

JAMES GORDON: A 'USEFUL ALL-ROUND MAN'¹ AT TE
AROHA AND ELSEWHERE

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Abstract: *Some confusion over the early details of James Gordon’s life is unavoidable because his birth was not registered and there were several namesakes. Born to an Irish father and a Maori mother, after the latter reputedly abandoned her family his father remarried and Gordon was brought up by an uncle. Typically, he had a variety of jobs, though after the Thames goldfield opened mining was his main occupation; and like so many prospectors and miners, he exaggerated his involvement, which was minor and brought him little financial reward. Consequently, he took whatever job was available, becoming known as a ‘useful all-round man’, capable of doing almost any physical work. His financial state was revealed by his being sued, regularly, for small debts – and he tried to evade maintenance payments despite having the ability to pay.*

Gordon identified with his Pakeha ancestry, fighting against Maori in the Waikato and Bay of Plenty at a young age and joining the Volunteers in Thames and Te Aroha. The most notable aspect of his life was his marital complications: 18 children from two wives and three from the same number of mistresses. The total number born would have been 22 had he not savagely attacked his first wife, causing a stillbirth and, eventually, a divorce, though the latter was mostly in consequence of his being convicted for child molestation. In most other ways, his life was unremarkable.

FAMILY BACKGROUND

The birth of James Gordon was not registered, and official records provide a variety of possible dates. Taking 1880, when he took part in the Te Aroha gold rush, as a suitable point to attempt to determine his age, in that year it might have been 26,² 28,³ 30,⁴ 31,⁵ 32,⁶ 34,⁷ or 38.⁸ He was

¹ *New Zealand Police Gazette*, 9 December 1896, p. 208.

² Notices of Intentions to Marry 1887, folio 840, Births Deaths and Marriages, BDM 20/32, ANZ-W; Birth Certificate of Thomas Clarence Gordon, 23 May 1890, 1890/9723, BDM.

³ Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-up 1880-1903, 10/1884 (30 January 1884), in private possession; Birth Certificate of Vivian Willmott Gordon, 4 February 1888, 1951/118024, BDM.

⁴ Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-up 1880-1903, 35/1884 (18 August 1884), in private possession.

probably born in either 1847 or 1849; when enrolling in the Waikato Militia in September 1863 he gave his age as 16. An obituary simply stated that he enlisted 'when quite young'.⁹ Whereas some would-be soldiers may have increased their age to be allowed to fight, it made no sense for him to have lowered it; and the height recorded, five feet five and a half inches, was appropriate for a teenager yet to attain his full height.¹⁰ By August 1847 his father, Thomas, had two children: Mary Ann had been born in 1844,¹¹ and the other one, unnamed, presumably was James; both children were suffering from fever.¹² Gordon twice told the police his date of birth was 1849,¹³ meaning that in 1863 he was a 14-year-old who had added two years to his age so he could enlist. When twice enrolling in the Te Aroha Rifles he gave a precise age that meant he was born in January 1849.¹⁴ But if born in 1847 there would have been no need to lie about his age, though 16 was very young to enlist. His age as recorded on his death certificate would mean a birthdate of 1842,¹⁵ but not only do some old people or their descendents exaggerate their venerability but an age of 21 when joining the

⁵ *New Zealand Police Gazette*, 27 August 1879, p. 162, 2 September 1896, p. 153.

⁶ Birth Certificate of May Gordon, 14 May 1876, 1876/6862, BDM; Nominal and Descriptive Roll, Second Regiment, Waikato Militia, no. 666, Army Department, microfilm.

⁷ Armed Constabulary, Report of Charges taken at Te Aroha Lock-up 1880-1903, 10/1896 (19 June 1896), in private possession; Birth Certificate of Harold Alfred Gordon, 2 July 1894, 1894/8093, BDM.

⁸ Death Certificate of James Gordon, 17 June 1930, 1930/2806, BDM; *Auckland Star*, 20 June 1930, p. 10.

⁹ *Auckland Star*, 20 June 1930, p. 10.

¹⁰ Nominal and Descriptive Roll, Second Regiment, Waikato Militia, no. 666, Army Department, microfilm.

¹¹ Marriage Certificates of Mary Ann Gordon, 10 March 1864, 1864/3862; Mary Ann Dow, 9 June 1888, 1888/3454; Death Certificate of Mary Ann McElroy, 18 July 1914, 1914/9467, BDM [her birth was not registered].

¹² William Gordon to Donald McLean, 23 August 1847, Donald McLean Papers, folio 295, MS Papers 32, Alexander Turnbull Library.

¹³ *New Zealand Police Gazette*, 27 August 1879, p. 162, 2 September 1896, p. 153.

¹⁴ Te Aroha Rifles, Nominal Roll to 31 December 1892, ARM 41, 1911/66o; Nominal Roll to 28 February 1900, ARM41, 1911/66v, ANZ-W; Te Aroha Rifles, Parade Register 1892-1903, 195/1899, MS 2000/69, Library of the Auckland Institute and War Memorial Museum.

¹⁵ Death Certificate of James Gordon, 17 June 1930, 1930/2806, BDM.

Militia meant that his height would later have increased by several more inches, surely unlikely.

Other basic facts about Gordon's early life are either obscure or cannot be discovered. There were even different versions of where he was born. In 1863 he gave his birthplace as Auckland,¹⁶ but in 1876 this was recorded as Waiwerawera, meaning the Waiwera hot springs,¹⁷ and in 1894 it was stated as having been Thames,¹⁸ which was most unlikely. All other records gave Auckland as his birthplace, and both his obituaries were even more precise: Wyndham Street in that city.¹⁹ There were several versions of the occupation of his father, Thomas. In 1887, when Gordon married, he recorded that his father had been a farmer,²⁰ and his sister's death certificate also gave this as his occupation.²¹ Yet Thomas' death certificate described him as a trader and storekeeper, and a newspaper account of his death reported that he was a flax-dresser.²² Probably all versions were correct, for Thomas was all of these things at one time or another. Was he the Thomas Gordon who applied for a license for the Union Hotel in Queen Street, Auckland, in April 1864?²³ In March 1867 he received a land grant of 800 acres in the Mangatangi district, inland from Miranda and near Maramarua, bounded in part by the Te Ruaotehuia and Koteruato Streams.²⁴ As he farmed this land and was buried on it,²⁵ probably he was not the Thomas who was a farmer at the 'Pokeno Settlement' in September

¹⁶ Nominal and Descriptive Roll, Second Regiment, Waikato Militia, no. 666, Army Department, microfilm.

¹⁷ Birth Certificate of May Gordon, 14 May 1876, 1876/6862, BDM; Licensing Meeting, *New Zealand Herald*, 27 April 1864, p. 3.

¹⁸ Birth Certificate of Harold Alfred Gordon, 2 July 1894, 1894/8093, BDM.

¹⁹ *New Zealand Herald*, 20 June 1930, p. 14; *Auckland Star*, 20 June 1930, p. 10.

²⁰ Marriage Certificate of James Gordon, 31 August 1887, 1887/321, BDM.

²¹ Death Certificate of Mary Ann McElroy, 18 July 1914, 1914/9467, BDM.

²² Death Certificate of Thomas Gordon, 10 February 1872, 1872/3445, BDM; *Daily Southern Cross*, 13 February 1872, p. 2.

²³ *New Zealand Herald*, 20 April 1864 p. 4.

²⁴ Land Grant of lot 54, Parish of Koharoa, Banks County, 13 March 1867, DOSLI Hamilton, copy held by Sharon Fieton.

²⁵ Sharon Fieton to Philip Hart, 2 September 2015, 6 September 2015, emails.

1869 and in the following March was active in the Presbyterian Church there.²⁶

Thomas had been born in County Down, Ireland, in 1813, the eldest son of another Thomas, a farmer, and Jane Martin; his brother, William, was born two years later.²⁷ They both arrived in Auckland in 1841.²⁸ In August 1847, in writing to the future Sir Donald McLean, William expressed pleasure that McLean was 'Getting on So well' and explained that he had been 'working at my trade' for the past two years while his brother Thomas was 'in the old plase'. About ten months previously they bought 1,000 acres

from Mr Stuart up the Auckland river wich Cost a dale of money hie bought it from the natives and now the Governor has Don os out of it by puting fiv Shillins a Naker on it and this Day i had a letter from brother Thomas Leting mee know that his to Children is bad in the faver and hee thinks the will not Live i hop to Good that hee will not bach it himself.

(Mt Stuart and the Auckland River have not been identified: his obituary recorded that 'for a considerable time' after arriving in the colony he had lived 'at Waiuku'.)²⁹ He asked McLean to meet the balance of an account due in December 1842, £4 7s 10d, which he would have requested earlier 'only for Thomas hee told mee to wate til hee woud Se you himself as hee intinded to go and Spend a week with you but now in his Leter this day to mee hee tell mee to right to you for it as wee ar hard up at present it is Long time Du'. William asked for prompt payment: 'As you ar Rich and os poor it is a Smol Sum but it will b of Greate yous to uos'.³⁰ In October 1875, when he was mining at Thames, William reminded Sir Donald McLean that

²⁶ *New Zealand Herald*, advertisement, 27 September 1869, p. 2, Pokeno Correspondent, 14 March 1870, p. 4.

²⁷ Death Certificates of Thomas Gordon, 10 February 1872, 1872/3445; William Gordon, 4 February 1888, 1888/467, BDM.

²⁸ Death Notice of Thomas Gordon, *Thames Guardian*, 13 February 1872, p. 2; *Thames Advertiser*, 6 February 1888, p. 2.

²⁹ *Thames Advertiser*, 6 February 1888, p. 2.

³⁰ William Gordon to Donald McLean, 23 August 1847, Donald McLean Papers, folio 295, MS Papers 32, Alexander Turnbull Library.

they had discussed finding a position for one of his sons on a government steamship.³¹

A tradition handed down in William's family relates an exciting event in 1850, when he was farming at or near Orere Point,

A young brother of William named Thomas was living with them, and as a lad of 15 he was intrigued by the Coromandel Peninsula across the Firth of Thames. He determined on a closer look and set off alone in a canoe; arriving safely at Tapu. Inadvertently he landed on the site of a native burial ground and greatly upset the local Maoris. To avoid summary chastisement, Thomas demanded to see their chief to whom he apologised and explained his error. In spite of the chief's rough reputation, he seems to have been impressed by the lad, placed his own cloak around Thomas's shoulders in token of forgiveness, and sent him off home again with two canoes as protective custody.³²

There are some obvious problems with this story: not only was Thomas the elder brother, he was aged 37 in 1850. It implied he could speak fluent Maori, which must have been correct, for he was an interpreter and had fathered children after marrying (under Maori custom) what his descendents described as a Maori chief's daughter and, in their eyes, a 'princess':

The Maori princess later left Thomas and went back to her tribe, possibly taking one of the children with her. We have it on hearsay that when Thomas married her there were no white women in the district and there was an agreement that when white women came she would return to her tribe. We believe that the chief gave Thomas land when they were married.³³

The story still current amongst his descendants is that Thomas' wife abandoned all her children and went back to her tribe.³⁴ Whatever the truth about this marriage and its end, Thomas retained close contact with local Maori. For instance, in 1851, when he married Sarah Alderdice at Waharau

³¹ William Gordon to Sir Donald McLean, 19 October 1875, Donald McLean Papers, folio 295, MS Papers 32, Alexander Turnbull Library.

³² *A Group of Colonial Families: Redwood, Ellis, Hutchison, Lewis, Debney*, comp. Pascoe Redwood (Auckland, 1980), p. 78.

³³ Anonymous and undated typescript in possession of Sharon Fieten.

³⁴ Information provided by Sharon Fieten, 19 October 1996.

(he was then living nearby at Whakatiwai, two kilometres north of Kaiaraua, both places being on the western coast of the Firth of Thames), one of the witnesses was recorded as Ne Ta Ka Mana, which probably meant that it was signed by Te Kamana or Taka Mana.³⁵ He was then aged 38 and, so he stated, a bachelor, and she was aged 18.³⁶

Thomas had nine children by Sarah³⁷ before his premature death in February 1872, when he was farming on his land near Maramarua.³⁸ An obituary, which gave his place of residence as Miranda, recorded that 'he was engaged in making a flume in connection with the flax mills' when about three hundredweight 'of earth fell upon his chest, and killed him'. He was described as 'an excellent and enterprising settler, and a large circle of friends, as well as his own family, will deplore the untimely occurrence'.³⁹ The site of his grave is still marked, close to the Ruaotehuia Stream and on the land he had been granted.⁴⁰

Nearly three years later, when she was living at Thames, his widow wrote a private letter to Sir Donald McLean:

Dear Sir

I trust you will pardon the liberty I take in addressing you as my circumstances compel me to force myself upon your notice and that of my family trusting that if you can do anything for the children (which I believe you can), you will, for the sake of their father my husband the late Thomas Gordon who died 3 years ago

³⁵ Marriage Certificate of Thomas Gordon, 17 December 1851, 1851/916, BDM; translation provided by Tom Roa, University of Waikato.

³⁶ Marriage Certificate of Thomas Gordon, 17 December 1851, 1851/916; Death Certificate of Thomas Gordon, 10 February 1872, 1872/3445, BDM; information from Death Certificate of Sarah Gordon, 8 June 1922, provided by Sharon Fieton, 9 September 2015, email.

³⁷ Birth Certificates of Georgina Elizabeth Gordon, 1853/1418; William Gordon, 1855/2698; Alexander Gordon, 1861/4378; Jane Gordon, 1863/6403; Donald Gordon, 1863/18868; Thomas Gordon, 1864/19671; Margaret Gordon, 1866/30660; Hellen Gordon, 1867/30869; Alfred Wesley Gordon, 1871/18614, BDM; Sarah Gordon to Sir Donald McLean, 10 December 1874, Donald McLean Papers, folio 295, MS Papers 32, Alexander Turnbull Library.

³⁸ Death Certificate of Thomas Gordon, 10 February 1872, 1872/3445, BDM.

³⁹ *Daily Southern Cross*, 13 February 1872, p. 2.

⁴⁰ Sharon Fieton to Philip Hart, 2 September 2015, 6 September 2014, emails; map of the area with x marking the spot held by Sharon Fieton.

on the Miranda side of the water very suddenly leaving me with a large but helpless family totally unprovided for his property heavily Mortgaged and very shortly after his death the Mortgagee sold it. since then we have been living in Shortland doing as best we could, the eldest a girl of 21 years and myself taking in needle work, the two next eldest boys aged 18 – and 20 – Mining occasionally. but which I would rather have employed on some station or the like Southward than have them mixed with a Goldfields population besides it would remove them from the danger of mining accidents which mining employment continually exposes them to. Also their constitutions and tastes I believe fits them for something of the kind I speak of at the same time I think they would be better able to assist me in providing for my small family just now and afterwards give them a better footing in the world. The terms of acquaintance if not intimacy upon which my late husband stood with you leads me to think from what I have heard from him of your generous nature that you will (if not yourself) exercise your influence to get them employment of the kind that I speak of or something that would better enable me to push through with my small and yet large charge. There are eight of them five boys and three girls ranging in years from 21 to 3....

She enclosed a photograph of Thomas, presumably to refresh McLean's memory.⁴¹ Clearly neither her stepson nor stepdaughter were assisting financially; probably they could not have afforded to provide much help, even if willing. Just over a year later, she wrote to McLean again 'upon a subject of which I have spoken to you before personally upon', namely that, having arranged for her son William to enlist in the Armed Constabulary, he should arrange for her second son, Herbert (originally Alexander), to join it.⁴² Four months later she wrote another letter, to be given to him by 'the daughter of one of your old and earliest acquaintances in New Zealand Thomas Gordon', for her two eldest sons had 'not assisted me as much as they should and the consequences is that I am very much reduced in circumstances'. She wished to move to Auckland to take in boarders, but as she had 'not got the means to furnish a House suitable for that purpose', she asked him to lend her the money. 'My struggle with the world since Thomas

⁴¹ Sarah Gordon to Sir Donald McLean, 10 December 1874, Donald McLean Papers, folio 295, MS Papers 32, Alexander Turnbull Library.

⁴² Sarah Gordon to Sir Donald McLean, 28 January 1876, Donald McLean Papers, folio 295, MS Papers 32, Alexander Turnbull Library; Birth Certificate of Alexander Gordon, 1861/4378, BDM..

death has been very severe indeed'.⁴³ After her daughter's interview with McLean, Sarah wrote thanking him for being willing to assist; in response to his asking how much was required, she thought that £12 or £15 'would do', and hoped she was 'not asking to much'.⁴⁴ Two months later she wrote again, 'having wrote to you as you requested me to do and let you know how much money I would require to assist me' but not receiving an answer; she wondered whether his political duties had caused him to forget to reply. She also reminded him that her daughter had told him in Auckland that her brother, now 19 and 'a strong young man', wanted to join the police, which McLean had promised to 'see about' when back in Wellington.⁴⁵ There was no further correspondence, presumably because McLean again assisted once more; quite apart from revealing Sarah Gordon's circumstances, the letters show that she had lost contact with her step-children. Her financial situation remained difficult: in 1899, when living at Thames, she received the full old age pension, which was renewed in Auckland in the following year.⁴⁶ She then moved to Australia, living with her oldest daughter, Georgina, until dying in Sydney in 1922, aged 90.⁴⁷

When he married Ellen Cook in 1887, James Gordon recorded his mother's name as Jane, without giving a surname.⁴⁸ One year later, when his sister remarried, she gave the following details about her mother: 'Jane (a Maori) Surname unknown'.⁴⁹ When she died, her stepson did not even know this name.⁵⁰ As no marriage was registered between Thomas and Jane, his only legal marriage was to Sarah Alderdice.⁵¹ Nothing is known about Jane, apart from a brief note held by Gordon's descendents recording

⁴³ Sarah Gordon to Sir Donald McLean, 2 June 1876, Donald McLean Papers, folio 295, MS Papers 32, Alexander Turnbull Library.

⁴⁴ Sarah Gordon to Sir Donald McLean, 20 June 1876, Donald McLean Papers, folio 295, MS Papers 32, Alexander Turnbull Library.

⁴⁵ Sarah Gordon to Sir Donald McLean, 31 August 1876, Donald McLean Papers, folio 295, MS Papers 32, Alexander Turnbull Library.

⁴⁶ *Thames Advertiser*, 20 June 1899, p. 2; *Auckland Star*, 31 May 1900, p. 2.

⁴⁷ Information provided by Heather Harkness, Sharon Fieton to Philip Hart, 9 September 2015, 10 September 2015, emails.

⁴⁸ Marriage Certificate of James Gordon, 31 August 1887, 1887/321, BDM.

⁴⁹ Marriage Certificate of Thomas Clarke McElroy and Mary Ann Dow, 9 June 1888, 1888/3454, BDM; Marriage Notice, *New Zealand Herald*, 1 August 1888, p. 12.

⁵⁰ Death Certificate of Mary Ann McElroy, 18 July 1914, 1914/9467, BDM.

⁵¹ Marriage Certificate of Thomas Gordon, 17 December 1851, 1851/916, BDM.

that his daughter Adelaide had told a family member that ‘Dad’s tribe was Ngatihini and Ngatimauru’, that his mother’s name was Mangawara, and that Gordon had a cousin at Pokeno named either Wiri Tetere or Tarehuranga.⁵² These tribes are presumably Ngati Hine and Ngati Maru, but while the latter lived in the Hauraki region, there are several localities where variants of the former may be found. As Thomas farmed inland from the western shore of the Firth of Thames and traded with Maori there, it is likely that she was from that area. The Mangawaru Stream and settlement is between Te Hoe and Ohinewai, so family tradition may have muddled her name with that of her home.

William, who had married Sarah Alderdice’s sister Margaret in 1848,⁵³ two years later was farming at ‘Thames’,⁵⁴ meaning Orere Point on the western side of the Firth of Thames.⁵⁵ One obituary stated that he lived at Miranda, another that he lived at Thames from the start of the goldfield there onwards.⁵⁶ The tradition in the Gordon family is that William and Margaret Gordon fostered James and his sister after their father died because their stepmother did not want them ‘to live with her and Thomas. It is thought that she did not like the fact that they had Maori blood in them and was perhaps a little frightened by this (but this is just speculation)’.⁵⁷ As by 1872 they were no longer children requiring fostering, it was much more likely that they were being fostered by December 1851 at the latest, for that was when their father remarried. Being sent away to live in another’s house, even an uncle’s house, must have had a negative, if now indefinable, impact on the children. That uncle and nephew remained in close contact was shown by Gordon’s first children, twin boys, being born at Miranda in 1873 and his aunt Margaret informed the registrar at Thames of their births.⁵⁸ As William’s first child, born in 1848, was James

⁵² Note by unrecorded family member, n.d., in possession of Sharon Fieten.

⁵³ Marriage Certificate of William Gordon and Margaret Alderdyce [as recorded], 1848/108, BDM.

⁵⁴ Birth Certificate of Thomas Gordon, 26 May 1850, 1850/1471, BDM.

⁵⁵ *A Group of Colonial Families*, p. 78.

⁵⁶ *New Zealand Herald*, 27 February 1888, Monthly Summary, p. 2; *Thames Advertiser*, 6 February 1888, p. 2.

⁵⁷ Carolyn Bakker [great great granddaughter of James Gordon] to Philip Hart, 7 December 1996.

⁵⁸ Birth Certificates of George James Gordon, 5 January 1873, 1873/14386; Laurence Henry Gordon, 5 January 1873, 1873/14389, BDM.

Alexander,⁵⁹ later a prominent mine manager,⁶⁰ to avoid confusion he was nicknamed 'Red James' because of his beard whereas James was nicknamed 'Black James' because of his.⁶¹ William mined at Thames when that goldfield opened,⁶² possibly one reason why James took up this occupation. William died at Thames 'after a long and painful illness' in February 1888, aged 73.⁶³

When he enlisted in the Te Aroha Rifles in 1892, Gordon was five feet ten inches high; when he re-enrolled in 1899 he was recorded as being five feet eleven and a half inches.⁶⁴ The police in 1879 recorded his height as five feet eight inches and in 1896 as first five feet nine and a quarter inches and then as five feet ten or eleven inches.⁶⁵ In 1879 he was described as having a swarthy complexion, black hair, and hazel eyes, the nose, mouth and chin being 'medium', with a tattoo of a 'female with wreath on right arm'.⁶⁶ In 1896 the tattoo was described as being that of a ballet girl; he had a strong, wiry build, with black beard and moustache, but only two upper front teeth.⁶⁷ An 1870s photo of him dressed in Thames Naval Brigade uniform shows a full black beard.⁶⁸

The birth of James' older sister, Mary Ann, was not recorded either. Her two marriage certificates and her death certificate agree that she was born in 1844, in Auckland.⁶⁹ In March 1864, when aged 20, she was married

⁵⁹ Birth Certificate of James Alexander Gordon, 1848/1860, BDM.

⁶⁰ See *Cyclopedia of New Zealand*, vol. 2, p. 502.

⁶¹ Information provided by Sharon Fieten, 19 October 1996; for photograph of Gordon with a large black beard, see Supreme Court, Divorce Files, Gordon v. Gordon, BBAE 4984, D 39, ANZ-A.

⁶² *Thames Advertiser*, 6 February 1888, p. 2.

⁶³ Death Certificate of William Gordon, 4 February 1888, 1888/467, BDM; Death Notice, *Thames Advertiser*, 6 February 1888, p. 1.

⁶⁴ Te Aroha Rifles, Nominal Roll to 31 December 1892, ARM 41, 1911/66o; Nominal Roll to 28 February 1900, ARM 41, 1911/66v, ANZ-W.

⁶⁵ *New Zealand Police Gazette*, 27 August 1879, p. 162, 2 September 1896, p. 153, 9 December 1896, p. 208.

⁶⁶ *New Zealand Police Gazette*, 27 August 1879, p. 162.

⁶⁷ *New Zealand Police Gazette*, 2 September 1896, p. 153, 9 December 1896, p. 208.

⁶⁸ Supreme Court, Divorce Files, Gordon v. Gordon, BBAE 4984, D 39, ANZ-A.

⁶⁹ Marriage Certificates of Mary Ann Gordon, 10 March 1864, 1864/3862; Mary Ann Dow, 9 June 1888, 1888/3454; Death Certificate of Mary Ann McElroy, 18 July 1914, 1914/9467, BDM.

at Onehunga to a 34-year-old Scotsman, Charles Dow, a farmer who was recorded as having lived at Fort Street in Auckland for the previous two years.⁷⁰ In fact, he had been living in Waiuku, and was a sergeant in the local Volunteers in 1863; two years later the Compensation Court would award him £108 for losses sustained during the land wars.⁷¹ In May 1866 he was farming near Waiuku, and collected rents for William Gordon as his agent.⁷² In November 1868, under the New Zealand Settlement Acts, Mary Ann, noted on the file as being a 'half-caste', was granted 600 acres in the Mangatangi district, near Miranda, and adjoining her father's grant. Her land was transferred to her husband in 1871 in trust for her and any children they might have, but the deed was not properly executed.⁷³ When he died of consumption in 1882, after suffering for three years, his death certificate recorded that, when aged 19, he had married Mary Ann at Geelong before living in New Zealand for 22 years.⁷⁴ This confusion raises the possibility that he had been a widower when he married Mary Ann in 1864; as no marriage was recorded in Victoria,⁷⁵ this entry must have been incorrect. Dow may well have lived in the goldmining town of Geelong earlier, for his interest in mining was shown by the fact that on 4 November 1867 he acquired a miner's right at Thames.⁷⁶ Dow left all his estate to Mary Ann (there were no children): valued at £170, it comprised 75 cattle, 11 horses, and furniture.⁷⁷ She also inherited his farm, and when, five years after his death, she married a widower, Thomas Clarke McElroy, an

⁷⁰ Notices of Intentions to Marry 1864, folio 47, Births Deaths and Marriages, BDM, 20/9, ANZ-W; Marriage Certificate of Mary Ann Gordon, 10 March 1864, 1864/2862, BDM.

⁷¹ *Daily Southern Cross*, Supreme Court, 4 October 1863, p. 3, Compensation Court, 3 April 1865, p. 4.

⁷² *Daily Southern Cross*, 25 May 1866, p. 5.

⁷³ Copies of Registrations, 1868-1910, especially Land Grant no. 1197F, lot 55, Parish of Koharoa, Banks County, 9 November 1868, DOSLI, Hamilton [obtained by Sharon Fieten and provided by Betty Buchanan, 2001].

⁷⁴ Death Certificate of Charles Dow, 11 October 1882, 1883/542, BDM.

⁷⁵ Births, Deaths and Marriages, Victorian Pioneers' Index c. 1837-1888 [microfische].

⁷⁶ Thames Warden's Court, Register of Miners' Rights 1867-1868, no. 1775, BACL 14358/1a, ANZ-A.

⁷⁷ Probate of Charles Dow, BBAE 1568/1102, ANZ-A.

Irishman farming near Mercer, she was recorded as being 'Owner of a farm in the Valley', namely the Mangatangi valley near Maramarua.⁷⁸

EARLY LIFE AND THE LAND WARS

According to what he told his children, Gordon was educated at the Lyceum School at Mechanics Bay in Auckland.⁷⁹ That he was well educated is indicated by his only surviving letter, which was well and clearly written.⁸⁰ After leaving school he was apprenticed to a firm of boat builders before leaving to fight with the Waikato Regiment at an 'early age', confirming that he was either 16 or 14 when he enlisted. He also claimed to have served with the Waikato Regiment from 1861 to 1866, and 'was in the garrison which defended the Gate Pa against great odds while awaiting the arrival of reserves'.⁸¹ In fact he could not have enrolled in the 'Waikato Regiment' in 1861, as it was not gazetted until 5 August 1863 and he enrolled in the Second Regiment of the Waikato Militia on 15 September 1863.⁸² He did not receive a New Zealand War Medal, to which he would have been entitled had he been under fire: the two James Gordons who sought medals early in the following century were different men.⁸³ All the other Gordons who served in the Waikato Militia were born outside New Zealand. As for having been besieged at Gate Pa, the reverse was the case: the Maori fighters were within the pa, being attacked by various British regiments but not by the Second Regiment of the Waikato Militia. The Third Regiment had guarded the camp at Tauranga and did not participate in the battle; neither did the First Regiment, although it was in the area.⁸⁴

⁷⁸ Marriage Certificate of Mary Ann Dow, 9 June 1888, 1888/3454, BDM; Marriage Notice, *New Zealand Herald*, 13 August 1888, p. 12.

⁷⁹ *New Zealand Herald*, 20 June 1930, p. 14; *Auckland Star*, 2 July 1924, p. 7.

⁸⁰ James Gordon to Harry Kenrick (Warden), 2 November 1883, Te Aroha Warden's Court, General Correspondence 1883, BBAV 11584/2a, ANZ-A.

⁸¹ *New Zealand Herald*, 20 June 1930, p. 14.

⁸² *New Zealand Gazette*, 5 August 1863, pp. 303-306; Nominal and Descriptive Roll, Second Regiment, Waikato Militia, no. 66 and p. 306, Army Department, LDS microfilm.

⁸³ Applications for New Zealand War Medals, Army Department, AD 32/218, ANZ-W.

⁸⁴ James Cowan, *The New Zealand Wars*, vol. 1 (Wellington, 1983), p. 425; Gilbert Mair, *The Story of Gate Pa* (Tauranga, 1926), p. 18; James Belich, *The New Zealand Wars and the Victorians' Interpretation of Racial Conflict* (Auckland, 1986), pp. 178-187; Leonard L. Barton, *Australians in the Waikato War, 1863-1864* (Sydney, 1979), p. 41.

Probably he was the Private James Gordon of the Second Regiment who volunteered to serve in the Imperial Commissariat Transport Corps.⁸⁵ This would have been an appropriate role for a 16 (or 14)-year-old, and members of this corps would have participated in the Tauranga campaign. The obituary's date of 1866 for the end of his service was correct: after being placed in possession of his land in November 1865 in return from his service, he was 'relieved from Consecutive Duty' on the following 25 January.⁸⁶ On 15 September 1866 Private James Gordon of the Second Regiment received a grant of one acre in Alexandra East township (part of the future Pirongia).⁸⁷

That he fought for the British confirms that he was brought up by his Pakeha relations, not his Maori ones. In the 1870s he joined the Thames Naval Volunteers,⁸⁸ and in later years claimed to have been a 'fine rifle shot', although his cousin 'Red James' was the Seaman James Gordon who won several shooting contests.⁸⁹ In 1881 he went with the Thames Naval Brigade to Parihaka to assist in the capture of Te Whiti.⁹⁰ In July 1892, he attended a meeting to establish a volunteer corps at Te Aroha and seconded the motion to call it the Te Aroha Rifles.⁹¹ When volunteers enrolled at the end of September, he was elected a second lieutenant, subsequently attending five parades in October, eight in November, five in the following three months, four in March and only one in both April and May. Although he attended the government parade in February 1893, he missed the following two, and was discharged 'by Order District Office' in October.⁹²

⁸⁵ Barton, p. 95.

⁸⁶ Nominal and Descriptive Roll, Second Regiment, Waikato Militia, no. 666 and p. 306, Army Department, microfilm.

⁸⁷ Assignment of lot 117, Town of Alexandra East, in the Parish of Mangapiko, County of Waikato, to James Gordon, 15 September 1866, Land and Survey Department, copy (with plan) held by Sharon Fieton.

⁸⁸ *Thames Advertiser*, 2 June 1875, p. 2 [the Nominal Roll of the Thames Naval Brigade has not survived].

⁸⁹ *Thames Advertiser*, 13 October 1873, p. 2, 20 October 1873, p. 2; *Observer*, 26 December 1928, p. 21; *New Zealand Gazette*, 5 December 1873, p. 675; *New Zealand Herald*, 20 June 1930, p. 14.

⁹⁰ *Thames Advertiser*, 31 October 1881, p.3.

⁹¹ *Auckland Weekly News*, 9 July 1892, p. 27.

⁹² Te Aroha Rifles, Parade Register 1892-1903, 3/1892 [no pagination], MS 2000/69, Library of the Auckland Institute and War Memorial Museum; Te Aroha Rifles, Nominal Roll to

After he rejoined in June 1899, as a private, he fulfilled his 30 hours of drill and attended all parades bar four, but was discharged in the following June because he had ceased attending.⁹³ (He was not the only Maori or part-Maori to be a Volunteer: for example, in July 1885 K. Rira, Hira Waake, Reititi Waikiriri, and Hemi Watene enrolled in the Thames Rifle Rangers).⁹⁴

Like so many men at that time, he had a variety of occupations. Apprenticed to a boatbuilder when a young teenager,⁹⁵ in 1863 he described himself as a carpenter.⁹⁶ After serving in the Militia there is no evidence that he settled on his land grants, allotment 117 at Alexandra East and town section 32 in the future village of Pirongia.⁹⁷ For some time during the 1860s and possibly early 1870s he worked (off and on?) in the United Service Hotel in Queen Street, Auckland.⁹⁸

MINING AT THAMES

In 1917, Gordon was listed amongst the 1867 pioneers of the Thames goldfield,⁹⁹ although his first miner's right was not issued until 25 July

31 December 1892, ARM 41, 1911/66o; Nominal Roll to 31 December 1893, ARM 41, 1911/66p, ANZ-W.

⁹³ Te Aroha Rifles, Parade Register 1892-1903, 195/1899 [no pagination], MS 2000/69, Library of the Auckland Institute and War Memorial Museum; Te Aroha Rifles, Nominal Roll to 28 February 1900, ARM 41, 1911/66v; Nominal Roll to 28 February 1901, ARM 41, 1911/66w, ANZ-W.

⁹⁴ Thames Rifle Rangers, No. 2 Coy, Nominal and Descriptive Roll to 31 December 1885, ARM 41, 1888/1ar, ANZ-W.

⁹⁵ *New Zealand Herald*, 20 June 1930, p. 14.

⁹⁶ Second Regiment, Waikato Militia, Nominal and Descriptive Roll, no. 666, Army Department, microfilm.

⁹⁷ Nominal and Descriptive Roll, Second Regiment, Waikato Militia, no. 666 and p. 306, Army Department, microfilm.

⁹⁸ Supreme Court, *Thames Advertiser*, 12 April 1877, p. 3; *Stevens and Bartholomew's New Zealand Directory for 1866-67*, p. 128; Auckland Scrap Book, November 1871, p. 85, Auckland Public Library.

⁹⁹ *Jubilee of Thames Goldfield, 1 August 1867 - 1 August 1917: Historical Record* (Thames, 1917), p. 43; *Thames Star*, 1 August 1917, Supplement, p. 1; obituary, *New Zealand Herald*, 20 June 1930, p. 14.

1868, when he was mining in the Karaka Block.¹⁰⁰ He probably worked with his father and uncle, for in July 1869 all three took out miners' rights on the same date.¹⁰¹ In August 1869 Gordon was a shareholder in the Bell Rock, at Upper Karaka, and was still mining in that area two months later.¹⁰² In the following January he bought one of the seven shares in the Queen of Sheba, between the Waiotahi and Karaka Creeks,¹⁰³ and in July bought one of the ten shares in the Best Wrinkle No. 2.¹⁰⁴ The following month he held half the interest in the Midge, at Moanataiari Creek, but sold it in early October.¹⁰⁵ One month later he was one of the five owners of another Best Wrinkle No. 2, on the Waiotahi Range, but sold his one-fifth interest in October 1871.¹⁰⁶

In late March and early April 1871, he was an owner, for 11 days, of the Queen of Beauty No. 2, at Waiokaraka Creek.¹⁰⁷ In November, he bought a seventh-interest in the Black Forest, at Hape Creek.¹⁰⁸ Yet when he married in December he gave his occupation as farmer,¹⁰⁹ and for the next 18 months he did farm at Maramarua,¹¹⁰ presumably on his father's

¹⁰⁰ Thames Warden's Court, Register of Miners' Rights 1868, no. 8282, BACL 14358/2a, ANZ-A.

¹⁰¹ Thames Warden's Court, Register of Miners' Rights 1868, nos. 4034-4036, BACL 14358/2a, ANZ-A.

¹⁰² *Auckland Provincial Government Gazette*, 27 August 1869, p. 833; Thames Warden's Court, Register of Miners' Rights 1868, no. 8137, BACL 14358/2a, ANZ-A.

¹⁰³ Thames Warden's Court, Thames Claims Register 1868-1869, no. 683, BACL 14387/2a, ANZ-A.

¹⁰⁴ Thames Warden's Court, Shortland Claims Register, 1870, no. 2204, BACL 14397/5a, ANZ-A.

¹⁰⁵ Thames Warden's Court, Shortland Claims Register 1870, no. 2288, BACL 14397/5a, ANZ-A.

¹⁰⁶ Thames Warden's Court, Shortland Claims Register 1870, no. 2355, BACL 14397/5a, ANZ-A.

¹⁰⁷ Thames Warden's Court, Shortland Claims Register 1870, no. 2465, BACL 14397/5a, ANZ-A; 'Petition of W. Thomas and Others Relative to the Queen of Beauty Gold Mining Claim', *AJHR*, 1875, H-34.

¹⁰⁸ Thames Warden's Court, Shortland Claims Register 1871-1872, no. 2623, BACL 14397/6a, ANZ-A.

¹⁰⁹ Marriage Certificate of James Gordon, 22 December 1871, 1871/7047, BDM.

¹¹⁰ Supreme Court, *New Zealand Herald*, 14 April 1887, p. 3.

and/or sister's land. In January 1873 he was a flax dresser.¹¹¹ In April 1874, he was driving cattle,¹¹² but in December was working as a miner once more.¹¹³ One of the three owners of the Advance, at Ohio Creek, Tararu, in January 1876, he continued mining at Thames until April 1877.¹¹⁴ After being discharged from gaol in August 1879 he worked in the bush near Coromandel.¹¹⁵ In February 1880 he was mining at Thames once more, possibly as a member of 'Gordon and party', tributers working at Kuranui Hill.¹¹⁶

MINING (AND OTHER WORK) AT TE AROHA, WAIORONGOMAI, AND ELSEWHERE

On the opening day of the Te Aroha field, 25 November 1880, Gordon took out a miner's right, and on 16 December was registered as one of seven owners of the Golden Anchor.¹¹⁷ In December and January (and probably until the claim was abandoned shortly afterwards) he managed part of a mine for the only time in his life, in late December a reporter writing that 'this portion of the mine is under the management of Mr James Gordon, and the manner in which the winze is being put down reflects great credit on him'.¹¹⁸ He continued to mine in the Te Aroha district for the next 24 years before moving to Waihi, but his obituary's statement that he 'pegged many claims in the Te Aroha and Waihi districts'¹¹⁹ was incorrect. Whilst he may have helped to peg out one or two claims at the former without being recorded as doing so, he did not mark out any at Waihi, for he arrived there

¹¹¹ Birth Certificate of George James Gordon, 5 January 1873, 1873/14386, BDM.

¹¹² *Thames Advertiser*, 9 April 1874, p. 3.

¹¹³ Birth Certificate of Leonard David Gordon, 14 December 1874, 1874/42135, BDM.

¹¹⁴ Thames Warden's Court, Register of Claims 1875-1876, folio 142, BACL 14397/9a, ANZ-A.

¹¹⁵ *New Zealand Police Gazette*, 27 August 1879, p. 162; Supreme Court, Judge's Notebooks, Divorce Cases 1883-1889, no. 54, hearing of 23 March 1887, BBAE A304/1087, ANZ-A.

¹¹⁶ *Thames Electoral Roll, 1880*, p. 18; *Thames Advertiser*, 2 February 1880, p. 3.

¹¹⁷ Te Aroha Warden's Court, Miners' Rights Butt Book 1880, no. 504, issued 25 November 1880, BBAV 11533/1b; Register of Te Aroha Claims 1880-1888, BBAV 11567/1a, ANZ-A.

¹¹⁸ *Thames Advertiser*, 23 December 1880, p. 3; *Auckland Weekly News*, 29 January 1881, p. 9.

¹¹⁹ *New Zealand Herald*, 20 June 1930, p. 14.

early in the twentieth century, well after the prospecting era. In late 1881 he joined the rush to Waiorongomai, and in December was an owner, with one of 15 shares, of the Waterfall, unprofitable ground which his party was fortunate enough to sell to the Canadian Company.¹²⁰ In 1882 he sold his shares in the Young Colonial to the Colonist Company.¹²¹ The following year, he was a shareholder in the Southern Cross, another unprofitable claim.¹²² On 2 November 1883, he informed the warden, Harry Kenrick,¹²³ that he had ‘been prospecting about Te Aroha – for more than a week’, and had taken out a miner’s right.

I am anxious to open up and prove a portion of the 20 acres “Hot Springs Reserve” – i.e. if I have the right to claim & you the power to grant me leave to search for gold there.

I would keep as far as possible away from the springs and avoid doing any thing which might injure so important a sanatorium – but as the question is entirely a Legal one (and I am told) within your discretionary power will you kindly advise me upon the subject & oblige.¹²⁴

Not surprisingly, approval was denied.¹²⁵ The following month, he described himself as ‘a miner working for wages’.¹²⁶

Although still a miner in 1884,¹²⁷ another occupation resulted in his being charged with cutting and selling timber without a license. The report of the case was brief: ‘Defendant showed that an agreement existed between

¹²⁰ Te Aroha Warden’s Court, Register of Licensed Holdings 1881-1887, folio 38, BBAV 11500/9a, ANZ-A; *New Zealand Gazette*, 14 September 1882, p. 1264.

¹²¹ Te Aroha Warden’s Court, Register of Licensed Holdings 1881-1887, folio 2, BBAV 11500/9a; Transfers and Assignments 1882, no. 76, BBAV 11581/1a, ANZ-A; *New Zealand Gazette*, 10 August 1882, p. 1101.

¹²² Te Aroha Warden’s Court, Register of Applications 1883-1900, no. 134, BBAV 11505/1a, ANZ-A.

¹²³ See paper on his life.

¹²⁴ James Gordon to Harry Kenrick, 2 November 1883, Te Aroha Warden’s Court, General Correspondence 1883, BBAV 11584/2a, ANZ-A.

¹²⁵ Memorandum of George Wilson (Inspector of Mines), 6 November 1883, Te Aroha Warden’s Court, General Correspondence 1883, BBAV 11584/2a, ANZ-A.

¹²⁶ Thames Magistrate’s Court, Magistrate’s Notebook 1883-1885, Hearing of 24 November 1883, BACL 13830/1a, ANZ-A.

¹²⁷ *Te Aroha News*, 18 October 1884, p. 7.

himself and a Native named Taitua, who possessed a license, and that he had been acting on his behalf. Case dismissed'.¹²⁸ (Taitua, otherwise Taituha Moewaka, married the sister of a Ngati Rahiri rangatira.)¹²⁹ In 1885, having to appear in court in Thames meant that he 'lost his situation', presumably in a Waiorongomai mine, 'and since then had had only four days employment, spending the remainder of the time in prospecting'.¹³⁰ He continued to mine there, but took on other jobs when these were available and mining was unprofitable. In 1888 his occupation was recorded as 'labourer', for, as he explained, 'he was a miner, but had not been employed for some time. He had been training horses'.¹³¹

Although usually mining from 1890 onwards,¹³² he did other work as well. In April 1891 his tender of £44 10s to clean drains near Te Aroha was accepted by the county council.¹³³ In November 1892 he gave his occupation as 'contractor'.¹³⁴ According to his obituary, during an unspecified period he built bridges between Te Aroha and Thames.¹³⁵ In February 1893 he was recorded as a labourer once again,¹³⁶ in 1893 and 1894 a stockman,¹³⁷ and in 1894 and 1895 a 'settler'.¹³⁸ During 1895, and no doubt at other times, he was a horse-trainer once more.¹³⁹ In 1896 he was described as a labourer, 'a bushman, miner, good stockman, and useful all-round man'.¹⁴⁰ From 1899

¹²⁸ Warden's Court, *Te Aroha News*, 9 August 1884, p. 2.

¹²⁹ See Maori Land Court, Hauraki Minute Book no. 28A, p. 50; no. 53, p. 83; no. 54, pp. 332-339.

¹³⁰ Police Court, *Thames Advertiser*, 2 May 1885, p. 3.

¹³¹ Thames Magistrate's Court, Plaintiff Book 1888-1895, Judgment Summonses dated 10, 19 March 1888, BACL 13737/2a, ANZ-A; Magistrate's Court, *Thames Advertiser*, 24 April 1888, p. 2.

¹³² *Te Aroha Electoral Roll, 1891*, p. 13; Te Aroha School, Admission Register No. 2 (1889-1897), nos. 698, 700 (both March 1891), Primary School Archives, Te Aroha.

¹³³ *Waikato Times*, 9 April 1891, p. 2.

¹³⁴ Petition, November 1892, Tourist Department, TO 1, 198/1891, ANZ-W.

¹³⁵ *New Zealand Herald*, 20 June 1930, p. 14.

¹³⁶ Te Aroha School, Admission Register No. 2 (1889-1897), no. 815, Primary School Archives, Te Aroha.

¹³⁷ *Cleave's Auckland Directory, 1893*, p. 273, *1894*, p. 284.

¹³⁸ Te Aroha School, Admission Register No. 2 (1889-1897), nos. 888 (April 1894), 902 (July 1894), 928 (February 1895), Primary School Archives, Te Aroha.

¹³⁹ Magistrate's Court, *New Zealand Herald*, 24 December 1895, p. 3.

¹⁴⁰ *New Zealand Police Gazette*, 2 September 1896, p. 153, 9 December 1896, p. 208.

onwards he was mainly a miner at Waiorongomai, mostly for wages but briefly in 1900 doing some prospecting on his own behalf as well.¹⁴¹ In 1902 he was a groom.¹⁴² The following year, both he and the well-known prospector and miner Clement Augustus Cornes¹⁴³ received from both the Ohinemuri County Council and the Mines Department ten shillings a week for six months to prospect the line of the Waiorongomai reefs allegedly running from the Mangakino Valley towards Waihi.¹⁴⁴ Despite being granted another £23 10s 1d in May 1905 to continue their prospecting, they failed to make any worthwhile finds.¹⁴⁵

From early in the twentieth century he was mining at Waihi,¹⁴⁶ and may have been the James Gordon who briefly prospected at Makauri, near Gisborne, in 1908.¹⁴⁷ In 1911, he was recorded as being both a miner and a fireman at the Waihi Gasworks.¹⁴⁸ In 1913, when mining in the Talisman, at Karangahake, he injured a finger and was granted £5 as compensation for being unable to work for 48 days.¹⁴⁹ He was a miner until at least 1919, but when he left Waihi in the early 1920s was a fireman.¹⁵⁰ Although by

¹⁴¹ *Ohinemuri Electoral Rolls, 1899*, p. 42; *1900*, p. 37; *1902*, p. 28; *1903*, p. 24; *1905*, p. 19; Piako Country Council, Ledger 1899-1906, Tramway Charges, 18 May 1900, Matamata-Piako District Council Archives, Te Aroha.

¹⁴² *Thames Star*, 19 November 1902, p. 4.

¹⁴³ See paper on his life.

¹⁴⁴ James Gordon and C.A. Cornes, Application for assistance with prospecting, 10 June 1903, Mines Department, MD 1, 05/652, ANZ-W; *Ohinemuri Gazette*, 7 August 1903, p. 3.

¹⁴⁵ *Ohinemuri Gazette*, 4 December 1903, p. 2, 23 December 1903, p. 3; Thames Inspector of Mines, Letterbook 1903-1906, p. 419 (29 May 1905), YBAZ 1240/3, ANZ-A.

¹⁴⁶ Birth Certificate of Rule Coleen Moate Gordon, 5 October 1904, 1904/13243, BDM; *Ohinemuri Electoral Roll, 1908*, p. 37.

¹⁴⁷ Thames School of Mines, Assay Book 1907-1908, 6 July 1908, School of Mines Archives, Thames.

¹⁴⁸ *Ohinemuri Electoral Roll, 1911*, p. 49; Waihi Hospital, Register of Patients 1911-1914, folios 9, 11, entry for Clarence Gordon, ZABW 4935/1b, ANZ-A.

¹⁴⁹ Public Trust Office, Goldminers' Relief Fund, Register of Applicants 1911-1915, no. 193, ABGO 6366/1a, ANZ-W.

¹⁵⁰ *Ohinemuri Electoral Rolls, 1914*, p. 37; *1919*, p. 43; *Waitemata Supplementary Electoral Roll No. 1, 1922*, p. 14.

1925 he had no occupation, being in a wheelchair, his death certificate stated he was a labourer.¹⁵¹

LIVING WHEREVER THERE WAS WORK

All these changes of occupation to earn money for his large family required him to move to wherever he could find work. Born, educated, and apprenticed in Auckland, he was living there when he enlisted in 1863.¹⁵² After mining at Thames from the late 1860s, he was married in 1871 in Auckland (at Te Hora according to his death certificate, a settlement not now traceable)¹⁵³ and then lived for 18 months at Maramarua.¹⁵⁴ At an unknown date he returned to Thames to mine; twins were born in January 1873 at Miranda, on the coast opposite Thames, presumably because his wife needed the care of his aunt and uncle rather than because he was working there.¹⁵⁵ In 1874 he was living at Karaka, in Thames,¹⁵⁶ and in 1877 had a two-roomed house in Shortland for his family of four children.¹⁵⁷ After spending almost two years and four months in gaol, he returned to Thames in 1879, then went to Coromandel briefly and mined at Thames before joining the Te Aroha rush in November 1880.¹⁵⁸ He lived at Te Aroha

¹⁵¹ *Waitemata General Electoral Rolls, 1925*, p. 91; *1928*, p. 86; information from Sharon Fieten, 19 October 1996, and photograph of Gordon in a wheelchair in her possession; Death Certificate of James Gordon, 17 June 1930, 1930/2806, BDM.

¹⁵² *New Zealand Herald*, 20 June 1930, p. 14; Nominal and Descriptive Roll, Second Regiment, Waikato Militia, no. 666, Army Department, LDS microfilm.

¹⁵³ Marriage Certificate of James Gordon, 22 December 1871, 1871/7047; Death Certificate of James Gordon, 17 June 1930, 1930/2806, BDM; John Robson of the University of Waikato Map Library has been unable to trace Te Hora.

¹⁵⁴ Supreme Court, *New Zealand Herald*, 14 April 1887, p. 3.

¹⁵⁵ Birth Certificates of George James Gordon, 5 January 1873, 1873/14386; Laurence Henry Gordon, 5 January 1873, 1873/14389, BDM.

¹⁵⁶ Birth Certificate of Leonard David Gordon, 14 December 1874, 1874/42135, BDM.

¹⁵⁷ Evidence of Minnie Jackson, 11 April 1877, Gillies J, Circuit Criminal Cases 1875-1877, BBAE A304/252, ANZ-A; *Auckland Weekly News*, 14 April 1877, p. 17.

¹⁵⁸ Evidence of Drusilla Annie Gordon, 23 March 1887, Supreme Court, Divorces 1883-1889, Ward J, Judge's Notebook, BBAE A304/1087, ANZ-A; *Thames Electoral Roll, 1880*, p. 18; Te Aroha Warden's Court, Miner's Right no. 504, issued 25 November 1880, Miners' Rights Butt Book 1880, BBAV 11533/1b, ANZ-A.

for the next 14 years or so, rather than at Waiorongomai,¹⁵⁹ which would have been more convenient for going to work at the mines. Although in 1895 he was granted a one-acre residence site at Fern Spur, just above Waiorongomai, he did not build a house on it.¹⁶⁰

Gordon seems to have worked at both Te Aroha and Waihi during 1902 to 1904. In February 1902 his son Clarence left the Te Aroha School to move to the Waihi one, but returned to Te Aroha in May.¹⁶¹ Not till March and April 1904 did the last of his school-age children leave Te Aroha to enrol at Waihi.¹⁶² In 1908 he leased Crown land in Buller Road, Waihi, on which was a house in good condition valued at £100.¹⁶³ By 1911 he was living in Barry Road, Waihi, remaining there until retiring and moving to Devonport at some time between 1919 and 1922, where he remained until his death.¹⁶⁴

FINANCIAL STATE

Gordon struggled to make financial ends meet for himself and his dependants for many years. When his father-in-law died in 1872, the proceeds of his estate went to his widow and their two children, Drusilla, who was married to Gordon, and a son. According to family tradition, when Drusilla sought her share of the estate, her brother ‘turfed her out of the house for demanding her share of her father’s business at a time when they were still sorting things out over his death’.¹⁶⁵ Her demand to receive, immediately, her share suggests that Gordon was struggling financially at

¹⁵⁹ *Tauranga Electoral Roll, 1887*, p. 10; *Te Aroha Electoral Roll, 1891*, p. 13; *Waikato Electoral Roll, 1893*, p. 14.

¹⁶⁰ Te Aroha Warden’s Court, Miscellaneous Applications 1895, 42/1895 (including plan of site), BBAV 11582/4a; Register of Mining Privileges 1894-1910, folio 33, BBAV 11599/2a, ANZ-A.

¹⁶¹ Te Aroha School, Admission Register No. 2 (1889-1897), no. 815, Admission Register No. 3 (1898-1904), no. 1545, Primary School Archives, Te Aroha [Waihi School Admission Registers were destroyed in a fire].

¹⁶² Te Aroha School, Admission Register No. 3 (1898-1904), nos. 1662, 1688, Primary School Archives, Te Aroha.

¹⁶³ Waihi Borough Council, Valuation Roll for 1 April 1908, folio 110, BBBC A150/715, ANZ-A.

¹⁶⁴ *Ohinemuri Electoral Roll, 1911*, p. 49; *Waitemata Supplementary Electoral Roll No. 1, 1922*, p. 14; Death Certificate of James Gordon, 17 June 1930, 1930/2806, BDM.

¹⁶⁵ Ian Wotherspoon to Philip Hart, 30 October 2016, email.

that time. This impression is confirmed by Drusilla's mother, the executrix, recording that, whereas her son received £59 9s 9d, not only was the same amount was 'paid Mrs Gordon (daughter of deceased) being her share of estate' but an additional sum of £56 10s 3d was 'overpaid to Mrs Gordon'.¹⁶⁶ Clearly because her mother understood Drusilla's financial position she gave her more than her brother (who inherited his father's stamper batteries at Thames, so was not seriously deprived by this unequal allotment of the estate).

As from 1881 onwards Gordon was sued several times for failing to pay often small debts, his inability or unwillingness to pay indicated the state of his finances. In October 1881, Catherine Gleeson, a servant, sued him for £5 8s 6d, but as she did not appear in court the case was struck out.¹⁶⁷ In March 1884, he was sued for £37 16s 4d, book debts owing to the bankrupt store of Thomas William Carr and Sons, but 'owing to the irregular manner in which Messrs Carr's books had been kept' as well as Gordon's counter-arguments, the plaintiff was non-suited.¹⁶⁸ Two months later he was warned that he was liable to forfeit his one share (all that remained of his original 133 shares) in the Canadian Company for not paying a call,¹⁶⁹ and in September a surveyor took him to court to enforce payment of £3.¹⁷⁰

One reason for financial difficulties was the number of his illegitimate children. Ordered in October 1883 to pay 12s 6d a week to provide for one of these, he failed to do so, and in the following January a distress warrant was taken out for the £3 2s 6d owing; the bailiff recorded 'Nulla Bona', meaning he had no property of any value to be sold to meet the debt.¹⁷¹ Sued again three months later, he claimed inability to pay, having no land: although he had owned some at an unspecified location eight or ten years previously, it had been mortgaged. Lately he had been 'living partly on

¹⁶⁶ Intestate Probate of George Bell, BBAE 1587/244, ANZ-A.

¹⁶⁷ Te Aroha Magistrate's Court, Civil Record Book 1881-1884, 37/1881, BCDG 11221/1a, ANZ-A.

¹⁶⁸ Te Aroha Magistrate's Court, Civil Record Book 1881-1884, 81/1884, BCDG 11221/1a, ANZ-A; Magistrate's Court, *Te Aroha News*, 22 March 1884, p. 2, 5 April 1884, p. 7.

¹⁶⁹ *Te Aroha News*, 17 May 1884, p. 7; for his original shareholding, see *New Zealand Gazette*, 14 September 1882, p. 1264.

¹⁷⁰ Te Aroha Magistrate's Court, Civil Record Book 1881-1884, 205/1884, BCDG 11221/1a, ANZ-A.

¹⁷¹ Thames Magistrate's Court, Criminal Record Book 1883-1886, 311/1883, BACL 13736/36a, ANZ-A.

credit', and whilst prospecting had received 8s a day plus provisions. He did not own a house, and 'had to pay back money I borrowed to pay the previous order'.¹⁷²

In 1888, when his former wife took out a judgement summons against him for £26 12s 6d of unpaid maintenance, he told the court that he had not been mining for some time, and although he had been training horses he 'had not received payment for doing so. For some time he had been living on credit, but had latterly earned about 2s 6d a day. He expressed his willingness to pay 5s a week'. The case was adjourned for three months 'to enable defendant to liquidate some of the debt'.¹⁷³ Two months later, a shopkeeper sued him to obtain payment of £2 1s 6d for goods supplied.¹⁷⁴ In 1889, he owed £19 12s in rent, and was ordered to pay this and give up the house.¹⁷⁵ A shopkeeper sued him for £3 5s 6d in 1891 and another for £12 18s two years later.¹⁷⁶ A suit against him in 1897 for £4 17s 6d was discontinued,¹⁷⁷ but the following year a shopkeeper owed £2 2s 9d was more persistent, taking him to court three times: a judgment summons required him to pay £3 3s in monthly instalments of 10s.¹⁷⁸

In 1904, he was sued for rent owing on his Te Aroha house. The weekly rent had been 5s, but 'no rent was paid for 12 months, and on the owner pressing for the amount due, Gordon pegged out the section and applied for it on the ground that it must be held forfeited by reason of the owner being an absentee' under the terms of the Mining Act and another Act designed to protect the interests of the Maori landowners. The warden was unimpressed with this argument and ordered him to pay all the rent plus costs and give

¹⁷² Thames Magistrate's Court, Magistrate's Notebook 1883-1885, notes on Jane Agnew v.

James Gordon at hearing of 1 May 1885, BA CL A412/86, ANZ-A.

¹⁷³ Magistrate's Court, *Thames Advertiser*, 28 April 1888, p. 2.

¹⁷⁴ Te Aroha Magistrate's Court, Civil Record Book 1884-1889, 40/1888, BCDG 11221/1b, ANZ-A.

¹⁷⁵ Te Aroha Magistrate's Court, Civil Record Book 1889-1896, 40/1889, BCDG 11221/1c, ANZ-A.

¹⁷⁶ Te Aroha Magistrate's Court, Civil Record Book 1889-1896, 77/1891, 20/1893, BCDG 11221/1c, ANZ-A.

¹⁷⁷ Te Aroha Magistrate's Court, Civil Record Book 1896-1907, 20/1897, BCDG 11221/2a, ANZ-A.

¹⁷⁸ Te Aroha Magistrate's Court, Civil Record Book 1896-1907, 23, 61/1898, BCDG 11221/2a, ANZ-A.

up possession.¹⁷⁹ Later that same year, when sued for £6 19s, he confessed to owing £6 9s, but, as he did not pay up, in July 1905 he was given one month to pay £7 10s (the debt was increased through court costs) ‘or in default fourteen days Imprisonment in Thames Gaol, order on grounds non-appearance and having sufficient cause’.¹⁸⁰ He paid. His finances have not been traced beyond 1908, but up to that date there were no more suits for unpaid bills; although he seems to have been employed until advancing age forced him into retirement, he was unlikely to have been very secure financially. Neither he nor his second wife left a will, suggesting there was little property to be passed on to their children.

HIS FIRST MARRIAGE

These financial difficulties, like his variety of occupations and moving around to find work, were common amongst working men. What made him unusual was his complicated family life, which in the language of the day can only be described as ‘disorderly’. On 22 December 1871 he married Drusilla Annie Bull, about two years his junior. She had been born in London, as Drucillia Annie, on 11 November 1851, the eldest child of George and Annie.¹⁸¹ In August 1867, George Bull, originally a carpenter, went to the new Thames goldfield and by November was operating a one-stamper battery erected beside the Karaka Stream.¹⁸² Described as ‘formerly a “specimen” machine’, formerly used at Coromandel, a local correspondent wrote that it had been ‘adapted to our wants by the spirited owner’.¹⁸³ It was the first machine at Thames to be powered by a waterwheel.¹⁸⁴ A leading figure in Thames, he would operate two larger batteries at Karaka and, on the basis of his experiences treating the ore,

¹⁷⁹ *Auckland Weekly News*, 31 March 1904, p. 44.

¹⁸⁰ Waihi Magistrate’s Court, Civil Record Book 1903-1905, Hearings of 26 October 1904, 26 July 1905, BAFV 13666/9a, ANZ-A.

¹⁸¹ Ancestry.co.uk, courtesy of John Robson; Marriage Certificate of James Gordon, 22 December 1871, 1871/7047; Death Certificate of Drusilla Annette Gordon, 2 August 1923, 1923/1159, BDM; Ross Dreadon, *A History of Bull’s Battery, Karaka Creek, Thames Goldfield* (Auckland, 1966), p. 16.

¹⁸² Dreadon, p. 16.

¹⁸³ Shortland Correspondent, *New Zealand Herald*, 25 November 1867, p. 3.

¹⁸⁴ Dreadon, p. 18.

added 'appliances for saving the finer gold'.¹⁸⁵ In mid-1870, after struggling to pay his creditors he was forced into bankruptcy in October, but was soon discharged.¹⁸⁶ When he died his estate included two crushing machines, situated at Karaka, known as 'the Hokianga Machine' and 'Bull's Machine', along with cottages and leasehold land.¹⁸⁷

Bull died in 1872, aged only 45.¹⁸⁸ The cause of his sudden death was being thrown from his horse, 'causing concussion of the brain'.¹⁸⁹ He was buried 'in the presence of a large assemblance of citizena' paying 'a last tribute of respect'. In addition to about 130 members of the Ancient Order of Foresters, of which he was a member, 'there were representatives of the mining and mercantile interests present to the number of several hundreds, and the *cortège* was one of the longest seen at the Thames, testifying to the universal esteem in which the deceased was held'.¹⁹⁰

Of the six children of Gordon and Drusilla, only four births were registered. On 27 September 1871, three months before they married, Drusilla bore the first of his illegitimate children: Vivian, who died on 5 November.¹⁹¹ Neither the birth nor the death was registered, presumably because of his illegitimacy. On 5 January 1873, twins George James and Lawrence Henry were born, followed by Leonard David on 14 December 1874 and May on 14 May 1876.¹⁹²

These births did not reflect domestic bliss, for, according to Drusilla, during the first 18 months of their marriage 'Gordon often treated me unkindly', and after they moved to Thames his conduct continued to be 'very

¹⁸⁵ *Daily Southern Cross*, 10 October 1871, p. 2; *Thames Advertiser*, 20 May 1872, reprinted in *New Zealand Herald*, 21 May 1872, p. 2; Dreadon, pp. 16-18.

¹⁸⁶ *New Zealand Herald*, 7 July 1870, p. 3, advertisement, 15 October 1870, p. 2, advertisement, 3 November 1870, p. 1, 9 November 1870, p. 2; Supreme Court, *Daily Southern Cross*, 2 December 1870, p. 3.

¹⁸⁷ Intestate Probate of George Bull, BBAE 1587/244, ANZ-A.

¹⁸⁸ Death Certificate of George Bull, 17 May 1872, 1872/7300, BDM.

¹⁸⁹ *Daily Southern Cross*, 15 May 1872, p. 3; *Auckland Star*, 17 May 1872, p. 2.

¹⁹⁰ *Thames Advertiser*, 20 May 1872, reprinted in *New Zealand Herald*, 21 May 1872, p. 2.

¹⁹¹ Gordon Family Prayer Book, in possession of Jack Gordon, Kaikohe; information provided by Betty Buchanan, Auckland, March 2000.

¹⁹² Birth Certificates of George James Gordon, 5 January 1873, 1873/14386; Laurence Henry Gordon, 5 January 1873, 1873/14389; Leonard David Gordon, 14 December 1874, 1874/42135; May Gordon, 14 May 1876, 1876/6842, BDM.

unkind'. In February 1877, in Drusilla's words as recorded by a Supreme Court judge ten years later, Gordon

was going to Volunteer meeting & asked me to clean his boots. Being unwell I refused. Then he kicked me in stomach. I sd you've done it now - I felt very ill after blow. He went to drill. I went to call acquaintce - fainted on road - He left no one except children with me. I remember no more until carrd home. 10 days after I gave birth to stillborn child.¹⁹³

The birth of this child was not registered. Drusilla complained to her doctor about how he had treated her, but 'didn't like to expose my husbd. Gave no provocation whatever. Shortly afer husbd was arrestd for indecent assault'.¹⁹⁴

CHILD MOLESTER

Gordon was arrested at 11.30 on the evening of 12 March 1877, on the charge that he 'did unlawfully know one Minnie Jackson', aged under 12, two days previously.¹⁹⁵ At the commencement of the hearing, the courtroom 'was crowded with an assembly of the curious and the prurient, but their attending was in vain, as the magistrate ordered the court to be cleared', in response to a request from Sub-Inspector Bullen, who 'considered it essentially necessary'. The magistrate, William Fraser,¹⁹⁶ granted the request with the comment: 'Gentlemen, I'll have to disappoint you. You'll have to retire'. The prurient had to await the press reports, but would have been disappointed, for these omitted the full details: whereas the *Thames Star* interrupted its report to state that 'Witness further described the assault committed by accused', the *Thames Advertiser* reported that the details were, 'of course, unfit for publication'.¹⁹⁷

¹⁹³ Supreme Court, Divorce Cases 1883-1889, Ward J, Judge's Notebook, Hearing of 13 April 1887, BBAE A304/1087, ANZ-A.

¹⁹⁴ Supreme Court, Divorce Cases 1883-1889, Ward J, Judge's Notebook, Hearing of 13 April 1887, BBAE A304/1087, ANZ-A.

¹⁹⁵ Magistrate's Court, *Thames Star*, 13 March 1877, p. 2; Police Court, *Thames Advertiser*, 14 March 1877, p. 3.

¹⁹⁶ See paper on Harry Kenrick.

¹⁹⁷ Magistrate's Court, *Thames Star*, 14 March 1877, p. 2; Police Court, *Thames Advertiser*, 15 March 1877, p. 3.

Bullen informed the court that the charge had been laid by the girl's father. 'He did not think the evidence would sustain the grave offence of rape, but he thought there would be sufficient to substantiate a charge for indecent assault'.¹⁹⁸ The *Thames Advertiser* reported that Minnie Jackson was aged 11, 'small for her age, and appeared above the average in intelligence'.¹⁹⁹ She was the first to give evidence, stating that 'as Mrs Gordon had been ill she had gone to help her and look after the children' on Sunday afternoon. When she arrived some time between three and four o'clock, Drusilla Gordon was about to visit the house of a neighbour, Mrs Montgomery, who lived about 25 yards away, taking her youngest child, the other three remaining with their father, whom she knew as Jim, who 'was lying on the sofa':

I was sitting at the foot of it, and he put his legs around me and drew me to him, and began kissing me. I thought he was playing, and I called the three little children to help me up. The children went from the sofa and accused got up and bolted the door, which had previously been shut. I was sitting on the sofa, and when he bolted the door he carried me to the bed in the next room, and put me on the bed. There is no door to the bedroom, but there is a curtain, which he closed. The oldest child looked into the room, drawing back the curtain to do so. Accused hit him on the face and told him to go out. The child went out. All this time I was on the bed, and accused was on the floor near the bed.

During the attempt at carnal knowledge, not described in the newspapers, Gordon 'told me not to scream, so that Mrs Gordon would not hear. I did not scream because I was frightened'. Later, she repeated that she had been 'frightened to scream out, he looked so wicked', and, in response to Gordon's lawyer, stated that he 'looks wicked now'.

He hurt her, and she felt in pain now. She supposed she was in the bedroom ten minutes or a quarter of an hour. When she could get away she went into the outer room, and got her hat to go home. She couldn't open the door. Gordon got off the sofa where he was again lying and undid the door, and asked her not to go home, to stay for a little while longer with him. She was going home, but, on opening the door, there was one of Mrs Montgomery's children there, who'd brought a message from Mrs Gordon, asking her to get tea ready for the children.

¹⁹⁸ Magistrate's Court, *Thames Star*, 14 March 1877, p. 2.

¹⁹⁹ Police Court, *Thames Advertiser*, 15 March 1877, p. 3.

Taking a kettle to collect hot water from Mrs Montgomery, 'as I went out accused told me not to tell anyone what had happened. I said nothing in reply'. Returning with the water, she made tea for the children (clearly a task he was unwilling or unable to do). 'Accused made no reference to what had taken place. Mrs Gordon came in, and I went home'. Because her father and brothers were at home for their evening meal she did not tell her mother until the following afternoon. 'In consequence of something Mrs Gordon asked me' then, she told her what happened, and then told her mother. (Clearly one or more of Gordon's children had told Drusilla what they had heard, or, in the case of his oldest son, seen.) Minnie denied that either mother 'had told her what to say'.

Minnie's mother, Elizabeth Jackson, stated that Minnie would turn 12 in three months' time and that she had 'always been on good terms' with Gordon. 'Mrs Gordon had been ill for the last three weeks, and she had allowed Minnie to go regularly to attend upon her till within the last few days'. After Minnie had returned on Sunday shortly before six o'clock, she

lay down on the sofa. I observed nothing unusual either that night or on the Monday morning, except that Minnie was quiet, and that she attributed to [her] having a swollen face. She went out early on Monday morning, not returning till afternoon. While out she met Mrs Gordon, and from something the latter said, she spoke to Minnie on her return, and examined her person. She found some swelling, and the child shrank in pain when she touched her. She then applied cold water, and informed her husband. She knew little of the accused, but out of sympathy for his wife, who'd been ill for three weeks, and who was only just recovering, she had sent her little girl to render any service she could.

Dr William Perston gave evidence that Minnie had been

brought to his consulting room for examination on Tuesday morning. He found nothing to indicate such force being used as would support the graver charge. He had been in court and heard the whole of the evidence and it might be consistent with what he observed at his examination forty-two hours afterwards. He should have expected much greater injury to be apparent in an attempt to commit the offence as first charged. There was slight irritation but no laceration.

When Gordon was asked whether he had anything to say, his lawyer said that he would reserve his defence. He was released on bail, in two sureties of £100 each, providing one for £200 himself, for trial at the Supreme Court,²⁰⁰ where he pleaded not guilty. Mr Justice Gillies' notes included additional information, particularly about Gordon threatening his victim after his attempt at intercourse had failed. Minnie Jackson, again the first to give evidence, stated that when Gordon started kissing her on the sofa, his children at her request attempted to assist her to get away from him:

G held me so tight they cd not - he was holding me with his legs & hands too - Outer door was then open - He then took me into the bedroom & laid me on bed - Outer door was then shut. G. shut it & locked it with latch underneath that was before he carried me into bedroom - there is doorway but no door only a curtain between the room & bedroom.

After slapping his son and telling him to leave the bedroom, Gordon 'took down his trousers took out his private person & asked me to take hold of it - I did not - He did not say anything to me then - I made no noise because I was afraid - He asked me if I had my courses', an expression she did not understand:

I sd No - he then laid me on bed & pulled up my clothes - he got on top of me & tried to put his private person into me - I had drawers on - open - he hurt me - he remained in that position for 1/4 an hour I think I felt his private person between my thighs - he kept lifting me up & down on the bed trying to get it in, but couldnt - he put his hands round my waist. He then got up & sat on the bed - I got up too - I got off the bed & went into next room - I got my hat and cloak & told him I was going home.

After feeding the children, she was 'was going to put them to bed', clearly another task Gordon was unwilling to do, 'when Mrs G. came back - I did not tell her - G was there - He sd not to tell & what he'd do to me if I did tell any one'. She repeated that she had been ashamed to tell her mother. 'When I went home I felt pain about my private person & my hips', and after her mother examined her she 'bathed me with cold water'. She had not known Gordon

²⁰⁰ Magistrate's Court, *Thames Star*, 14 March 1877, p. 2; Police Court, *Thames Advertiser*, 14 March 1877, p. 3.

was going to do anything wrong with me when he put his legs round me – Front Door was open when he put his legs round me – After that he got up & shut door – front door leads into garden – I knew he was doing something wrong to me on the bed – I knew when he was doing it after carried me into bedroom. After he unbuttoned his trousers & put his person to mine. When he was trying to put his person into mine I knew he was doing wrong – I was frightened of G. because he had been so cruel to Mrs G. & because he looked so wicked - I have said before I was frightened because he treated Mrs G. cruelly.

After explaining that she had not thought to tell the Thames court about Gordon's cruel treatment of his wife, she added that

he pressed against me, he hurt me, he pressed me hard towards himself, he tried more than once to put his person into mine he had both arms round my waist – he put his hand to my person & tried to put his finger in my person – he after that tried to put his person in – Did not feel his person all the time. I told him he was hurting me – I struggled to leave the bed – I knew his wife had gone to Mrs M. next door – he kept me tightly pressed to him.... He gave over of his own accord.... He used much strength & kept on pushing & using this strength.

Cross-examined by the judge, Minnie stated that Gordon's 'person was wet' and that 'nobody ever took such liberties with me before'. She also explained that she went to Gordon's with 'a message on Monday after & Mrs G. sent for mother - Mrs G. asked me what G. had done to me - I had just begun to tell when Mother came in', evidence confirming in greater detail that Drusilla's suspicions had been alerted by her children.

Elizabeth Jackson stated that Drusilla sent for her on the Monday afternoon, and 'in consequence of what she told me I questioned the little girl in her presence' before taking her home for a physical examination and bathing the swollen parts. The following day she took Minnie to be examined by two doctors, Perston and James Kilgour. She added that the two families had been 'on friendly terms' for the past two years. In his evidence, Perston repeated that he would have expected more injuries; when asked about the discolouration caused by bruises that had appeared

after his examination, he agreed that this was ‘consistent with child’s account’. Kilgour was not called to give evidence.²⁰¹

The evidence clearly indicated that Gordon’s cruelty to his wife was well known even to the children in the neighbourhood. As Drusilla explained, ten years later, she had been ‘kicked, beaten, and abused by him, and in consequence was made seriously and dangerously ill, and was subsequently prematurely delivered of her child still-born’.²⁰² Although Gordon’s slapping of his son may have been prompted by the boy coming into the bedroom rather than being typical of how he treated his children, he clearly did not consider his responsibilities included feeding them and putting them to bed, for when Drusilla was unwell he expected an 11-year-old neighbour to do this.

The *Thames Advertiser*’s report of the case described the accused as ‘a respectable looking married man, about 30 years of age’. Like the Auckland press, which termed the offence an ‘indescribable indecency’,²⁰³ it gave no details, but did note that Minnie ‘described in a tremulous voice the conduct of the prisoner’.²⁰⁴ Two character witnesses were called in Gordon’s defence. James Graham, an Auckland solicitor,²⁰⁵ ‘said he had intimately known the prisoner’ for ‘at least twelve years, but he had never known anything bad against him. He had never known anything against his moral character’. John Hancock, of the United Service Hotel in Auckland, said he had known Gordon for 16 years; for part of that time Gordon was in his service, and he had never heard anything against his moral character and ‘believed the prisoner had always conducted himself in a proper manner’.²⁰⁶

The defence lawyer ‘said that it was scarcely conceivable that a man with a wife and four children - his wife having only gone for a short time into the next house to speak to a neighbour - could have committed such a crime’. After suggesting that Minnie might have exaggerated or been tutored, he asked the jury to consider how much reliance to place on her testimony. Mr Justice Gillies noted this aspect in his summing up:

²⁰¹ Gillies J, Circuit Criminal Cases, Judge’s Notebooks 1875-1877, pp. 311-316, BBAE A304/252, ANZ-A.

²⁰² *Auckland Weekly News*, 2 April 1887, p. 20.

²⁰³ *Auckland Weekly News*, 14 April 1877, p. 17.

²⁰⁴ *Thames Advertiser*, 12 April 1877, p. 3.

²⁰⁵ See *Cyclopedia of New Zealand*, vol. 2, p. 278.

²⁰⁶ Gillies J, Circuit Criminal Cases, Judge’s Notebooks 1875-1877, p. 316, BBAE A304/252, ANZ-A; *Thames Advertiser*, 12 April 1877, p. 3.

It was difficult to conceive the passion which could impel a man in such circumstances to act as the prisoner was described to have acted. But it was fair to consider the other side of the case, whether it were easy to imagine a child of the age of the prosecutrix to have invented such a story with all the details to which she had spoken.

The jury took half an hour to find Gordon guilty, although it 'recommended the prisoner to the mercy of the Court on account of his family'.

The prisoner, in reply to the challenge to say why judgment of the Court should not be passed upon him said: That woman (Mrs Jackson) stated that she had no ill-feeling against me. I could show, if I were at the Thames, that she had, - she has scandalised me all over the place.

His Honor: Is that all you have to say?

Prisoner: That is all.

(That he had so little to say presumably indicated Gordon's realization that he had no defence: he could hardly explain that he had attempted to force himself upon a child because he had been unable to have sex with his wife for some weeks as she had become ill after a premature stillbirth caused by his own brutality.)

His Honor, in passing sentence, said: James Gordon, you have been found guilty by the verdict of the jury, after a very patient trial and able defence in your behalf, of the crime of attempting to have carnal connection with a little girl under 12 years of age. The crime itself is one of great atrocity, peculiarly so in a man like yourself, who has a wife and young family. I am bound to say that I think the jury could not have found any other verdict. Although I feel bound to give some effect to the recommendation the jury have made to the mercy of the Court, on the ground that you have a wife and family, still the crime is one which must be severely punished. The punishment that might be awarded for it is very severe. But as it is your first offence, and as you have borne a good character, and looking to the fact that you will hereafter have to support a family; seeing, also, fortunately for you, that no serious injury was done to the child - except that of putting depraved thoughts into her mind, which is still a serious injury - I will not inflict upon you punishment by the lash, which appears to me the fitting punishment for offences of this kind when they are premeditated. These assaults are becoming

numerous in these colonies, and must be repressed by severity. I think this act of yours was not premeditated, but a sudden and wicked thought which possessed you. The sentence of the Court is that you be kept in penal servitude for three years.

The prisoner appeared to feel the severity of the sentence, for he walked out of the box with an uncertain step, which manifested the heavy weight of it.²⁰⁷

This sentence was the minimum that could be imposed; he served less than the full term, being discharged in August 1879.²⁰⁸

DESERTION AND DIVORCE

Upon leaving prison, Gordon returned immediately to Thames, as his wife related:

He came to the house to see the children, and he asked how they were. Their conversation was civil, but cool. The second occasion he came, he said, "I suppose we shan't live together any more," and she gathered from what he said that he did not wish to do so. He came back three or four times to see the children. She would not have objected to Gordon coming back to reside with her if he reformed.²⁰⁹

The last statement suggested remarkable forbearance, though it was made at a divorce hearing when she was emphasizing that she had been deserted. As she had written three times to him during his imprisonment,²¹⁰ she may have wanted to save their marriage. On 16 August 1879, immediately after they had discussed their future, because of his attitude she charged him with desertion, but the charge was withdrawn because of 'an informality in the information'. A renewed charge was heard on 25 August, at which he denied the accusation. As she did not appear, having,

²⁰⁷ *Auckland Weekly News*, 14 April 1877, p. 17.

²⁰⁸ *Auckland Weekly News*, 14 April 1877, p. 17; *New Zealand Police Gazette*, 27 August 1879, p. 162.

²⁰⁹ Supreme Court, *New Zealand Herald*, 14 April 1887, p. 3; Supreme Court, Divorce Cases 1883-1889, Ward J, Judge's Notebook, Hearing of 13 April 1887, BBAE A304/1087, ANZ-A.

²¹⁰ Supreme Court, Divorce Cases 1883-1889, Ward J, Judge's Notebook, Hearing of 13 April 1887, BBAE A304/1087, ANZ-A.

for unstated reasons, asked that the case be withdrawn, the case was struck out.²¹¹

At her 1887 divorce hearing, she stated that the ‘children were with me when he came out of Jail. He after took 3 away - asked me to let him take them to see his friends. I never saw them for 4 yrs’.²¹² Gordon had taken them out during the day and ‘was to have brought them back in the evening, but she applied to the Court, and brought pressure to bear on him, and he allowed her to get them back’.²¹³ On 25 February 1884, when she applied under Section 8 of the Married Women’s Protection Act of 1880 to obtain custody of the children, her evidence indicated that in the divorce proceedings she would exaggerate the number of children taken but not the length of time:

Some years ago her husband, from whom she had separated, had surreptitiously obtained possession of one of the children, and concealed it. He represented to her that the child was dead, but after search she found it among strangers at Coromandel, and learned that it had been harshly treated. She had reason to believe that Gordon was contemplating similar action in respect to another of her children.

Her request was granted.²¹⁴ Three years later she stated that this unnamed child had been living in the bush at Coromandel.²¹⁵ The purpose of abducting the child is not clear: if Gordon had wanted to keep one of his children with him, why did he leave it with strangers while he lived in Te Aroha?

After they separated, Drusilla continued to live in Thames, where, in 1886, she happened to meet him in the street and accused him ‘of being father to child in affiliation case. I sd I seen you’re had up for a child by

²¹¹ Thames Magistrate’s Court, Criminal Record Book 1879-1881, entries for 16, 22, 25 August 1879, BACL 13736/39a, ANZ-A; Police Court, *Thames Advertiser*, 18 August 1879, p. 3, 26 August 1879, p. 3.

²¹² Supreme Court, Divorce Cases 1883-1889, Ward J, Judge’s Notebook, Hearing of 13 April 1887, BBAE A304/1087, ANZ-A.

²¹³ Supreme Court, *New Zealand Herald*, 14 April 1887, p. 3.

²¹⁴ Magistrate’s Court, *Thames Advertiser*, 26 February 1884, p. 2.

²¹⁵ Supreme Court, Divorce Cases 1883-1889, Ward J, Judge’s Notebook, Hearing of 13 April 1887, BACL A304/1987, ANZ-A.

Jane Agnew. He ackgd such was case'.²¹⁶ Ethel Maud Agnew was at Thames on 14 October 1883 to Mary Jane Agnew, an 18-year-old, who had been born in Sydney.²¹⁷ No father was named on the birth certificate, and, as Gordon refused to contribute any maintenance, six weeks later the mother took him to court for adjudication of paternity and a maintenance order. Harry Kenrick, the magistrate, recorded the evidence and his judgment:

James Gordon sworn

I know Mary Jane Agnew now in Court and that a child was born in October last. I have had intercourse with Comp on 26 December last only – Mrs Agnew came to see me at Te Aroha - I gave her £2 - not on account of the child which was just born I gave it out of charity - I believe the daughter to be poor - the only reason to have for doubting the child is mine the date of Birth - I only had intercourse with the mother on the 26 Decr 1882....

Mary Jane Agnew sworn

I was in service & had to leave - James Gordon is the Father of my child born on the 14 October - He was with me a day or two before New Years day - I have not had intercourse with other men.

Order made adjudicating the Paternity on James Gordon and ordering him to pay the sum of Twelve shillings and six pence per week towards the support of female child from date.²¹⁸

In a later statement to a constable, Gordon 'admitted he had cohabited with girl but sd over 12 mos. before child born'.²¹⁹ Not only was he unwilling to accept paternity, he was also unwilling to pay for the child's support. A distress warrant for arrears of £3 2s 6d was issued on 10 January 1884, but when this was returned with the information that there were no assets to be seized, a warrant for his arrest for disobeying the court order was issued on 26 January. He was arrested at Te Aroha four days later, but was

²¹⁶ Supreme Court, Divorce Cases 1883-1889, Ward J, Judge's Notebook, Hearing of 13 April 1887, BACL A304/1087, ANZ-A.

²¹⁷ Birth Certificate of Ethel Maud Agnew, 14 October 1883, 1883/15228, BDM.

²¹⁸ Thames Magistrate's Court, Magistrate's Notebook 1883-1885, Hearing of 24 November 1883, BACL 13830/1a, ANZ-A.

²¹⁹ Evidence of Constable Patrick Herbert, Supreme Court, Divorce Cases 1883-1889, Ward J, Judge's Notebook, Hearing of 23 March 1887, BBAE A304/1087, ANZ-A.

released on paying £7 into court.²²⁰ In May he was again arrested, but after paying £7 13s 6d was released once more.²²¹ In August Agnew had to sue him again for not having paid anything for the period 14 May to 6 August, and he was arrested yet again; once he had paid the arrears of £7 15s he was released.²²² In December, he was arrested once more on Agnew's suit, and upon paying £6 12s 6d was released.²²³

On 1 May 1885, when charged yet again with failing to obey the order to pay, he did not pay but pleaded not guilty, claiming that 'Jane Agnew told me that she would let me off payment' and had told him that 'she did not wish my to pay more. It was only her mother that compelled her to make me pay'. After outlining his penury, he repeated that she had 'told me she would sign the Deed of Release & send it to me'.²²⁴ Gordon claimed that, because of her promises, 'he had instructed her solicitor to draft an agreement to that effect'. Although she then refused to sign this, according to Gordon she 'had agreed, in the presence of a witness, to relieve him from payment, as it was only her mother who was urging her to press him. She had since explained to him that her mother had prevented her from signing the deed'.²²⁵

²²⁰ Thames Magistrate's Court, Criminal Record Book 1883-1886, 311/1883, 16/1884, BACL 13736/36a; Te Aroha Magistrate's Court, Criminal Record Book 1881-1896, 18/1884, BCDG 11220/1a, ANZ-A; Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-up 1880-1903, 10/1884, in private possession; Magistrate's Court, *Te Aroha News*, 2 February 1884, p. 7.

²²¹ Thames Magistrate's Court, Criminal Record Book 1883-1886, 117/1884, BACL 13736/36a; Te Aroha Magistrate's Court, Criminal Record Book 1881-1896, 47/1884, BCDG 11220/1a, ANZ-A; Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-up 1880-1903, 24/1884, in private possession.

²²² Te Aroha Magistrate's Court, Criminal Record Book 1881-1896, 64/1884, BCDG 11220/1a, ANZ-A; Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-up 1880-1903, 35/1884, in private possession; Thames Magistrate's Court, Criminal Record Book 1883-1886, 181/1884, BACL 13736/36a, ANZ-A.

²²³ Thames Magistrate's Court, Criminal Record Book 1883-1886, 268/1884, BACL 13736/1a; Te Aroha Magistrate's Court, Criminal Record Book 1881-1896, 79/1884, BCDG 11220/1a, ANZ-A; Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-up 1880-1903, 47/1884, in private possession.

²²⁴ Thames Magistrate's Court, Magistrate's Notebook 1883-1885, Hearing of 1 May 1885, BACL 13830/1a, ANZ-A.

²²⁵ Police Court, *Thames Advertiser*, 2 May 1885, p. 3.

Although Kenrick adjourned the case to enable a settlement to be reached out of court,²²⁶ no agreement was made, and the parties reappeared in court a week later. Agnew's lawyer stated that Gordon demanded 'unreasonable terms', insisting that she release him 'from his obligation without his making her any consideration, and he had badgered the girl for the last week, in the endeavour to obtain her consent to his proposal, until she almost feared for her personal safety'. He offered to let Gordon pay less, or a final lump sum of £75, if payment was guaranteed. Agnew then gave evidence:

She had agreed to release Gordon from future payment, on condition that he made her a proper allowance, and on one occasion she had stated, under pressure, that she would rather let him go free than endure his persecution. The whole of the witness's earnings were being paid away for the support of her infant.- His Worship characterized Gordon's attempt to escape from payment as dishonourable in the extreme, besides being both unreasonable and inequitable. Even if the mother consented to bear the whole burden of the maintenance of her child, he (the Court) would refuse to rescind the order already made, although something might be done towards its reduction. The defendant had on two previous occasions neglected to pay until compelled by warrant or summons, and he must now be taught a lesson. He would therefore be sentenced to 14 days' imprisonment, with hard labour.²²⁷

Some satisfactory arrangement between the parties must have been reached after his release from prison, for he was not sued again to enforce payment.

In December 1886, Drusilla Gordon petitioned for divorce. Her affidavit listed his cruel treatment, in particular referring to the kick and beating that caused her to be 'seriously and dangerously ill' after giving birth prematurely to a stillborn child. 'At divers other times during their cohabitation she had been assaulted and treated by her husband with great cruelty'. She charged him with desertion, adultery with Jane Agnew, 'and that on or about the month of March, 1885, he committed adultery with

²²⁶ Thames Magistrate's Court, Magistrate's Notebook 1883-1885, Hearing of 1 May 1885, BACL 13830/1a, ANZ-A.

²²⁷ Police Court, *Thames Advertiser*, 11 May 1885, p. 3.

Elizabeth Cook, spinster, Te Aroha'.²²⁸ Gordon received a copy of this affidavit along with the summons to appear in the Supreme Court, 'did not dispute in any way anything therein',²²⁹ and did not appear to defend himself on 13 April 1887. At this hearing, Drusilla gave details of her unhappy marriage:

About a year ago she met Gordon at the Thames, and accused him of being the father of a child in an affiliation case with Miss Agnew, and she afterwards accused him of being the father of Miss Cook's child, and Matilda Morgan's child, and he said he did not deny the latter, and he said it appeared to him that he was to be the father of all the children born.²³⁰

Concerning Martha Matilda Morgan, the illegitimate daughter born in Auckland on 19 August 1883 to 20-year-old, Auckland-born, Martha Matilda Morgan,²³¹ 'he sd I do not deny that - I sd he cd not as it was so like his own children'.²³² This child was born two months before he had a child by Jane Agnew; for some unknown reason (to hide her shame, to use a Victorian concept?) Morgan did not sue him for maintenance. Drusilla told the court that she alone was providing for the children: 'for the last ten years she supported herself and children by working for a draper at the Thames', and her poverty had prevented her from petitioning for a divorce earlier.²³³

In the light of her evidence, and Gordon's acceptance of its accuracy, the divorce was granted. Drusilla obtained custody of the children, and costs were charged to Gordon, who was ordered to provide 'for the sustenance of the children'.²³⁴ As, once more, he did not so provide, in March 1888

²²⁸ Supreme Court, Divorce Files, Gordon v. Gordon, BBAE 4984, D 39, ANZ-A; *Auckland Weekly News*, 2 April 1887, p. 20.

²²⁹ Evidence of J.H.M. Lusk, 30 March 1887, Supreme Court, Divorce Files, Gordon v. Gordon, BBAE 4894, D 39, ANZ-A.

²³⁰ Supreme Court, *New Zealand Herald*, 14 April 1887, p. 3.

²³¹ Birth Certificate of Martha Matilda Morgan, 19 August 1883, 1883/14571, BDM.

²³² Supreme Court, Divorces 1883-1889, Ward J, Judge's Notebook, Hearing of 13 April 1887, BBAE A304/1087, ANZ-A.

²³³ Supreme Court, *New Zealand Herald*, 14 April 1887, p. 3.

²³⁴ Supreme Court, Divorce Minute Books 1869-1908, pp. 49, 50, BBAE 5636/1a, ANZ-A; Supreme Court, *New Zealand Herald*, 14 April 1887, p. 3.

Drusilla sued him for the £26 owing.²³⁵ Gordon once more claimed poverty, but as he offered to pay 5s a week the case was adjourned for three months 'to enable defendant to liquidate some of the debt'.²³⁶ As the case was not renewed, either a satisfactory arrangement was reached or Drusilla accepted that all attempts to extract money would be fruitless.

Amongst Gordon's descendents there is a tradition that, at a time when Gordon was absent (in prison, although they did not know that), Annie had a 'fling' with someone else.²³⁷ There is no corroboration for this, and all the available evidence points to her being of 'good moral character', to use a contemporary phrase. She had been married in a Baptist ceremony, and when at Thames attended the Baptist Church regularly.²³⁸ Her employer, Samuel Smythe Forsaith, manager of Thomas Short's drapery store at Thames and later a haberdasher and hosier in his own right,²³⁹ wrote a reference for her after Gordon was imprisoned stating that he had known her for two years. He described her as 'a respectable, steady and industrious woman - doing her best to support herself and Four children - her attentions to my late Wife during her long illness was greatly appreciated'.²⁴⁰ Elizabeth Forsaith, the object of her 'attentions', had died aged 73 in August 1878 after three months suffering from 'nervous debility'; like Drusilla she was a Baptist.²⁴¹ Forsaith later adopted Drusilla as his daughter;²⁴² her father, George Bull, a battery owner at Thames from the earliest days of the goldfield,²⁴³ had died in May 1872.²⁴⁴ In 1885, Forsaith made a written declaration that, upon his death, she was to select 'for her own use any articles of Linen, Books Clothes etc that will be useful for herself or her children'.²⁴⁵ Seven years later, Forsaith wrote in a testimonial that he had known her for 18 years:

²³⁵ Thames Magistrate's Court, *Plaint Book 1888-1895*, Judgment Summons 10/1888, BACL 13737/2a, ANZ-A.

²³⁶ Magistrate's Court, *Thames Advertiser*, 28 April 1888, p. 2.

²³⁷ Information provided by Sharon Fieten, 19 October 1996.

²³⁸ Declaration by Samuel S. Forsaith, n.d. (c. 1878), Sharon Fieten Papers.

²³⁹ See advertisement, *Thames Star*, 4 November 1887, p. 1.

²⁴⁰ Declaration by Samuel S. Forsaith, n.d. (c. 1878), Sharon Fieten Papers.

²⁴¹ Death Certificate of Elizabeth Forsaith, 7 August 1878, 1878/7408, BDM.

²⁴² Declaration by Samuel S. Forsaith, 15 January 1885, Sharon Fieten Papers.

²⁴³ See *Thames Guardian and Mining Record*, 18 May 1872, p. 3.

²⁴⁴ Death Certificate of George Bull, 13 May 1872, 1872/7300, BDM.

²⁴⁵ Declaration of Samuel S. Forsaith, 15 January 1885, Sharon Fieten Papers.

During 10 years of that time Mrs Gordon was engaged in various capacities in the business, and always gave Mr Short and myself entire satisfaction, in every department whether of needlework or otherwise. I can also with confidence recommend her as an expert in Housekeeping and Household affairs generally.²⁴⁶

Forsaith died two years later; as neither he nor his wife left a will, any other bequests to Drusilla are not known. Was her association with Forsaith, an old settler who had arrived in the colony in 1849 and was aged 75 in 1878,²⁴⁷ the basis for the later rumour of her ‘fling’?

Little else can be discovered about Gordon’s first wife. She lived in Thames with her children until 1894;²⁴⁸ the only time the family came to public notice was in 1890, when two of the boys duck shooting on the Piako River were blown out to sea in a gale. Afterwards, in a newspaper notice ‘Mrs D.A. Gordon desires to thank Messrs Berryman, Moase, Hales, and Brown for the kind and generous way they rescued her boys yesterday, whilst drifting helplessly in their boat to sea’.²⁴⁹ Like their father, both twins became miners, and Lawrence Henry was a prominent battery manager.²⁵⁰ In 1894 Drusilla went with her youngest son, Leonard David, to farm at Waikare, in the Bay of Islands.²⁵¹ As an indication of the affection in which she was held, Lawrence Henry named his first child Ennis Mary Drusilla.²⁵² After leaving Thames she continued to work, leaving an estate valued at slightly under £425 to her daughter. Her sons did not receive a legacy, ‘as I have already provided for them and they are in a good position’.²⁵³

²⁴⁶ Testimonial by Samuel S. Forsaith, 26 July 1892, Sharon Fieten Papers.

²⁴⁷ ‘Addresses Presented to Sir George Grey on his 74th Birthday, 14 April 1886, by European and Maori Residents of the Province of Auckland’, p. 161, Grey New Zealand MS 275, Auckland Public Library; advertisement, *Thames Star*, 4 November 1887, p. 1; Death Certificate of Samuel Smythe Forsaith, 1 April 1894, 1894/2656, BDM.

²⁴⁸ *Thames Electoral Roll, 1894*, p. 20.

²⁴⁹ *Thames Advertiser*, 6 May 1890, p. 2, 7 May 1890, p. 2.

²⁵⁰ *Thames Electoral Rolls, 1894*, p. 20, 1897, p. 25; *Cyclopedia of New Zealand*, vol. 2, p. 475.

²⁵¹ Obituary of Leonard David Gordon, from ‘Scrapbook vol. 11, p. 23, Northland Room’, Whangarei Public Library, copy in Sharon Fieten Papers.

²⁵² Birth Certificate of Ennis Mary Drusilla Gordon, 1903/7557, BDM.

²⁵³ Probate of Drusilla Annette Gordon, BBAE 1569/16621, ANZ-A.

When Drusilla died of cancer in Auckland in 1923 both her death certificate and her probate documents described her as a 'widow', and in her death notice she was described as the 'relict of the late James Gordon'.²⁵⁴ Presumably this was felt to be more respectable than 'divorced', even though she had been the innocent party, but it was misleading, for Gordon would not die for another seven years.

SECOND MARRIAGE

Presumably for similar reasons of respectability, although possibly because the details of his marital affairs were not known to his descendents, his obituary recorded that 'his first wife was Miss Annie Bull, who died many years ago, and he later married Miss Ellen Cook'.²⁵⁵ There was a deliberate untruth when Gordon remarried on 3 August 1887 and described himself as a bachelor,²⁵⁶ for the divorce absolute from his first wife was not granted until 15 December.²⁵⁷ It may have been for reasons of respectability that in 1904 his second wife recorded the date of their marriage as being 1883 and in 1907 as 1882.²⁵⁸

Ellen, the eldest daughter of William Carter Cook, a painter, and Johanna, née Burke, had been born in Birmingham in early 1866. She was a domestic servant when she married Gordon, and at 21 was either 19 or 17 years younger than her husband.²⁵⁹ She was probably 18 when they first had sexual relations, for they had become intimate before February 1885, when they were witnesses at the wedding of Ellen's sister Rosina.²⁶⁰ Bertha, his first illegitimate children by his future second wife, was born either in

²⁵⁴ Death Certificate of Drusilla Annette Gordon, 2 August 1923, 1923/1159, BDM; Probate of Drusilla Annette Gordon, BBAE 1569/16621, ANZ-A; Death Notice, *New Zealand Herald*, 3 August 1923, p. 1.

²⁵⁵ *New Zealand Herald*, 20 June 1930, p. 14.

²⁵⁶ Marriage Certificate of James Gordon, 3 August 1887, 1887/321, BDM.

²⁵⁷ Supreme Court, Divorce Cases 1883-1889, Ward J, Judge's Notebook, no. 54, 15 December 1887, BBAE A304/1087, ANZ-A.

²⁵⁸ Birth Certificates of Rule Coleen Moate Gordon, 5 October 1904, 1904/132243; William Phillip Glenwood Gordon, 26 October 1907, 1907/19392, BDM.

²⁵⁹ Notices of Intentions to Marry 1887, Births Deaths and Marriages, BDM 20/32, folio 840, ANZ-W; Marriage Certificate of James Gordon, 30 August 1887, 1887/321, BDM; Ancestry.co.uk.

²⁶⁰ Marriage Certificate of Rosina Cook, 26 February 1885, 1885/309, BDM.

1884 or 1885, but her birth was not registered; the uncertainty about the year is caused by differences between school and hospital records and doubts about whether his first wife was accurate in dating Gordon's first adulterous liaison with Ellen (whom she called Elizabeth) as March 1885.²⁶¹ The only Bertha Cook registered in 1884 and 1885 was an illegitimate child born on 19 June 1884 at Woolston, near Christchurch, to Esther, aged 18, who had been born in Surrey; there the faint possibility that she was Gordon's first child by Ellen, because the age of the mother was correct (even if her first name and place of birth was wrong) and this Bertha's age exactly matches that of Bertha Gordon (as she was registered) in the Te Aroha school records.²⁶² Their next child, born in Auckland on 22 January 1887, was Ellen Margory Adelaide, commonly known as Adelaide or Adelaide Ellen.²⁶³ The birth may have been a difficult one, for the nurse who assisted did not register it until 4 March,²⁶⁴ when Ellen was presumably still in her care. Vivian Willmott was born on 4 February 1888, six months after his parent's marriage, but his birth was not registered until May 1951,²⁶⁵ when he needed to prove his entitlement to an old age pension. All subsequent births were registered. Those born at Te Aroha were Thomas Clarence, in May 1890,²⁶⁶ Laurel Hilda May, in July 1892,²⁶⁷ Harold Alfred, in July 1894,²⁶⁸ Hazel Pearl, in May 1896,²⁶⁹ Violet

²⁶¹ Te Aroha School, Admission Register No. 2 (1889-1897), no. 698, Primary School Archives, Te Aroha; Class Lists for Te Aroha School, 1893, YCAF 4135/37a; Auckland Hospital and Charitable Aid Board, Applications for Relief 1894-1907, folio 115, no. 13312, YCAB 15245/2a; Supreme Court, Divorce Files, Gordon v. Gordon, BBAE 4984, D 39, ANZ-A; *New Zealand Herald*, 30 March 1887, p. 5.

²⁶² Birth Certificate of Bertha Cook, 19 June 1884, 1884/20688, BDM; Te Aroha School, Lass Lists November 1891, YCAF 4135/30a, ANZ-A.

²⁶³ Birth Certificate of Ellen Margory Adelaide Cook, 22 January 1887, 1887/14888; Death Certificate of Adelaide Ellen Fredatovich, 25 December 1965, 1965/33543, BDM; Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-up, 24/1902, in private possession.

²⁶⁴ Birth Certificate of Ellen Margory Adelaide Cook, 22 January 1887, 1887/14888, BDM.

²⁶⁵ Birth Certificate of Vivian Willmott Gordon, 4 February 1888, 1951/118024, BDM.

²⁶⁶ Birth Certificate of Thomas Clarence Gordon, 23 May 1890, 1890/9723, BDM.

²⁶⁷ Birth Certificate of Laurel Hilda May Gordon, 3 July 1892, 1892/9613, BDM.

²⁶⁸ Birth Certificate of Harold Alfred Gordon, 2 July 1894, 1894/8093, BDM.

²⁶⁹ Birth Certificate of Hazel Pearl Gordon, 25 May 1896, 1896/141, BDM.

Esmeralda, in January 1899,²⁷⁰ Arthur Edward, in December 1900,²⁷¹ and Alick Pasko Ibox, in August 1903.²⁷² Two more boys were born after they moved to Waihi: Rule Coleen Moate, in October 1904,²⁷³ and William Phillip Glenwood, in October 1907.²⁷⁴

The only reason there were no more children was because Ellen's child-bearing years had ended; she was 41 when her last child was born. Details of how she coped with 12 children are not known, although two indications suggest it was difficult. In 1893, Bertha's attendance at school was 'very irregular', and in 1895 she and Adelaide were again noted as being irregular, arriving late 'four or five times every week through domestic mismanagement'.²⁷⁵

Although there is no evidence indicating that Gordon treated his second wife with more kindness than his first, their many children and long life together suggests that he did. That he had not changed all his ways was proved by the birth in Auckland, on 10 October 1895, of Percy Clinton Howard, the illegitimate son of Cecilia Howard, 29, who had also been born in Auckland.²⁷⁶ At the time of his birth Ellen was about one month pregnant with Hazel Pearl.²⁷⁷ The usual legal consequences ensued: on 7 December Howard sued Gordon for failing to maintain what was to be his last illegitimate child (or at least his last known one):

The Court was occupied a considerable time on Saturday and Monday in hearing a case brought against James Gordon, of Te Aroha, a horse trainer, requiring him to maintain his illegitimate child.... The defence was a denial of paternity.... His Worship said he had no doubt the defendant was the father of the child,

²⁷⁰ Birth Certificate of Violet Esmeralda Gordon, 1 January 1899, 1899/14254, BDM.

²⁷¹ Birth Certificate of Arthur Edward Gordon, 21 December 1900, 1901/3083, BDM.

²⁷² Birth Certificate of Alick Pasko Ibox Gordon, 19 August 1903, 1903/2462, BDM.

²⁷³ Birth Certificate of Rule Coleen Moate Gordon, 5 October 1904, 1904/13243, BDM.

²⁷⁴ Birth Certificate of William Phillip Glenwood Gordon, 26 October 1907, 1907/19392, BDM.

²⁷⁵ Te Aroha School, Class Lists, 1893: YCAF 4135/37a; 1895: YCAF 4135/45a, ANZ-A.

²⁷⁶ Birth Certificate of Percy Clinton Howard, 10 October 1895, 1895/8738, BDM [mother's name recorded as Christina].

²⁷⁷ Birth Certificate of Hazel Pearl Gordon, 25 May 1896, 1896/141, BDM.

and ordered him to pay 6s a week from the date of birth as well as £4 9s, the expenses of the confinement.²⁷⁸ Yet again, Gordon did not pay, and on 11 February the following year was ordered to pay arrears of £11 1s or be imprisoned for two months with hard labour. Ignoring this threat, on 14 May his arrest was ordered, and took place at Te Aroha on 19 June.²⁷⁹ Upon being released from prison, he still would not pay, and on 26 September was charged with arrears of £20 7s. He did not appear in court on 30 September to defend himself, and was ordered to pay forthwith or be imprisoned for six months with hard labour.²⁸⁰ Yet again he did not pay, and on 16 November his imprisonment was ordered. As Gordon had no intention of returning to gaol, on that day he was seen on the road between Waihi and Whangamata, and twice in December the police circulated his description.²⁸¹ He was never apprehended, and may have lain so low that not even his own family knew where he was. Certainly the electoral roll of November 1896 did not record his existence, although it recorded his wife as still living at Te Aroha.²⁸² It seems that Gordon waited until the police had forgotten about this outstanding warrant before returning to his family. There were no more attempts by Howard to obtain maintenance, presumably because she accepted their futility.

On 27 August 1896, his eldest daughter Bertha was removed from the Te Aroha School, and on 9 December Adelaide left, both transferring to Auckland schools, although their younger brothers Vivian and Clarence remained at Te Aroha,²⁸³ no doubt under the care of their aunt. The probable reason for these transfers was that their mother had gone to Auckland to be with her father, William, who at the age of 52 had cancer of

²⁷⁸ Auckland Magistrate's Court, Criminal Record Book 1895-1896, folios 272, 290, BADW 10254/18a, ANZ-A; Magistrate's Court, *New Zealand Herald*, 24 December 1895, p. 3.

²⁷⁹ Auckland Magistrate's Court, Criminal Record Book 1895-1896, folio 344, BADW 10254/18a, ANZ-A; Police Court, *New Zealand Herald*, 12 February 1896, p. 4; Armed Constabulary Force, Report of Charges Taken at Te Aroha Lock-up 1880-1903, 10/1896, in private possession; *New Zealand Police Gazette*, 2 September 1896, p. 153.

²⁸⁰ Auckland Magistrate's Court, Criminal Record Book 1896-1897, folios 234, 239, BADW 10254/19a, ANZ-A; Police Court, *New Zealand Herald*, 1 October 1896, p. 3.

²⁸¹ *New Zealand Police Gazette*, 9 December 1896, p. 208, 18 December 1896, p. 214.

²⁸² *Ohinemuri Electoral Roll, 1896*, p. 22.

²⁸³ Te Aroha School, Admission Register No. 2 (1889-1897), nos. 698, 700, 815, 928, Primary School Archives, Te Aroha.

the liver, dying on 21 December.²⁸⁴ On 4 March the following year, she applied to the Auckland Charitable Aid Board for assistance for herself and seven children, the youngest being nine months old. Curiously, she called the latter not Hazel Pearl but Rose Hilda, the name of her sister's child, then aged six;²⁸⁵ or was Rose Hilda, as family tradition has it, in her care at this time,²⁸⁶ and if so, where was Hazel Pearl living? Her application was noted as being a Thames case, moved from Te Aroha on 8 February. The reason for it was that she was 'deserted by husband and destitute'; his whereabouts were 'unknown', and as her brothers had to support their widowed mother, they could not assist.²⁸⁷ On 11 March the secretary of the Thames hospital board explained to his Auckland counterpart that Te Aroha was under the Waikato, not Thames, board.²⁸⁸ Late that month the Waikato Charitable Aid Board decided that she and her children would be looked best after by her family in Auckland and agreed to pay 8s a week towards her support.²⁸⁹

Ellen had not been deserted in any real sense, her husband having gone to ground to evade the police. Whether he kept her informed about his plans and his whereabouts is not known, but it is possible that they colluded in his disappearance and in her seeking charitable aid. Laurel was re-admitted to the Te Aroha School on 28 March 1898, after having been at school in Auckland; the 'parent or guardian' was recorded as 'Mrs Gordon', suggesting that Gordon was still keeping out of sight.²⁹⁰ But he had returned to Te Aroha by then, for on 1 January 1899 Ellen gave birth to another child, Violet Esmeralda.²⁹¹ Why the local policeman did not serve the warrant for his arrest is not known, nor why the authorities did not

²⁸⁴ Death Certificate of William Carter Cook, 21 December 1896, 1896/1546, BDM.

²⁸⁵ Birth Certificate of Hilda Rose Aitken, 27 February 1891, 1891/1262, BDM.

²⁸⁶ Betty Buchanan (widow of youngest son of Bertha Gordon and wife of Arthur Buchanan) to Philip Hart, 11 November 1999.

²⁸⁷ Auckland Hospital and Charitable Aid Board, Applications for Relief 1894-1907, folio 115, YCAB 15245/2a, ANZ-A.

²⁸⁸ Secretary, Thames Hospital Board, to Secretary, Auckland Hospital and Charitable Aid Board, 11 March 1897, Thames Hospital Board, Letterbook 1896-1901, p. 88, YYBP 14067/1b, ANZ-A.

²⁸⁹ Charitable Aid Board, *Waikato Argus*, 27 March 1897, p. 4.

²⁹⁰ Te Aroha School, Admissions Register No. 3 (1898-1904), no. 1192, Primary School Archives, Te Aroha.

²⁹¹ Birth Certificate of Violet Esmeralda Gordon, 1 January 1899, 1899/14254, BDM.

trace him, for he was once more registered as living at Te Aroha in the electoral roll of September 1899.²⁹² In December 1902 his 16-year-old daughter Adelaide was placed in the Te Aroha lock-up for obtaining a skirt on false pretenses.²⁹³ In giving evidence in the Thames police court, Gordon 'said the girl was out of his control. She had left her home three weeks ago, but he was willing to take her back. He had nothing to say against her other than that she would not stop at home'. Upon Adelaide consenting 'to go home with her father if they gave her a light sentence', she was convicted but sentencing was deferred for three months. 'If the accused behaved herself in the meantime, then she would hear no more of the charge'.²⁹⁴ She did not; and nor did the police serve a warrant on Gordon, even though they knew his address.

Presumably Gordon and Ellen then lived contentedly together, as four more children were to be born. While they were living in Waihi, both Clarence and Vivian became gold miners.²⁹⁵ Upon first moving to Auckland, they lived at 116 Victoria Road, Devonport, with their daughter Adelaide,²⁹⁶ but three years later and for the remainder of the 1920s Ellen was listed as living at 23 Rutland Street, Devonport, while Gordon remained at Victoria Road.²⁹⁷ This need not imply a parting of the ways; a photo held by their descendents shows him in old age with Ellen, and physical decline including heart trouble (he died of a heart attack) meant that in his last years he was in a wheel-chair and was looked after by his daughter Adelaide and granddaughter Bertha Venus Fredatovich.²⁹⁸ One possible cause of friction in their last years may have been religion, because whereas he had a

²⁹² *Ohinemuri Electoral Roll, 1899*, p. 43.

²⁹³ Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-up 1880-1903, 24/1902, in private possession.

²⁹⁴ Police Court, *Thames Star*, 8 December 1902, p. 2.

²⁹⁵ *Ohinemuri Electoral Rolls, 1911*, p. 49, *1914*, p. 37, *1919*, p. 43.

²⁹⁶ *Waitemata Supplementary Electoral Roll No. 1, 1922*, p. 14; *Waitemata Supplementary Electoral Roll No. 2, 1922*, p. 10.

²⁹⁷ *Waitemata Electoral Rolls, 1925*, p. 91; *1928*, p. 86; *1931*, p. 87.

²⁹⁸ Photo in possession of Sharon Fieten; Death Certificate of James Gordon, 17 June 1930, 1930/2806, BDM; *New Zealand Herald*, 20 June 1930, p. 14; *Waitemata Supplementary Electoral Roll, 1931*, p. 11.

Presbyterian funeral she had a Catholic one,²⁹⁹ but it is more likely that, as she had entered St Joseph's Home because of the kidney disease that would cause her death four years after his,³⁰⁰ she had converted to Catholicism shortly before her death. Although the Catholic Archives have no record that she or any of her children converted whilst at Te Aroha or Waihi, Laurel did attend the Auckland Convent School before being re-admitted to the Te Aroha one in 1898;³⁰¹ again, this may reflect not a religious preference but an educational one. When he died he was described as 'one of Auckland's oldest residents'.³⁰²

OTHER ASPECTS OF HIS LIFE

Little else is known about Gordon's life. There were other, extremely minor, criminal charges laid against him: in 1880, 1884, and 1890 he was accused of not registering his dog.³⁰³ Drink does not seem to have been one of his vices: a James Gordon was imprisoned for one hour in 1886 for being drunk in Thames, but this may well have been a namesake, as the James Gordon fined in February 1879 for being drunk and disorderly in Thames cannot have been him, for he was in gaol.³⁰⁴ There is a family story that, when he went to register the birth of Bertha, he failed to do so because he was drunk; as well, Bertha told her family that 'her name was meant to be Ruby'.³⁰⁵ This seems unlikely: he could have registered the birth when he sobered up, or Ellen could have registered it: indeed any relative or friend could have registered it. Ellen's third child was not registered either, and the reason was unlikely to have been drunkenness. As to Bertha's name, she may well have preferred the name Ruby, but as everyone knew her as

²⁹⁹ Death Certificates of James Gordon, 17 June 1930, 1930/2806; Ellen Gordon, 4 August 1934, 1934/19437, BDM; Death Notice of Ellen Gordon, *New Zealand Herald*, 6 August 1934, p. 1.

³⁰⁰ Death Certificate of Ellen Gordon, 4 August 1934, 1934/19437, 1934, BDM.

³⁰¹ Te Aroha School, Admission Register No. 3 (1898-1904), no. 1192, Primary School Archives, Te Aroha; Catholic Archives, Auckland.

³⁰² *Auckland Star*, 20 June 1930, p. 10.

³⁰³ *Thames Star*, 7 August 1880, p. 2; *Te Aroha News*, 2 March 1884, p. 2; Te Aroha Magistrate's Court, Criminal Record Book, 1881-1896, 29/1890, BCDG 11220/1a, ANZ-A.

³⁰⁴ Thames Magistrate's Court, Criminal Record Book 1883-1886, 240/1886, BACL 13736/36a, ANZ-A; Police Court, *Thames Advertiser*, 14 February 1879, p. 3.

³⁰⁵ Sharon Fieten to Philip Hart, 22 October 1996.

Bertha, she probably felt unable to change it. Doubts about these details do not rule out the possibility that he did get drunk on occasions which did not come to the attention of the police.

Ellen was close to her family, as indicated not only by her being with her father in his final illness but by her younger sister Rosina and brother-in-law being witnesses at her marriage just as she and Gordon had been a witness at theirs' two years earlier.³⁰⁶ Whether Gordon was close to his relatives is not known. His sister died in 1914 at Maramarua,³⁰⁷ where she had lived since marrying her first husband, and it is not known whether they had kept in touch, nor whether he had any contact with his father's second family, who were living in Thames in the 1870s at the same time as he was.

Gordon seems to have been quite sociable, being a Volunteer for years, and on one occasion in 1875 going duck shooting with three fellow members of the Thames Naval Brigade (the reason this insignificant fact was recorded was because a gale blew their boat to Auckland).³⁰⁸ A member of the provisional committee of the Te Aroha Brass Band in 1882, he was one of six men canvassing for honorary members,³⁰⁹ but was not recorded as having any further involvement, nor was there any indication that he played a musical instrument. He was clearly a fit man, but the only sport he took part in was rowing, participating in the Te Aroha Races in October 1886 and in the Te Aroha Regatta in the following month, and in 1893 was on the committee canvassing for members of a new Te Aroha Rowing Club.³¹⁰

PERSONALITY AND SEX LIFE

As with all attempts to recreate the life-story of an obscure man, it is difficult to discover the personality that goes with the somewhat sketchy details of the life that have been traced. By the very nature of the records created, his immoral behaviour is easiest to trace, but this must be counter-

³⁰⁶ Marriage Certificates of James Gordon, 31 August 1887, 1887/321; Rosina Cook, 26 February 1885, 1885/309, BDM

³⁰⁷ Death Certificate of Mary Ann McElroy, 18 July 1914, 1914/9467, BDM.

³⁰⁸ *Thames Advertiser*, 2 June 1875, p. 2, 3 June 1875, p. 2.

³⁰⁹ *Waikato Times*, 28 March 1882, p. 2; *Thames Advertiser*, 29 March 1882, p. 3.

³¹⁰ *Waikato Times*, 21 October 1886, p. 3; *Te Aroha News*, 13 November 1886, p. 2; *Thames Advertiser*, 20 February 1893, p. 2.

balanced by the fact that he must also have had considerable charm. A total of 21 children were born to him (one more would have been born had he not assaulted his first wife so savagely), by five women, and his first wife, despite his ill treatment of her, had claimed to be willing to forgive him so that their marriage could continue. His second wife likewise forgave his infidelity. He may have had sexual relations with other willing partners, for only his fertile relationships were recorded.

One notable aspect of his sex life was that all the women with whom he had intimate relations were Pakeha, and all his children married into Pakeha families. This indicates a high level of acceptance (at the most intimate level) of half- and quarter-castes that was rare in most other countries at that time. The impact of bearing his illegitimate children is also worth noting: only Martha Morgan was able to marry, into a respectable family, although her husband declined to adopt her daughter;³¹¹ neither of the other solo mothers married (at least not in New Zealand), which must have been at least in part because of their children.

CONCLUSION

Gordon's vigorous sex life was not typical of New Zealand males of the period. Many men had more than one partner, but the number of partners and of illegitimate children was surely uncommon. In other ways his life was in no way unusual. Having a variety of occupations and living wherever employment opportunities beckoned was quite normal, and his involvement in sports and volunteering was common. His part-Maori ancestry set him apart, although he clearly identified with the Anglo-Irish side of his heritage, hardly surprisingly in the light of his being abandoned by his mother and brought up by an English step-mother. Apart from his genetic inheritance and over-active sex life, he was quite a typical 'all-round man'.

Appendix

Figure 1: Thomas Gordon, n.d., Gordon Family Photos, Sharon Fieten Collection; used with permission.

³¹¹ Marriage Certificate of Martha Matilda Morgan, 1903/490, BDM; *Observer*, 16 February 1901, p. 16; *Auckland Star*, 12 June 1936, p. 10; probate of Martha Matilda Morgan, BBAE 1570, P638/1942, ANZ-A.

Figure 2: Sarah Gordon, née Alderdice, n.d., Gordon Family Photos, Sharon Fieten Collection; used with permission.

Figure 3: James Gordon, in Thames Naval Volunteer uniform, 1870s, Supreme Court, Divorce Files, Gordon v. Gordon, BBAE 4984, D39, ANZ-A [Archives New Zealand/Te Rua Mahara o te Kawanatanga, Auckland Regional Office]; used with permission.

Figure 4: 'Residence Site Waiorongomai Applied for by J. Gordon', 14 August 1895, Te Aroha Warden's Court, Mining Applications 1895, 42/1895, BBAV 11289/14a, ANZ-A [Archives New Zealand/Te Rua Mahara o te Kawanatanga, Auckland Regional Office]; used with permission.

Figure 5: James Gordon in middle age, Gordon Family Photos, Sharon Fieten Collection; used with permission.

Figure 6: James Gordon in old age, Gordon Family Photos, Sharon Fieten Collection; used with permission.

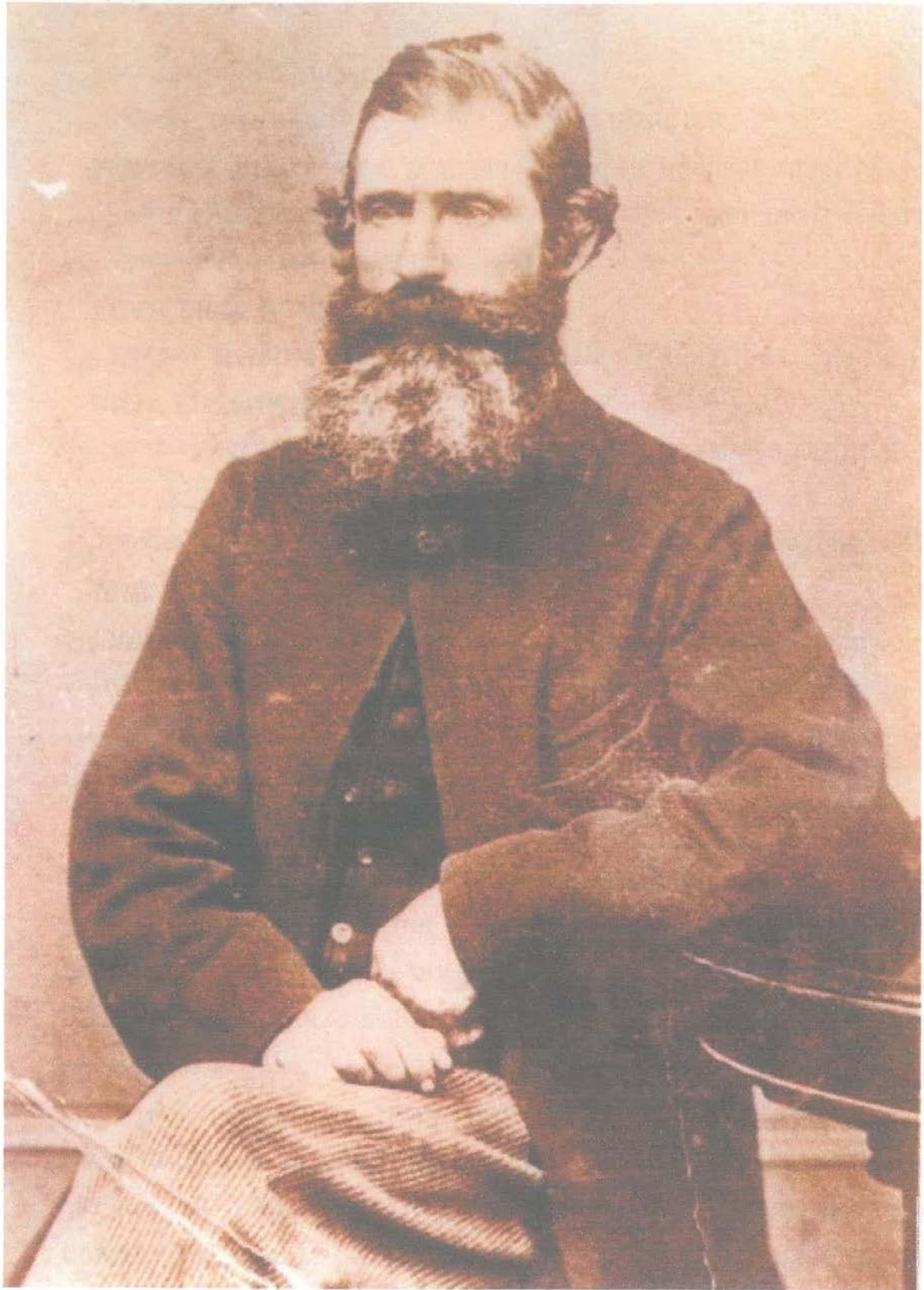


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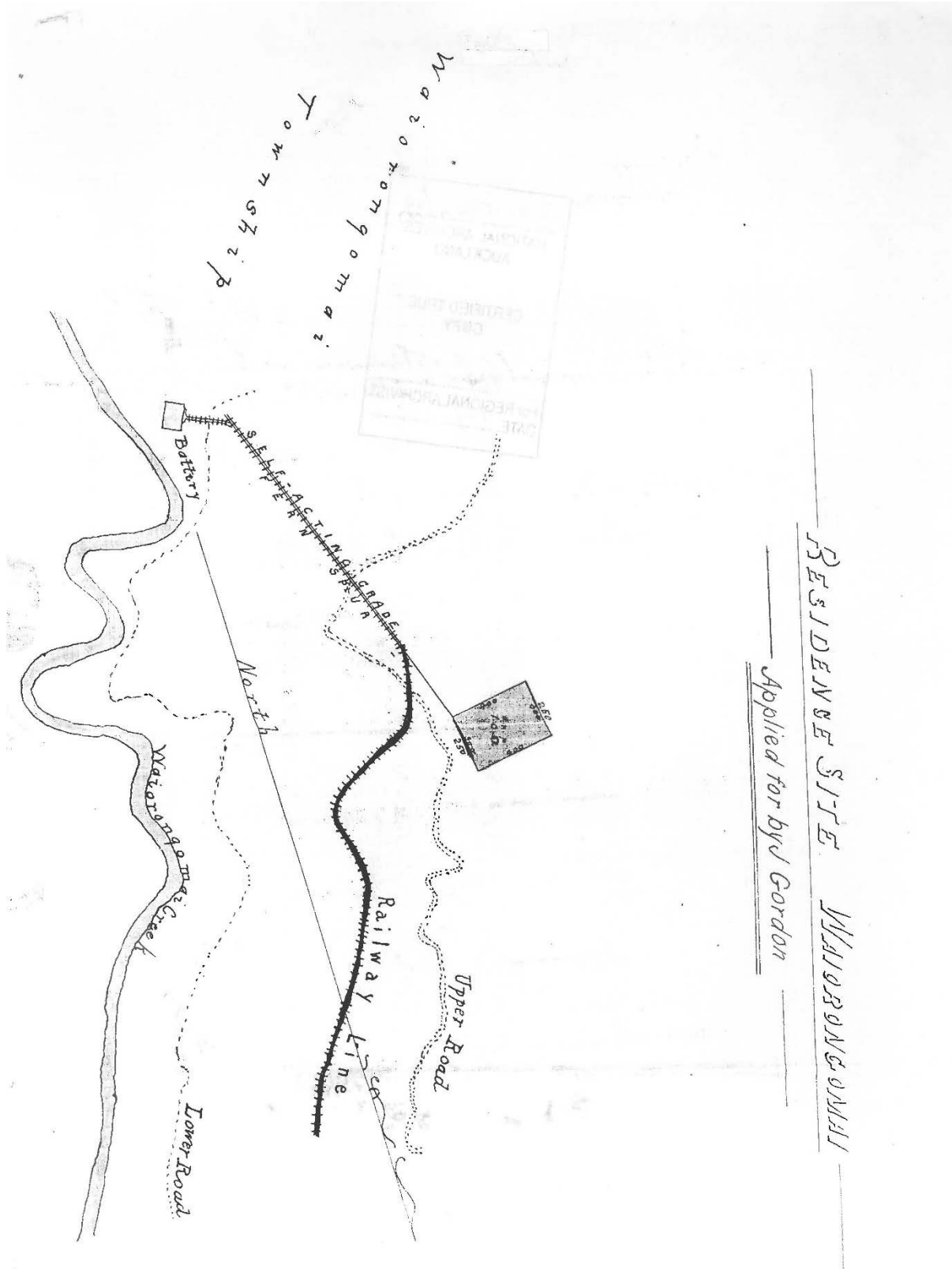


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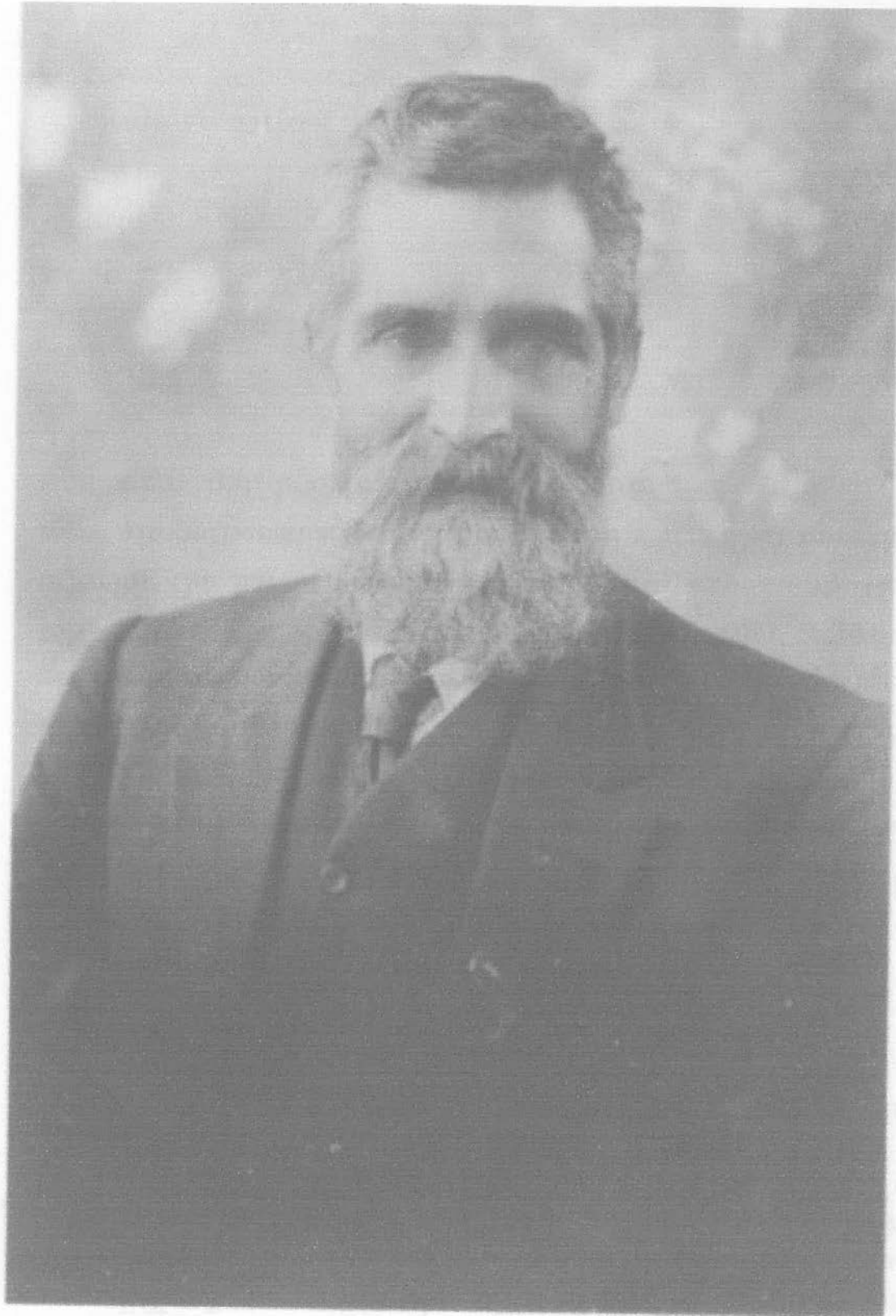


Figure 5: James Gordon in middle age, Gordon Family Photos, Sharon Fieten Collection; used with permission.

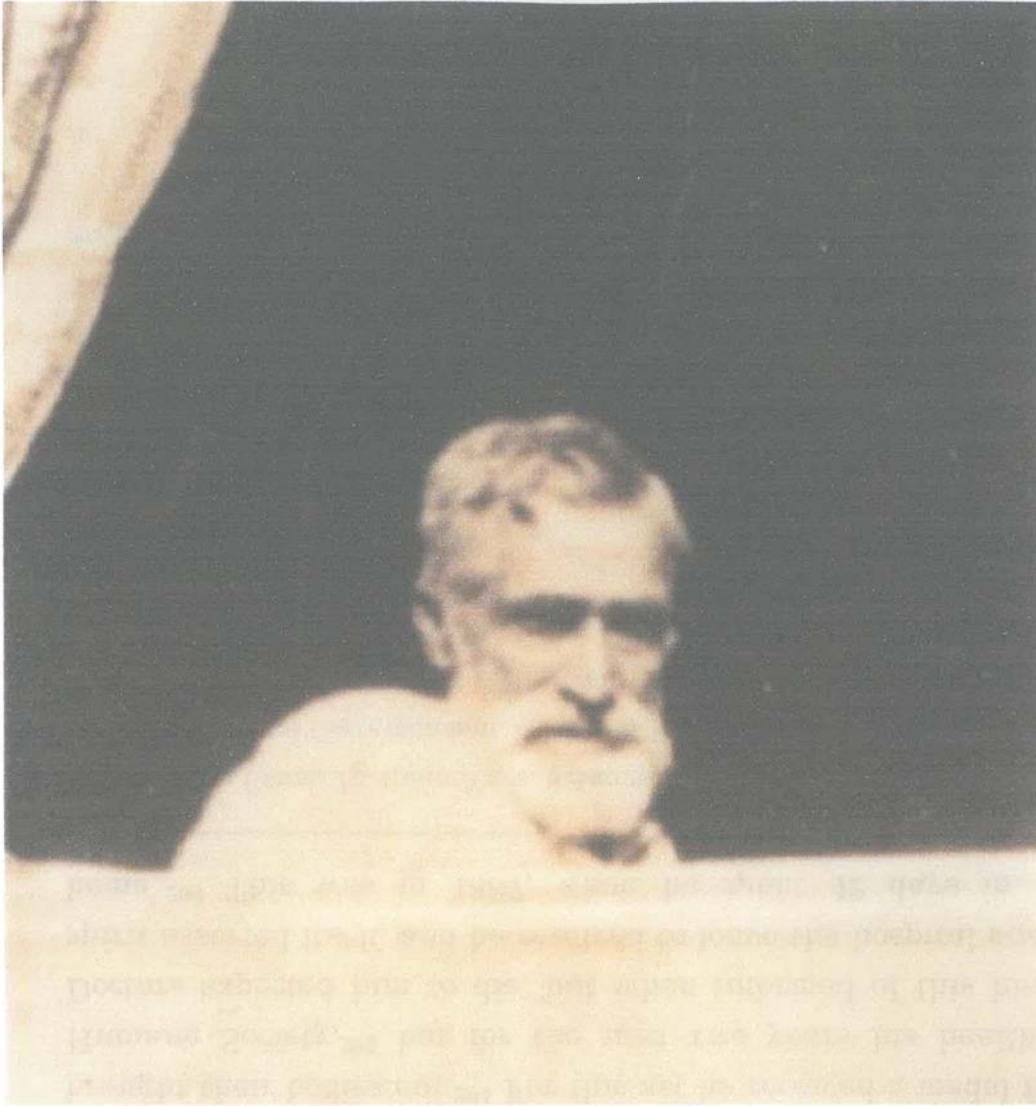


Figure 6: James Gordon in old age, Gordon Family Photos, Sharon Fieten Collection; used with permission.