

australia's first chief constable

Who knows the first Chief Constable of Australia?

There is a fascinating insight into a particular part of early policing within the new NSW colony.

The Marines of the First Fleet were the keeper of law and order upon the original settlement of the convict colony at Port Jackson in 1788. However only 6 years later one Henry Kable was appointed to the position of Chief Constable of the colony.

Henry Kable created a number of 'firsts', which included his marriage with fellow-convict Susannah Holmes alongside four other couples in the first marriage ceremony in Australia conducted by Rev. Richard Johnson on February 10th, 1788.

Henry and his future wife Susannah Holmes arrived with the first fleet as prisoners. Records reveal that Henry was sentenced in March 1783 to be "hanged until dead" for the heinous offence of burglary. This was later reduced to seven years transportation. Susannah was also sentenced to death for a non related burglary but this was reduced to 14 years transportation.

Both commenced their sentence at the frightful Norwich Castle Gaol, Norfolk and despite the cells and primitive conditions a union was formed which saw the arrival of Henry junior. When the first fleet was assembling for Botany Bay, Susannah and Henry junior were taken with two other female prisoners to Plymouth where they had been assigned to the convict transport 'Charlotte'. Henry Kable was left behind because



First fleet transport Friendship transporting Henry Kable @Cable to Botany Bay



First Fleet ready to sail from Portsmouth to Australia with first fleet convicts

his sentence was "transportation to "America" – a technical hitch. However upon Susannah's arrival at Plymouth, the ships captain refused to take on board the baby, Henry junior, as the baby had no papers. The gaol turnkey Simpson who had delivered her to Plymouth travelled to London where he tried to see the Home Secretary, Lord Sydney, to get papers for the child. Simpson failed at first but after a small demonstration by he and several well meaning sympathisers Sydney gave him an audience and arranged for papers for the child and for his father Henry Kable to join the fleet. Sydney re-assigned the mother and child, with Henry Kable to the convict transport 'Friendship', because he intended that ship to be a sort of hospital ship suitable for mothers with young children. A London journalist picked up the story (possibly during the demonstration) considered it a gut-wrenching article for the London Chronicle and it was subsequently published. The newspaper published two follow up letters from well to do readers, which led to a collection being taken up amounting to 20 pounds. The money was subsequently outlaid on goods that were thought to be useful to a young couple at Botany Bay. The parcel of goods was given into the care of Captain Sinclair of the transport 'Alexander' to be delivered to the couple on their arrival at Botany Bay.



Primitive conditions on board ship

A fleet of 11 ships -- with Arthur Phillip, the first governor of the settlement, in charge of 160 marines and 729 convicts -- weighed anchor in Portsmouth, England, on May 13, 1787, and reached Botany Bay on the 18th January 1788. Finding it too barren, sandy, and shallow for permanent settlement, fresh water inadequate and the anchorages too open in the wide bays Phillip investigated the next inlet to the north. There, spreading its fingers of deep water into sheltered sandstone promontories, he found "one of the finest harbours in the world, in which a thousand sail on the line might ride in the most perfect security." The harbor, which had been discovered and named by Cook earlier, was Port Jackson -- now better known as Sydney Harbour.

But there was no shipboard romance, Henry and Susannah traveled firstly on 'Friendship' as far as Table Bay (Cape of Good Hope) where the Fleet took on supplies. Here Phillip split the fleet so that the faster vessels could speed ahead and start the settlement at Botany Bay before the rest arrived. Susannah and baby were transferred to the Charlotte. Cramped, unbearably hot or cold due to their geographical location, it is perhaps a miracle that young Henry survived the journey (a number of newborn babies and an old female prisoner died). However the voyage was remarkably incident free. Upon arrival Susannah and the other women of the fleet were kept aboard the 'Charlotte' in Sydney Cove until nine days after the men had been disembarked there.

Upon embarkation, Susannah and Henry were confronted with most of their goods having "disappeared" during the journey of the First Fleet. Henry Kable was determined to care for his family and stubbornly sought assistance from first fleet legal minds. This led to his successful suit five



Cramped and unbearable conditions

months later in Australia's first civil action against the captain of the ship Alexander who was ordered to pay the Kables \$15 pound in compensation. The significance of this case was that as a convict in England, Kable would never have been allowed to bring a case to court (felons were "dead" in law). It was a radical departure in common law for Phillip and Judge Advocate David Collins to allow Henry to bring the case to court in the Colony -- and says something about Governor Phillip's liberal attitude towards convicts: Phillip wrote that he intended to build a free society here. This case created a precedent in law: it was used down the ages by convicts and emancipists to win court cases and so accrue political freedoms that would otherwise have been denied them. Professor Neal in his book "The Rule of Law in a Penal Colony" has a lot to say about Kable's role in building today's free society. "[They] conscripted the rule of law to transform New South Wales from a penal society to a free society" pp.195-6. (Remarkably in 1981 Judge Staples successfully used the precedent set by Kable to allow prisoners at Bathurst Gaol (including the infamous Darcy Dugan) to bring a case to court).

This action supports the view that Arthur Phillip governed the convict colony in a sensible and humane way, despite conditions which included poor quality food, largely infertile land and a lack of experienced farm labour which led to near-famine.

Earlier Henry and Susannahs marriage ceremony was conducted on 10th February, very soon after the Fleet's disembarkation. Reverend Richard Johnson married them before a large crowd including Governor Phillip who personally wished them well. At this time the settlement consisted of nothing more than filthy hovels and tents that gave no privacy to their occupants.

By the end of the first year of settlement the Kables second child Diana was born. The settlement had progressed somewhat to include stone houses for Governor Phillip and Major Ross of the Marines, secure store houses and raked vegetable gardens. Phillip requested a detachment of marines to stand watch at night over these gardens and attendant poultry – this however was deemed unworthy of the marines by Major Ross and led to one of many arguments between the two men.

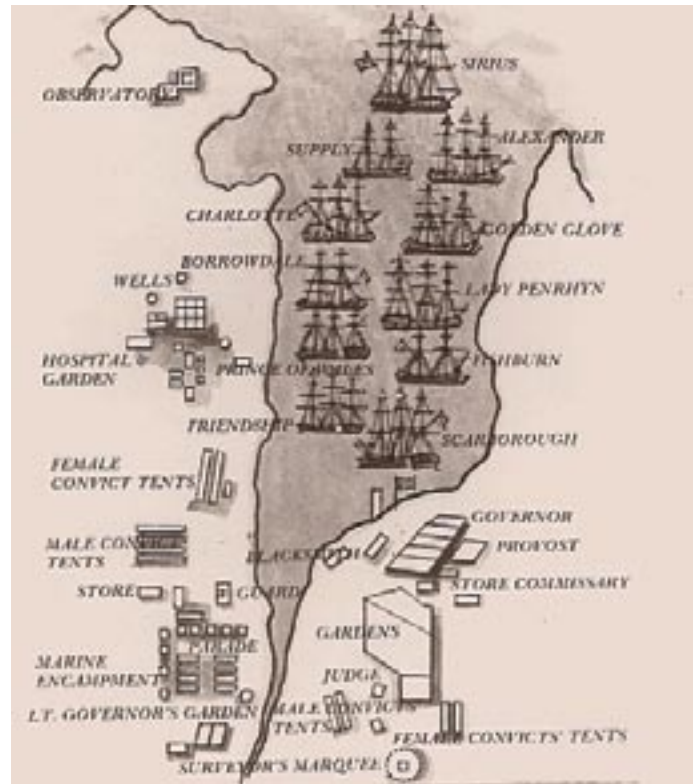
To overcome the lack of protection at night twelve convicts including Kable were appointed to patrol the settlement, parted into four groups of three to patrol their sectors which included the convicts' huts and public farm area, the brick kilns and surrounding gardens, the western side of Sydney cove and the huts and gardens around the hospital area. In only his third Night of watch Kable made an arrest of a convict found 'unlawfully about'.

This lawful determination of Kable brought him to further notice of Governor Phillip who appointed him as an overseer of one of the convict gangs responsible for clearing land for the new town of Sydney. Kable enjoyed his new found responsibility and was renowned for his forthright attitude and "forceful" method of ensuring other convicts complied with his instructions. He continued on his watch duties and was able to make a harsh life a little easier for his growing family.



Sydney Harbour 1788

By now the colony consisted of primitive huts, perched on the crags or nestled into the hollows of the ridges that people called The Rocks. These tiny two-roomed dwellings were basic constructions of timber frames filled with log cuts, the joints were plugged with clay and the walls were made of sticks, twigs and grass woven together and then plastered with mud, the roofs of these huts were constructions of thatched leaves and rushes.



On arrival the first fleet deployed in the bay and surrounds

But a commercial centre was also growing, here were to be found the wharves and dockyards, the bonded stores, granary and provision stores, the market place, the small general hospital and the town gaol.

In 1791 Acting Governor Francis appointed Kable to the position of Constable with particular duties as night watchman for the town and to act as a jailer. With his appointment Kable was also given a grant of land at Petersham Hill, five miles south of the town. During this period Kable distinguished himself on a number of occasions arresting and jailing convicts intent on stealing from the Governors store.

Three years serving Sydney town in this position convinced the Governor to make the (by today's standards) momentous decision to appoint Kable as the first ever Chief Constable of the colony. At the time Constables were of a very low social standing and Phillip was desperate to fill supervisory positions seeing that free men thought the job beneath them! He was provided a shack built beside the gaol. Kable was able to buy the land and rebuild a formidable dwelling that was demolished in 1926. Interestingly, before the site later redeveloped as a hotel (Regent) it was a police station serving The Rocks and waterfront for many years. He also received fifteen and a half acres of land to add to his grant at Petersham Hill.

Kable proved to be rather effective at his work and managed the Police Gaol well. Importantly, his powerful size and strength meant that when called upon to arrest drunken citizens he was inevitably successful. Physically he was suited to the role and particularly glad of the privileges it offered. However there were constant complaints, particularly from the marines and their wives regarding the inefficiency of the constables, whom they could not tolerate due to them being convicts and emancipists.

Kables work included searching the holds of ships, counting supplies and checking boats to ensure that oars and sails had been removed overnight to deter convict escapees. However it was difficult to keep law and order in the town with its itinerant population of convicts, assignees and seamen.

And there was the constant issue of dealing with the marine corpsmen who paid no heed to his authority whilst engaging in as much drunkenness and lawlessness as the convicts.

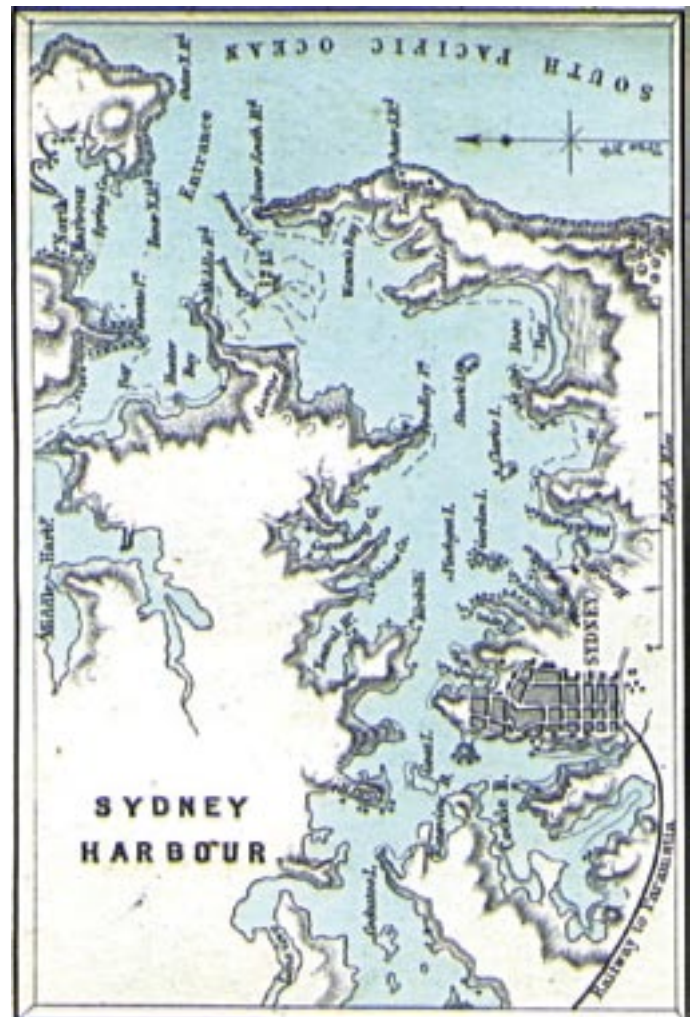
There was a constant need for the gaol with a steady stream of inhabitants made more so by the entrepreneurial Chief Constable opening the licensed alehouse Ramping Horse not far from the gaol. Kable had entered into an agreement with Captains Thomas Rowley and John Macarthur, paymasters of the 102nd Regiment, New South Wales Corps. They permitted Kable to buy supplies from their monopoly of rum and spirits at the not unreasonable markup of five hundred per cent. This still allowed Kable a profit margin. In that period taverns were generally part of, or attached to, the owners house. Its location, 'a publick house jacent to the prison', is identified by the Irish convict Joseph Holt in his Memoirs published after his return to Ireland in 1814. He wrote, "...my friend Mr Smyth... and I went to the jailer's, and he was Chief Constable but kept a publick house joining the prison, and Mr Smyth called for a bottle of rum, and we drank it, and he left orders for Henry Kable to let me come over and take refreshment whenever I liked..." This early NSW alehouse displayed a signboard of a snorting black horse with the inscription - Licensee: Henry Kable. Its location enabled Kable to not only conduct his business close to home but to also evict, arrest and gaol troublesome customers of the Ramping Horse.

(The original home of Kable and his family in George St North with its adjacent gaol was demolished in 1926. It is now the site of the Regent Hotel of whose restaurant is aptly named 'Kable's')

There were from time to time more serious arrests and these were dealt with by the military tribunal or court. One such occasion saw a convict overseer by the name of Isaac Nichol (who later opened the first post office in the colony around 1810) receive an additional 14 years sentence for receiving stolen goods. However he had little time for hounding petty thieves and would be escapees as he found them more stupid than criminal.

The Ramping Horse kept Kable busy and was generally prosperous even though Kable was often made to pay the Corps officers as much as £2 a gallon for rum. By this time Susannah Kable had borne three more children and Henry Kable was looking for more opportunities to boost his income.

With another ex-convict James Underwood, Kable bought, built or chartered many vessels and pioneered the sealing industry in Bass Strait. Underwood building the ships while Kable taking the role of ships husband, provisioned the voyages, employed the crews, etc. Simeon Lord joined this enterprise some years later, when Kable and Underwood wanted to sell the skins to London for the hat trade.



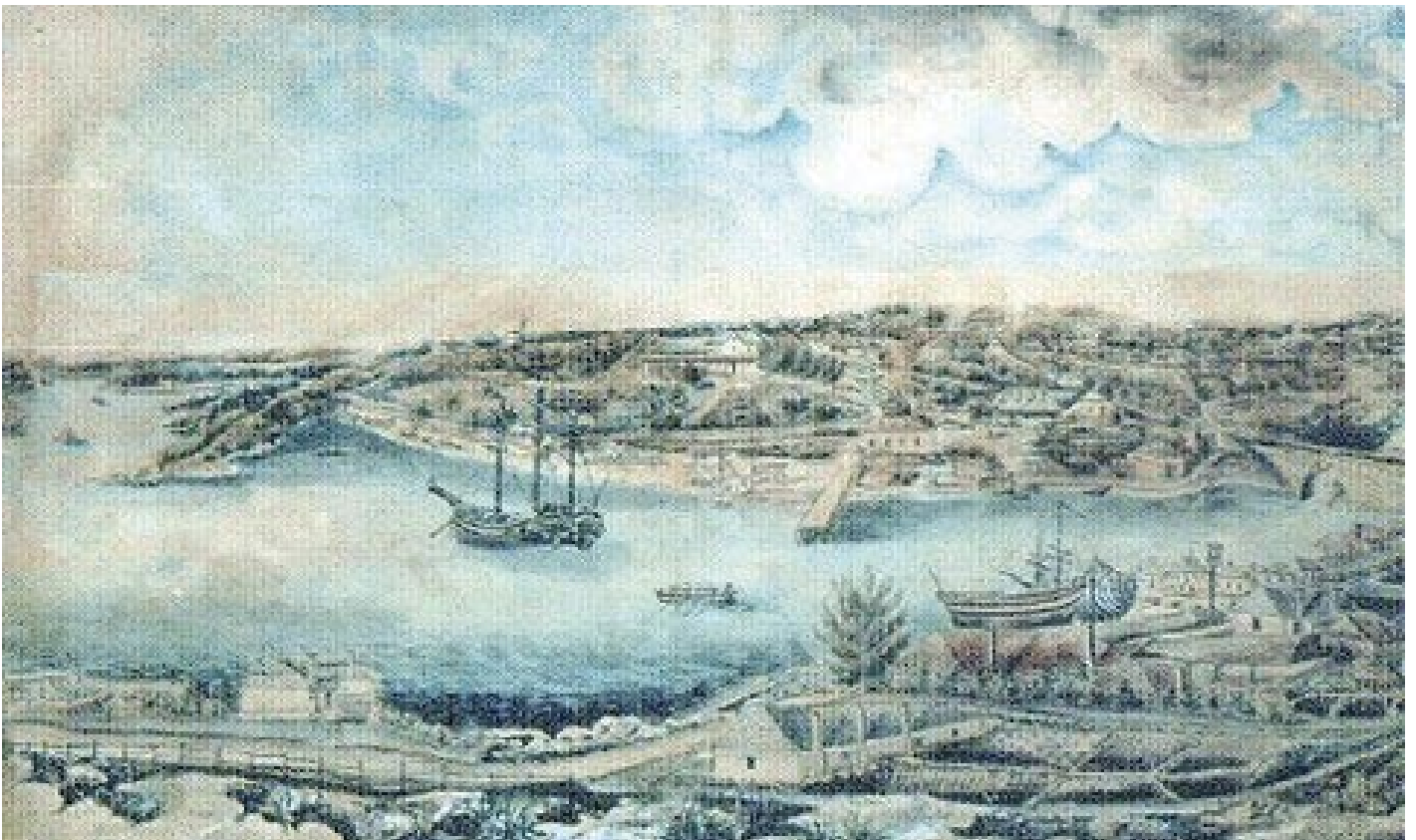
Early Map of Sydney Harbour

They were able to use Lord's London agent, Plummer, when Lord joined the partnership. At one point they were amongst the wealthiest men in the Colony with Lord being extremely wealthy in his own right due to other business ventures. This was fortuitous as Governor King saw fit to dismiss Kable from his position of Chief Constable for breaches of port regulations and illegally buying and importing pigs from a visiting ship.

The three partners at one period offended Governor Bligh when they sent him an abusive letter complaining about port regulations. Bligh fined each of them one hundred pounds and put them into the town gaol for a month. After Bligh was deposed, the three took revenge by backing the rebels of the Rum Corps and offering help in defraying the costs of George Johnston going to London to put the rebels case to the Home Government although there is doubt as to whether they actually paid up.

Kable continued on with his innovative businesses, opening the first Sydney-Parramatta coach, establishing land, buildings, a store and brewery in Windsor. Whilst he had several land holdings they were mostly not held at the same time. He sold his house and storehouses in Sydney when he moved to Pitt Town in 1811 (the Hawkesbury area) and probably used this money to buy the Windsor store and brewery. He bought a number of other smallholdings.

By the 1820's Kable was a prosperous grandfather and along with several others of the district a committeeman of the Windsor Bible Society. His wife Susannah died in 1825 and Henry lived until 1846 reaching the age of 84. Together he and his wife Susannah had 11 children and today there are thousands of descendants of the first Chief Constable of Australia (including several who have been or are serving members of the New South Wales Police).



Sydney Harbour 1803

Footnote:

The author is indebted to descendants Alan Wild and June Whittaker for the provision of articles, materials and documents relating to Henry and Susannah Kable.

Whittaker, June. 2002. Kable. The story of Henry Kable, First Fleet Convict Extraordinaire. Sydney www.hawkesburyhistory.org.au/articles/phillip.html