

Keith Mercer. *Rough Justice: Policing, Crime, and the Origins of the Newfoundland Constabulary, 1729–1871*. St. John's: Flanker Press, 2021. ISBN 978-1-77457-016-6

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There is a scientific myth that the body's cells are replaced every seven to ten years. And there is the reality that roughly every five years an academic historian produces a monograph on Canadian policing. Given the importance of the police to the criminal justice system, politics, and the treatment of minorities, this relative lack of academic interest is perplexing. Six books by historians in English (four of them peer reviewed) have appeared since 1993. Prior to that, academic histories of Canadian policing were even rarer. This total excludes examinations of national security policing, volumes of essays or historically informed studies written by social scientists, independent scholars, and activists. Three of the six are provincial or municipal case studies and only one, Michael Boudreau's study of crime and policing in early twentieth-century Halifax, deals with Atlantic Canada.<sup>1</sup>

For this reason alone, Keith Mercer's study of the early Royal Newfoundland Constabulary (RNC) is a welcome addition. The force, officially founded in 1871, has an urban focus and patrols St. John's and the Avalon Peninsula, Corner Brook, and western Labrador. It is outnumbered by the Royal Canadian Mounted Police, which arrived in the province with Confederation in 1949 and provides provincial contract policing to mostly small communities and the population in rural areas not covered by the RNC.

The added significance of Mercer's book is that it examines early policing in Newfoundland and Labrador, a province with its own distinct history, culture, and identity. Prior to Mercer's book, its early legal history, which involved seasonal fishing vessel captains ("fishing admirals") and Royal Navy officers exercising regulatory and judicial duties, had been examined by scholars such as Jerry Bannister.<sup>2</sup> Mercer, who works for Parks Canada, is more of a public than an academic historian, but he holds a PhD in history and has produced peer-reviewed journal articles on naval history. *Rough Justice* has been released in

2021, the 150th anniversary of founding of the RNC. The project is supported by the Royal Newfoundland Constabulary Historical Society, making the book an official history.<sup>3</sup> Although lacking some of the critical edge of studies published by academic presses, Mercer's book draws on academic literature and is well researched and documented, with several hundred endnotes as well as maps, tables, and appendices. It draws on the collections of The Rooms Provincial Archives and several other archives, including the National Archives of the United Kingdom. The chief source is court records, which can be sparse in detail. The overall approach is chronological, but specific themes and "storytelling and case studies" are explored to good effect (16).

*Rough Justice* is not simply an administrative history of the precursor to Newfoundland and Labrador's provincial police service. Influenced by revisionist scholars who critique the older Whig approach that questioned the usefulness of "police before the police," Mercer argues that local, part-time, and amateur constables could be active and effective agents of the courts and protectors of community peace. Despite their importance to the justice system, they have been ignored or neglected in previous studies of Newfoundland's general, social, and even legal history. What the author has produced is not simply a study of early policing, but "a social and legal history of Newfoundland" (14). He argues that constables were "instruments of the state and the courts, and by extension law enforcement was intertwined with the larger political development of the island" (15).

Chapter 1, the introduction, examines historiography, themes in the book, and sources and their strengths and weaknesses. The next chapter tackles the "legal confusion" of the pre-1730 period, which included the much romanticized and misunderstood custom of fishing admirals regulating the fishery in specific harbours on a seasonal basis. At the end of this era the British government empowered the Royal Navy commodore to act as a governor with responsibility for law and order. The next chapter explores the appointment of constables as officers of the courts and enforcers of official morality up to 1765. Chapter 4 goes into detail on the relation between constables and the courts

in Trinity and Bonavista Bays, the Irish Shore, and St. John's between 1765 and 1790, a period when the growing Irish Catholic population was a source of concern to the authorities, for both religious and social reasons. Like elsewhere in the British world, constables worked closely with magistrates, but the latter did not reside in all harbours or outports. Mercer does discuss the role of political elites but he also attempts, based on the records at hand, to focus on constables and their daily experiences. As in other jurisdictions, the local policing authorities could be violently resisted and injured in the execution of their duties. They also meted out violence by whipping felons on the orders of magistrates and naval surrogates.

Throughout the book are examples of the service function of constables, such as removing buildings in the capital city to expedite road-building and shooting stray dogs, which could be a real danger to the population. The period 1790–1815 was an interesting interlude when licensed tavern owners in St. John's doubled as constables (the licence was a form of payment to peace officers who traditionally were remunerated through fees). Constables in a number of outports also operated public houses.

Chapter 6 details the impact on policing of the War of 1812, immigration, economic hardship, destructive fires, and early political reform, especially in St. John's up to 1832. Despite the lack of a municipal government, a small constabulary force carried out many of the functions of "new" police that appeared in larger centres in the British world in the 1830s and 1840s. The colony's constables, their numbers low, struggled in these years with class, political, and sectarian violence and were particularly vulnerable in the outports. In St. John's they were assisted, usually on a seasonal basis, by a nightwatch. Until it was abolished, starting in the 1820s constables assisted a court of civil jurisdiction on the coast of Labrador. Disputes between the upper and lower houses of the colony's legislature, starting in the 1830s, limited police reform in the capital but there, and in outports such as Carbonear, constables were given more service and criminal law responsibilities, including the enforcement of an 1861 statute that

outlawed mumming, where colonists in disguise visited houses in a community in search of alcohol. Neither the appointment of Irish Constabulary veteran Thomas Mitchell in 1853 as inspector and general superintendent of police nor continued election and other forms of social violence convinced legislators to expand and professionalize the police. Rather, the departure of the British garrison in 1870 prompted the Conservative government of Charles Fox Bennett to form a special police to augment existing constables and the night-watch in St. John's. The first three heads of the force were former Royal Irish Constabulary officers. Over the next decade the force would expand to cover a number of outports and became "a unique institution that likely drew inspiration from several police institutions and came to reflect the society it served and protected" (441).

Police services, like universities, are obsessed with their founding dates, as if chronological age is a mark of prestige. While some academic observers would question the claim that the RNC is "the oldest continuous police service in Canada" (1), Mercer demonstrates that constables were active in Newfoundland, which with Nova Scotia as of 1713 was one of only two British jurisdictions in what would become Canada, three centuries ago. What makes Newfoundland and Labrador different from mainland colonies such as Upper Canada and New Brunswick was the role of colonial administrators/governments in law enforcement.

Official histories of police services are limited by their mandate. The official mantra of police organizations is that they "serve and protect" the public; the photo on this book's dust jacket depicts a statue of a nineteenth-century Newfoundland Constabulary constable, lamp in hand, guiding a presumably lost young girl to safety. This legacy sculpture was unveiled in 2010 at Constabulary Court, a small park in downtown St. John's. Criminologists, historians, and other academics who write for academic journals and presses would view this image as one-sided or simplistic, but *Rough Justice* is an official history. All the same, it is a substantial contribution to the history not only of Canadian policing but also of Newfoundland and Labrador.

## Notes

- 1 Greg Marquis, *Policing Canada's Century: A History of the Canadian Association of Chiefs of Police* (Toronto: Osgoode Society/University of Toronto Press, 1993); John Weaver, *Crimes, Constables, and Courts: Order and Transgression in a Canadian City, 1816–1970* (Montreal and Kingston: McGill-Queen's University Press, 1995); Steve Hewitt, *Riding to the Rescue: The Transformation of the RCMP in Alberta and Saskatchewan, 1914–1939* (Toronto: University of Toronto Press, 2006); Greg Marquis, *The Vigilant Eye: Policing Canada from Confederation to 9/11* (Halifax: Formac, 2016); Michael Boudreau, *City of Order: Crime and Society in Halifax, 1918–35* (Vancouver: University of British Columbia Press, 2012); Keith Mercer, *Rough Justice: Policing, Crime, and the Origins of the Newfoundland Constabulary, 1729–1871* (St. John's: Flanker Press, 2021). Boudreau's study focuses on the larger criminal justice system, including the police.
- 2 Jerry Bannister, *The Rule of the Admirals: Law, Custom, and Naval Government in Newfoundland, 1699–1832* (Toronto: University of Toronto Press, 2003).
- 3 Like many other police services, the RNC maintains an archives and museum, whose curator co-wrote an illustrated oral history of the force based on oral interviews that appeared in 1990.

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