

Local Policeman Accused of Attempted Rape: Lorne 1888.

It must have caused a sensation at the time. Alice Maud Rooke was just 15 years old. She was the daughter of John Rooke, the licensee of the Lorne Hotel.

Around 5 pm on 19 March 1888 Alice went into the stables at the back of the hotel to feed the chickens. Inside, feeding his horse in one of the stalls, was Constable Edward Armfield. Armfield was stationed at Birregurra. In rural Victoria, one-man police stations were the norm. The mounted Constable would carry out what we would consider regular police work as well as other duties on behalf of the State government, such as acting as bailiff of Crown lands and as Inspector of slaughterhouses. Armfield had come down from Deans Marsh earlier that day with his Superintendent, a Mr Toohey.

Alice says that what happened next is that Armfield approached her, caught hold of her and attempted to commit an indecent assault. She broke free and fled into the house ("before he effected his purpose" it says in the *Colac Herald* of 30 March). Bursting into tears, Alice told her sister Mary what had happened. Mary quickly told their father. John Rooke immediately confronted the policeman in the stables. The policeman denied everything. When Mr Rooke began to return to his house he alleges that Constable Armfield warned him not to say anything to anyone. Rooke ignored him.

Rape was a capital offence in the Australian colonies in 1888 unlike in England, where the death penalty for rape had been abolished in 1841. So the accusation against Armfield was very serious.

The case was heard before Mr Justice Webb and a jury of 12 men at the Geelong Supreme Court on 11 May 1888. "Assault with attempt to commit rape on the person of Alice Rooke" was how the case was described in the *Colac Herald*. Eight witnesses were called for the prosecution and the hearing occupied 5 ½ hours. The jury just took 20 minutes to reach a verdict. Not guilty.

The verdict may have surprised Superintendent Toohey. Superintendent Toohey was inside the hotel when the offence was alleged to have taken place. He subsequently acted as the Prosecutor when the original charges against Armfield were first heard at the Colac Police Court some weeks later. Rather than supporting his colleague, Toohey opposed bail. Nonetheless bail was granted.

The Victorian Police were established in 1853, modelled on the principles of Peel's Metropolitan Police in London. But by 1888 their reputation was not good. They had faced a period of deep criticism and public lack of confidence, following the poor handling of the break-out of the Kelly Gang. There had been charges of incompetence and corruption. Parliamentary Enquiries into the police force had been held in 1855 and 1862. A Royal Commission had followed in 1881. They were only just beginning to rehabilitate their image.

It is possible to trace what subsequently happened to Edward Armfield through the newspapers of the time. They record Armfield as being unable to pay his debts due to "sickness and litigation" on two occasions. Also, on 15 July 1899 he is listed in the *Ovens and Beechworth Advertiser* as having

been fined 5 pounds for “misbehaviour in a public place.” Further digging through *Trove* (online) at the National Library indicates that this was because he urinated on somebody’s front door. Later he appears again in the court reports, this time being sued for divorce by his wife and mother of eight children as being incapable of supporting them. He resigned from the police force in 1903.

It is possible to use historical sources to trace the history of Justice Webb as well. I confess that I had my suspicions about him after reading how quickly Edward Armfield’s jury took to find him innocent. Yet as it turns out only days earlier Justice Webb had had presided over what became a famous case where two white men were accused of raping an Aboriginal woman, Jenny Green, as she and her husband and son were walking home from a day at the Condah Races. At a time when the defense counsel spoke to the injustice of taking the words of “unreliable blacks” against those of white people, Justice Webb showed vital leadership. He summed up heavily against the accused men. This at a time when, according to scholars of the 19th century there was an unwillingness to accept that Aboriginal people could be truthful, given that many of them had “no belief in a Christian God” and therefore could not swear an oath. Both men were found guilty.

And what about young Alice Rooke? Records held by the Lorne Historical Society list her as a student at the Lorne School along with her brother and sister. We know little else of her until she marries one of the Mountjoy family, Francis. She gives birth to a daughter, Edith, in 1907. Her last known place of residence is Colac.

Sources: The newspapers in the article were accessed via *Trove* in the National Library. I also relied on Philips D. Sex, Race, Violence and the Criminal Law in Colonial Victoria: Anatomy of a Rape Case in 1888. *Labour History* 1989:52:230-49. A copy of Edward Armfield’s original Record of Service was supplied by Caroline Oxley from the Victoria Police Museum and Historical Unit.

Penny Hawe is a Lorne resident. She is active in the Lorne Historical Society, Lorne Care and Friends of Lorne.