military barracks in Paterson Street and their proximity might explain why they bore the brunt of the soldiers’ wrath. In South Australia men from the 96th Regiment were renowned for their drunk and disorderly conduct and this supports Button’s claim that

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64 *Examiner*, 11 June 1847.
66 *Examiner*, 28 April 1847.
67 WO 1/432, Eardley-Wilmot to O’Connell, 29 May 1844, p. 101; AJCP.
68 Transcript of Diary of Edmund Ashworth, p. 12.
69 *Examiner*, 15 February 1845.
71 Radford provides an alphabetical listing by licensee but it is not clear exactly what months within 1845 the pubs were operating so the number of pubs might be less than 68; see Radford.
it contained many ‘drinking men’.

Another possibility is that the ‘96’ beer contained substances that drove the men mad when drunk to excess, but this is difficult to determine without hard evidence.

Outside Launceston, the newspapers in Hobart did not write much at all on the riots; some reprinted the account from the *Examiner*. The *Tasmanian and Austral-Asiatic Review* referred to ‘a serious emeute’ or popular rising in which lives were lost, but ‘the strenuous exertions’ of Cumberland restored order.

The *Hobart Town Advertiser* wrote that the soldiers involved in the second riot were removed to out-stations.

In the absence of specific evidence from the soldiers themselves we are left to speculate about the causes of the violence. Indiscipline was probably a factor as the *Examiner* noted. Perhaps the practice of drinking with the lower classes of Launceston, many of whom had been convicts, did corrupt some soldiers or perhaps the lower classes provoked or taunted the soldiers into violence.

Another reason, hinted at earlier, might be idleness. The soldiers did not seem to have much to do and were cooped up for long periods in their crowded barracks. It appears that the tradesmen of the Regiment were allowed to work for civilians, but that privilege was withdrawn after the riot.

The soldier’s violence might have been a manifestation of their boredom, which was not helped by drink. Throughout the British Army pay days often led to ‘bouts of excessive drinking’ and crimes such as insubordination and absence without leave, which suggests that the actions of the 96th Regiment were not unusual.

Another factor that should be considered is that the violence might have been a reaction to possible shipment to New Zealand and India, where conditions would be far worse than in Launceston. In New Zealand the soldiers would face the Maori who had already killed some of the Regiment and in India a difficult climate and disease.

There is a possibility that privates from the 96th Regiment committed thefts in Launceston as they preferred transportation to service in India.

Another question raised by the incident was where were the police? The soldiers rampaged for ninety minutes before the barracks were informed. The *Advertiser* wondered why the police were not on duty and why they did not tell the barracks earlier.

The *Cornwall Chronicle* noted the view of the chief constable that he had only half of the police force he needed for general duties. The paper condemned the authorities in Hobart Town for not strengthening the police force of Launceston, leaving the property and person of residents unprotected from criminals as well as attacks by the soldiers.

Lack of numbers alone did not account for the failure of the police to confront the soldiers, at least after the first riot. There was some dispute over whether the police had the power to arrest soldiers. If the police could offer no protection then, urged the *Examiner*, the residents had no choice but to take ‘the law into their own hands’ and deal ‘summarily with the military rioters, without the unnecessary trouble of resorting to any civil process’.

72 Harris, p. 50.
73 *Tasmanian and Austral-Asiatic Review*, 22 May 1845.
74 *Hobart Town Advertiser*, 3 June 1845.
75 This happened in New South Wales in 1838, see Stanley, p. 13.
76 By early 1844 complaints had been made that accommodation was inadequate, see Austin, p. 108.
77 *Examiner*, 31 May 1845.
79 Stanley, *Remote garrison*, p. 56, notes that life in Australia was the easiest it had been in the 1840s and far preferable to life in India.
80 *Examiner*, 26 April 1845 notes that men from 96th had been killed in New Zealand.
81 AOT, Correspondence File Army regiments; see The Military Index, notes compiled by Miss Wayn.
82 *Launceston Advertiser*, 23 May 1845.
83 *Cornwall Chronicle*, 24 May 1845.
84 *Examiner*, 4 June 1845.
were taking despatches to Perth on 21 May when at Cocked-hat-hill they were set upon
by a group of constables and taken to the station house but later discharged when it
became clear that they were on duty. Private Murphy brought a charge against District
Constable Harvey for misconduct. Murphy denied Harvey’s claim that they were drunk
or acting in a disorderly fashion, but admitted that they were singing songs. Chief District
Constable Kennedy Murray testified that after the riots in Launceston it was rumoured
that some people had been killed and that two privates who did not attend the muster
were responsible. He instructed Harvey to keep a look out for the privates. The case
was presided over by Captain Gardiner, sitting with WG Sams. Gardiner held that ‘no
constable had the right to act’ as Harvey did, even if Murray’s report was true, and fined
Harvey five shillings for misconduct. This decision deterred constables from arresting
soldiers who misbehaved. The Examiner thought the ruling wrong in law and quoted
from Burns’ Justice’s Manual that soldiers, whether on or off duty, had no immunity
from prosecution in a civil court if they broke the laws of the land.

Aftermath

Relations between the residents of Launceston and the soldiers did not improve after
the May riots. Another disturbance occurred in early August when a soldier was beaten
and robbed by two or three civilians. The soldier told his colleagues and a number
went to Pearson’s pub near where the assault occurred and broke windows, tumblers
and furniture. Reluctantly, a picket of soldiers from the barracks tried to quell ‘their
infuriated comrades’. All the shops were closed in ten minutes, so the soldiers broke some
more windows and returned to barracks. Such attacks, and rumours of worse to come,
distressed the population and created a ‘state of insecurity’. The Launceston Advertiser
blamed the new outrages on the provocation caused by ‘the lower orders with whom
they have been tippling’, but that was no excuse for assaulting innocent bystanders and
publicans. The Examiner pointed out that the military exercised ‘a power of intimidation
which tends to cultivate anything but friendly relations’ and the subjects of the Queen
were not ‘upon terms of perfect peace with their own soldiers’. If civilians acted as the
soldiers did, they would be severely punished but most of the soldiers were not.

On 13 August fifteen to twenty drunken soldiers fought civilians in Taylor’s
Exchange Wine Vaults. Soldiers from the barracks were sent to rein in their colleagues,
but while escorting them back to barracks ‘a few low-lived civilians followed and hooted
at them’. This prompted more soldiers to rush from the barracks with bayonets and
‘assault indiscriminately’ everyone in their path. According to the Examiner soldiers with
bayonets chased after ‘the most respectable citizens’ as ‘a kind of sport’. Without police
protection or other government support, residents carried pistols and the Examiner feared
that another outrage would end in ‘bloodshed’. One of the ringleaders, Private Gilmore
of the 96th Regiment, faced a court martial but the hearing was held in secret and the
punishment was not known. The incident prompted a requisition to the Under-Sheriff to
convene a meeting to discuss what to do about the ‘military outrages’. Wanting to avoid
‘a direct collision’ between the military and the people, the Under-Sheriff refused.

Clearly some action was necessary as another incident showed how badly
relations between the military and Launcestonians had deteriorated. On 26 August one

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85 Examiner, 16 August 1845.
86 Examiner, 11 June 1845.
87 Launceston Advertiser, 7 August 1845; Examiner, 9 August 1845.
88 Examiner, 9 August 1845.
89 Cornwall Chronicle, 16 August 1845.
90 Examiner, 16 August 1845.
91 Launceston Advertiser, 21 August 1845.
92 Examiner, 20 August 1845.
of the 96th Regiment charged a resident in the Police Office with insulting him. The plaintiff entered the shop of the defendant, who called him a swaddy, which was slang for ‘a country lout’, under the circumstances a suitable sobriquet. Even worse the defendant then noted that the 96th Regiment had been ordered to New Zealand and commented that ‘Johnny Heki’, the fierce Maori warrior, ‘would find them something more to do than knocking down old women in the streets’. This was indeed a provocation as some detachments of the 96th already in New Zealand knew well enough of the potency of Maoris like Heki. Police Magistrate Breton dismissed the case but ‘added a rebuke, intended as a general caution against provoking the retaliation of martial sensitiveness’.

The powerlessness of police to arrest soldiers was contested by the Cornwall Chronicle. It contended that the police could not arrest soldiers on duty, but could arrest off-duty soldiers who broke civilian law. The Chronicle implied that the police had no desire to arrest disorderly and violent soldiers and used Gardiner’s ruling as a convenient excuse for inaction. This policy seemed to change, if the case of Constable McGlinn was any guide. In October three drunken soldiers of the 96th Regiment, who were deployed as officers’ servants, disturbed the residents of Cannon Street by their singing and shouting. McGlinn asked them to be quiet, but for his trouble was punched and kicked repeatedly until police reinforcements arrived, forcing the soldiers to run away. They were later arrested and court martialled by Cumberland. One was sentenced to seven days solitary confinement and the other two were acquitted.

Conflicts such as these could not go on indefinitely and there seemed no choice but to remove the 96th Regiment and end their reign of terror over the citizens of Launceston. As well as New Zealand, men were sent to Port Arthur and Hobart. They were replaced by more detachments from the 11th Regiment which, under the command of Colonel Bloomfield, patched up differences with the locals. Bloomfield kept his men ‘active and in a high state of order by constant exercise’, thus improving the ‘health and habits of the private’. Their efficiency, ‘decorum’ and regimental band were all appreciated by Launcestonians. The Examiner thought their ‘constant occupation in military duties’ explained the ‘quiet demeanour’ of the 11th Regiment, which left Launceston in July 1848 to general acclaim. Part of the 96th Regiment returned to Launceston in July 1848 without apparently upsetting residents and in early 1849 left the colony for good for service in India. That was perhaps the most appropriate punishment for their disorderly behaviour.

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93 Examiner, 30 August 1845.
95 Cornwall Chronicle, 27 August 1845.
96 Cornwall Chronicle, 22 October 1845.
97 Examiner, 6 September 1845.
98 Cornwall Chronicle, 1 November 1845.
99 Examiner, 4 September 1847.
100 Examiner, 25 July 1848; Cornwall Chronicle, 26 July 1848; M. Higgins, “‘Deservedly respected”: a first look at the 11th Regiment in Australia”, Journal of the Australian War Memorial, no. 6, 1985, pp. 3–12.