

ROBERT AND ELIZABETH MACKIE: A TE AROHA BUTCHER
AND HIS FAMILY

Philip Hart

Te Aroha Mining District Working Papers

No. 146

2016

Historical Research Unit
Faculty of Arts & Social Sciences
The University of Waikato
Private Bag 3105
Hamilton, New Zealand

ISSN: 2463-6266

© 2016 Philip Hart

Contact: prhart@waikato.ac.nz



THE UNIVERSITY OF
WAIKATO
Te Whare Wānanga o Waikato

ROBERT AND ELIZABETH MACKIE: A TE AROHA BUTCHER AND HIS FAMILY

Abstract: *Although Elizabeth Mackie was fondly remembered, her husband, Robert, was not. Both were of Scottish parentage, and lived in various places in New Zealand before settling in Te Aroha in the early 1880s. Having participated in the Otago gold rush, he invested in a few unprofitable mines at Waiorongomai and Stoney Creek.*

As he freely expressed his strong opinions on everything, Mackie was a prominent member of the community, for both good and bad reasons. The good ones were his attempts to assist its development through his willingness to join local committees, notably the school committee, education being of particular interest to him. The bad reason for his prominence was his cantankerous nature, which was reflected in his careers as butcher and farmer and even more so in his private life. He was regularly involved in legal battles and often publicized his grievances in the press. Using his family members as dummies, he acquired land within and on the edge of Te Aroha for farming purposes, and also had farms at Waiorongomai and Wairakau, and clashed with other farmers in all these places. The battle over 'Clarke's drain' wasted council time for many years.

Mackie struggled financially all his life, refusing to pay his debts until forced to, placing his property in his wife's name to evade his creditors, and going bankrupt. He even went to prison, four times, for refusing to pay debts as ordered by the magistrate. Because of his quarrelsome character, sometimes justified (to a degree), as when a daughter was made pregnant by one of his enemies, his wife refused to permit him to be buried in her grave. He was not the only disagreeable resident of the district, but was certainly one of the worst.

A RECOLLECTION OF ELIZABETH AND HER GARDEN

In 1973, a woman who had lived in Te Aroha in the early twentieth century published her recollections of 'Elizabeth Mackie and her Colonial Oven – Te Aroha 1906':

It takes so little to send memory journeying back down the years for always something reminds one of someone, oft times, reviving happy childhood memories, as recently a chance meeting with a well known personality who had acquired an early colonial oven

for the Waihi Museum, revived memories of a wonderful gentlewoman who used that oven for many years.

Elizabeth Dall, who was born in France in 1844, became the wife of Robert Mackie, born in Kincardineshire, Scotland in 1835. The marriage took place at Tokomairiro, Otago on September 5, 1865. Some years later they moved north and settled in Palmerston North, where their second daughter, Elizabeth was born in 1877. Moving north again the family then lived in and around Te Aroha for the greater part of their lives. Robert Mackie had a farm at the foot of Thompsons Track, Shaftesbury. He also had the first butcher's shop in Te Aroha, on the corner of Boundary and Whitaker Streets now occupied by Ross's Drapers, and which was originally A.W. Edwards Drapers, followed by many others, to this present day.

On selling the farm Robert and Elizabeth Mackie took up residence in Morgantown, Te Aroha, their large section extending from Whitaker Street to King Street. The house was built on the back half of the section with a large barn on the front portion, and a large flock of brown hens were penned outside the garden gate, towards the Southeast. How we young people loved that home and its surroundings, gladly going on frequent errands for eggs or milk. We entered by the little garden gate in King Street after crossing the lovely crystal clear creek that caused so many heart burnings and trouble in later years with the Borough Council and others. We approached the back door over a smooth stony path to an open porch with [an] iron roof giving protection from sun and rain.

A portion of the creek was diverted to a stony ledge, forming a hollowed bench on the high side of the porch nearest to the mountain. It was surely the most natural and cool entrance to any home. On the bench itself were jars of milk, cream and butter surrounded by the ever flowing crystal clear water which cascaded down and across the stony floor to join the parent stream at the side of the garden. Beds of watercress grew along the way till the stream crossed Whitaker Street on its way to the Waihou River. Near the door was a tin basin, towel and soap. Much higher up and nearer to the native bush deeper pools were inhabited by the native carp or fresh water mountain trout as we named them. As children we were never tempted to catch them but enjoyed sitting quietly watching their speedy movements.

Answering our knock the door was opened and we were invited to enter what was perhaps one of, if not, the cleanest house in Te Aroha. Our hostess was tall and slim with a wealth of honey coloured hair and possessing a flawless fair complexion. She was always gowned in fresh clean floral prints with 9 gared¹ skirts falling to her ankles, and wore a spotless apron. The room itself

¹ As in original; a technical term.

was comfortably furnished. A large basket chair with cushions tied to the back and seat was beside the fireplace, a colonial couch similarly cushioned near the window. A large multi coloured rag mat was spread on the floor in front of the colonial oven which was shining like a piece of black taffeta, as were the iron kettles on the hob.

The plain wooden floor was scrubbed clean and the runners were of opened out flour sacks, bleached till almost as white as the flour they had contained. The table, chairs and the footstool were plain scrubbed wooden ones. There were plenty of books and reading material in the room, which was always cosy and warm in the afternoon sun. We partook of crisp biscuits and the thinnest of oatcakes, made in that shining colonial oven with fire both over and under it. Then we had our choice of a mug of milk or water from the creek (germs being unknown to us in those days). As always we asked to see the garden, to us the most beautiful garden in the world.

Elizabeth Mackie would take up her sun bonnet. Never did we see her out of doors without her French sun bonnet. Those crisply starched double frilled bonnets were the most delightful examples of pink, blue, or lavender head-gear we had ever known. The garden itself was square, with the front of the house sheltering one side, the other three sides being completely surrounded by a fence, (later out of sight beneath the dense covering of creepers, ivy, periwinkles, rambler roses and the loveliest pink ivy geranium). The whole place was quite apart from the outside world, not even the brown hens dared enter there. The garden was laid out in the form of a maltese cross, each of the four side beds containing different flowers, and the small circular centre old fashioned pinks. The diagonal paths were swept clean and smooth, not a weed to be seen.

In memory it is so easy to relive the scene: the scents of herbs such as rosemary and lavender permeate the air. Somehow this is Elizabeth Mackie's special domain and perhaps a tangible reminder of her birth-place. As we walk she tells us of France, Scotland and other lands. We look up and see the weather vane high up on the square roof pitched to a centre point, against the lovely ever changing background of the Te Aroha mountain. How peaceful it all is with only the sound of the creek, the birds of the native bush and the hums of the busy bees to break the silence.

We remember that this house was the home to 3 stalwart sons and two daughters and their children. Today they have gone their separate ways, and Robert Mackie no longer goes forth daily to his business, a typical well dressed but very reserved Scottish gentleman. And so we take leave of Elizabeth Mackie and her lovely garden. But we, in 1973, great grandmothers ourselves have only to close our eyes to memorise the wonderful

gentlewoman who used and took such good care of the Colonial Oven now housed in the Waihi Historical Museum.

A romantic recollection, to which was added a footnote about the younger daughter, also Elizabeth, and her offspring; the elder daughter's name was not mentioned.² As might be expected, some of the details were incorrect: for instance, John Wood opened the first butcher's shop at Te Aroha before the goldfield,³ though no doubt Mackie claimed the honour for himself.

At Te Aroha there were 'three Mesdames Mackie', whose 'names were differently spelt but pronounced the same and all three were well known and respected personalities'. To distinguish them, one was known as 'Mrs Bill' or 'Scotch Mackie', Elizabeth, known as 'Lady Mackie', and 'Nurse' Mackay, 'famous for her camp oven'.⁴ In the same month that 'Jane Heather' published her account of Elizabeth Mackie and her camp oven, she wrote an article in the *Te Aroha News* headlined 'Old Camp Oven Revives Many Fond Memories'. It had belonged to 'Nurse' Mackay, born in Norfolk Island but living in Te Aroha from 1912 onwards.⁵ As cooking by camp oven had been common, 'Jane Heather' had not muddled the two women in her recollections.

In contrast to 'Jane Heather's' brief reference to the 'typical well dressed but very reserved Scottish gentleman' who was her husband, Elizabeth's 1924 will, after listing bequests to all her children apart from her elder daughter included a remarkable, possibly unique, clause: 'I also desire that I be buried in clean and new soil, and not in the same grave as my deceased husband the late Robert Mackie'.⁶ Her family did as she requested.⁷ Why, nearly 14 years after his death, could she not bear the thought of being buried with her husband of 45 years? It seems that her

² 'Jane Heather', 'Elizabeth Mackie and her Colonial Oven – Te Aroha 1906', *Ohinemuri Regional History Journal*, no. 17 (June 1973), pp. 14-15.

³ See *Thames Advertiser*, 15 November 1880, p. 3, 30 November 1880, p. 3, 2 December 1880, p. 3; Te Aroha Correspondent, *Waikato Times*, 11 November 1880, p. 2.

⁴ *Te Aroha News*, 6 June 1973, p. 9.

⁵ 'Jane Heather', 'Old Camp Oven Revives Many Fond Memories', *Te Aroha News*, 6 June 1973, p. 9.

⁶ Hamilton Probates, BCDG 4420/2596, ANZ-A.

⁷ Gravestone of Elizabeth Mackie, Area A, Row 1, No. 9, Te Aroha Cemetery, no. 055, Cemetery Records, microfiche.

view of him may have been shared by at least two of her children. In his 1938 will, their unmarried son George left all his estate to a brother whom he asked ‘to cause a suitable headstone to be erected over the grave of my late mother in the Te Aroha Cemetery’. It recorded that she was ‘widow of late Robert Mackie’.⁸ When Mackie had been buried in 1910 with a grandson, the child of his elder daughter, his name was added to the headstone, but whereas his daughter had inscribed ‘in loving memory’ for her son, she merely added ‘R.S. Mackie’ and his date of death.⁹

BEFORE TE AROHA

Elizabeth Dall was born at Dunkirk, in France.¹⁰ According to her death certificate, her father was Thomas, a farmer; her mother’s first name was Annie but Elizabeth’s children did not know her surname.¹¹ According to an obituary, her father managed a canvas manufacturing company, which sold canvas for naval sails. After an uprising in France, the family returned to her father’s native city of Arbroath, Forfarshire, Scotland, until leaving in 1852 to settle in Dunedin. She married Robert Spark Mackie when she was 19.¹²

Although ‘Jane Heather’ gave Robert Mackie’s year of birth as 1835, in 1890 Mackie stated that he was born in 1833, an age confirmed by his death certificate.¹³ According to his evidence given when he sought an old age pension in 1902, he was born in October 1834, in Kilcairnshire, a non-existent Scottish shire: he meant Kincardineshire.¹⁴ His father, John, was a farmer, and his mother was Jane, née Edwards. Leaving Scotland for New Zealand in 1860, Mackie married Elizabeth in 1865 when he was 32, about

⁸ Will of Portland George Alexander Mackie, 11 March 1938, Hamilton Probates, BCDG 4420/9463, ANZ-A.

⁹ Gravestone of Arthur Edward Ewen Simpson and R.S. Mackie, Area A, Row 5, No. 9, Te Aroha Cemetery, no. 055, Cemetery Records, Microfische.

¹⁰ *Te Aroha News*, 28 August 1929, p. 1.

¹¹ Death Certificate of Elizabeth Mackie, 19 August 1929, 1929/6279, BDM.

¹²

¹³ *New Zealand Police Gazette*, 23 April 1890, p. 85; Death Certificate of Robert Spark Mackie, 7 December 1910, 1910/6465, BDM.

¹⁴ Te Aroha Magistrate’s Court, Old-Age Pension Claim Register 1899-1909, no. 48, BBAV 11503/1a, ANZ-A.

13 years her senior.¹⁵ In 1890 he was recorded as being five feet ten and a quarter inches tall, with grey hair, brown eyes, a large mouth and nose, and a scar on the right side of his chest.¹⁶ In 1904, when aged 72, his height was recorded as six feet, his build was thin, his complexion sandy, and his hair, naturally, was still grey.¹⁷

In 1868, his younger brother John died intestate. A member of the Second Waikato Regiment,¹⁸ he became a military settler in Alexandra West, later Pirongia, and left two allotments of an acre each in this settlement along with 50 acres in the Mangapiko Block. In 1871, this land was transferred to Mackie for £90.¹⁹ The previous year, another allotment in Alexandra West was sold to him for £6.²⁰ Some or all of the land was mortgaged to a Manawatu solicitor, whom Mackie owed £134 18s 8d in August 1880.²¹ Three months later, Mackie wished to sell this land because he 'had no Prospect of releasing the mortgage'.²² He failed to sell all of it, for in 1882 he retained property in Alexandra valued at £14.²³

According to his 1905 statement, Mackie was 'a farmer from my youth up and had had any amount of colonial experience' as one.²⁴ According to an

¹⁵ Notices of Intentions to Marry 1865, folio 471, no. 416, Births Deaths and Marriages, BDM 20/10, ANZ-W; Marriage Certificate of Robert Mackie and Elizabeth Dall, 5 September 1865, 1865/9370; Death Certificate of Robert Spark Mackie, 7 December 1910, 1910/6465, BDM.

¹⁶ *New Zealand Police Gazette*, 23 April 1890, p. 85.

¹⁷ New Zealand Constabulary, Report of Charges taken at Te Aroha Lock-up 1903-1917, 6/1904, BADB 11355/1a, ANZ-A.

¹⁸ See Acquittance Sheets for 2nd Regiment, Quarter ending 30 September 1867, Colonial Defence Office, AAAE 15167/1a, ANZ-A.

¹⁹ Waikato Immigrants, Register of Crown Grants 1865-1882, folio 240, entry for 2 April 1867, folio 252, entry for 20 May 1871, Lands and Survey Department, BAAZ 1175/2, ANZ-A; Hesketh and Richmond Papers, box 82, 85/M, Auckland Public Library.

²⁰ Hesketh and Richmond Papers, box 82, 86/M, Auckland Public Library.

²¹ Eliot Warburton, Statement of Account, 31 August 1880, Hesketh and Richmond Papers, box 82, 85/M, Auckland Public Library.

²² R.S. Mackie to Hesketh and Richmond, 2 June 1881, Hesketh and Richmond Papers, box 82, 85/M, Auckland Public Library.

²³ *A Return of the Freeholders of New Zealand...* (Wellington, 1884), p. Mc 44.

²⁴ Evidence of Robert Mackie, 'Crown Lands: Report of the Royal Commission on Land-Tenure, Land-Settlement, and other matters affecting the Crown Lands of the Colony', *AJHR*, 1905, C-4, p. 1046.

obituary, he was one of the earliest participants in the Otago gold rushes.²⁵ His eldest child, a daughter, Christian Robertson, was born at Kaihiku, inland from Balclutha, in Otago, in 1868.²⁶ His second child, Edward Morrison, was born there in the following year.²⁷ In May 1870 he was farming there, and the following year was a ‘settler’ at Balclutha.²⁸ His family then went later Scotland, when they lived for nearly two years at his birthplace, Laurencekirk in Kincardineshire, where their second son was born. On their return voyage to Wellington, an unspecified ‘fever’ killed 19 passengers, including this child.²⁹ Once back in New Zealand he became a butcher in Palmerston North,³⁰ where three children were born: Portland George Alexander (known as George),³¹ early in 1875, Elizabeth Emma Martha, two years later, and Robert Thomas Bruce, in 1879.³² According to a firm seeking payment of money owing, Mackie then left Palmerston North ‘suddenly leaving his wife behind to collect his book debts but not paying any liabilities due by him of which ours was one of very long standing’. When the bailiff seized some of his property under a distress warrant, Mackie abused him for this action.³³

According to his obituaries, he was present at the opening of the Te Aroha goldfield,³⁴ but there was no contemporary confirmation of this, no miner’s right being issued or any interests in claims registered then, but he

²⁵ *Auckland Weekly News*, 15 December 1910, p. 23.

²⁶ Birth Certificate of Christian Robertson Mackie, 1868/34834, BDM; Barry Bradley and Terralink New Zealand Ltd, *The Penguin New Zealand Atlas* (Auckland, 1999), maps 118, 119.

²⁷ Birth Certificate of Edward Morrison Mackie, 1869/36487, BDM.

²⁸ Hesketh and Richmond Papers, box 82, 86/M, Auckland Public Library.

²⁹ *Te Aroha News*, 28 August 1929, p. 1; Death Notice of Elizabeth Mackie, *New Zealand Herald*, 21 August 1929, p. 1; Death Certificates of Robert Spark Mackie, 7 December 1910, 1910/6465; Christina Bougen, 4 February 1938, 1938/15914, BDM.

³⁰ *Auckland Weekly News*, 15 December 1910, p. 23; *Te Aroha News*, 28 August 1929, p. 1.

³¹ *Te Aroha News*, 12 February 1910, p. 2.

³² Birth Certificates of Portland George Alexander Mackie, 1875/5774; Elizabeth Emma Martha Mackie, 1877/15549; Robert Thomas Bruce Mackie, 1879/15651, BDM.

³³ Richter, Nannestad and Company to Harry Kenrick, 26 July 1882, Te Aroha Warden’s Court, General Correspondence 1882, BBAV 11584/1c, ANZ-A.

³⁴ *Te Aroha News*, 10 December 1910, p. 2; *Auckland Weekly News*, 15 December 1910, p. 23.

did acquire town sections there early in 1881.³⁵ Before then, he had worked in the Waikato briefly, in 1882 being a butcher in Cambridge.³⁶ His youngest son, John William Graves, would be born in Te Aroha in March 1882.³⁷

INVOLVEMENT IN MINING IN THE TE AROHA DISTRICT

In September 1882, Mackie became one of the five owners of the Britannia, close to Te Aroha township; ten months later, it was recorded as abandoned.³⁸ On 21 June 1883, he was registered as an owner of two Waiorongomai claims, the Last Chance and Prince Imperial, selling his interests on 11 August for £10 10s.³⁹ At the end of July, he purchased a half-share in the May Queen for £10, his interest being converted into 500 scrip shares in the company of that name four months later.⁴⁰ In February 1884 he was warned that these shares would be forfeited if a call remained unpaid.⁴¹ In 1886 or 1887, the Thames School of Mines assayed one sample he sent from Waiorongomai and one from Stoney Creek. The first had good values, but when the latter was tested ‘Crucible broke in furnace – 92 grains of lead left in the crucible gave a button of bullion too small to weigh – not of much account’.⁴² His only other involvement in mining was in 1886, when he tendered to be manager of the tramway,⁴³ unsuccessfully, for he

³⁵ See Te Aroha Warden’s Court, Register of Applications 1880-1882, folios 41-42, 59-60, 91-92, BBAV 11505/3a, ANZ-A; Te Aroha Magistrate’s Court, *Waikato Times*, 9 April 1881, p. 2; *Thames Advertiser*, 19 December 1881, p. 3.

³⁶ *Te Aroha News*, 10 December 1910, p. 2; *A Return of the Freeholders of New Zealand ...*, p. Mc 44.

³⁷ Birth Certificate of John William Graves Mackie, 5 March 1882, 1882/5950, BDM.

³⁸ Te Aroha Warden’s Court, Register of Te Aroha Claims 1880-1888, folio 28, BBAV 11567/1a, ANZ-A [recorded as Mackay].

³⁹ Te Aroha Warden’s Court, Register of Te Aroha Claims 1880-1888, folios 286, 287, BBAV 11567/1a; Transfers and Assignments 1883, no. 359, BBAV 11581/4a, ANZ-A.

⁴⁰ Te Aroha Warden’s Court, Register of Licensed Holdings 1881-1887, folio 28, BBAV 11500/9a; Transfers and Assignments 1883, no. 319, BBAV 11581/4a, ANZ-A; *New Zealand Gazette*, 29 November 1883, p. 1704.

⁴¹ Public Notice, *Te Aroha News*, 23 February 1884, p. 7.

⁴² Thames School of Mines, Assay Book 1886-1887, undated entries for samples sent by ‘Mr McKay Waiorongomai’ and ‘Mr Mackie’, School of Mines Archives, Thames.

⁴³ *Te Aroha News*, 21 August 1886, p. 2.

lacked the appropriate experience. His investments in mostly unprofitable mines cannot have brought him much profit apart from selling some shares.

INVOLVEMENT IN THE COMMUNITY

Although not one of the most important members of the community, Mackie was active in public life. In 1882 he obtained only eight votes when standing for the Waitoa licensing committee,⁴⁴ and later that year acquiring ten shares in the Te Aroha Public Hall and Reading Room Company.⁴⁵ In February 1884, he was elected to the committee of the new public library.⁴⁶

In July 1885, at a public meeting he moved that residents should petition for the freehold, and was elected a member of the Improvement Committee.⁴⁷ He was re-elected the following year.⁴⁸ He continued to be concerned with tenure, at another meeting in 1888 seconding a motion to ask the government whether leases in perpetuity could be granted.⁴⁹ In 1898, he moved that the town board urge the government to extinguish the Maori title to Morgantown.⁵⁰

In 1886, describing himself as ‘one of the Earliest settlers’, Mackie sent a telegram to the Minister of Lands opposing a decision to let a bootmaker place advertisements in the hot springs bath houses. ‘Think action domain board extraordinary trust you will without fail keep bathhouses from being utilized for advertising’.⁵¹ When the town board was formed in 1887, he seconded the nominations of three candidates.⁵² The following year, when a meeting discussed forming a borough, he was elected chairman ‘and opened proceedings by stating he was quite taken by surprise when asked to take the chair’.⁵³ He signed the petition seeking a borough.⁵⁴ In 1889, he

⁴⁴ *Waikato Times*, 4 March 1882, p. 3.

⁴⁵ Company Files, BADZ 5181, box 41 no. 259, ANZ-A.

⁴⁶ *Te Aroha News*, 2 February 1884, p. 7.

⁴⁷ *Te Aroha News*, 18 July 1885, p. 2.

⁴⁸ *Te Aroha News*, 15 May 1886, p. 2.

⁴⁹ *Te Aroha News*, 5 September 1888, p. 2.

⁵⁰ *Waikato Argus*, 19 March 1898, p. 2.

⁵¹ R.S. Mackie to Minister of Lands, 9 October 1886 (telegram), Tourist Department, TO 1, 1891/198, ANZ-W.

⁵² *Waikato Times*, 22 February 1887, p. 2.

⁵³ *Te Aroha News*, 7 July 1888, p. 2.

⁵⁴ *Te Aroha News*, 23 October 1889, p. 2.

complained about the bad state of the road near his home, and asked for the footpath to be extended.⁵⁵ Seven years later, he was the fourth of the five men elected to the town board, receiving 68 votes; the highest vote was 81.⁵⁶ Because of being on this body, he also became a member of the domain board.⁵⁷ How he performed on both boards is not known because of the loss of the local newspaper; he was not a member of the borough council, formed in 1898. The previous year, he was on the committee of the medical association, which was trying to obtain a doctor for Te Aroha.⁵⁸

According to his obituary, he ‘always took a great interest in educational matters’,⁵⁹ and his longest membership of a local body was the school committee. He was elected to the first one,⁶⁰ and was re-elected until the early twentieth century, with some gaps.⁶¹ He was never the most popular candidate, for instance in 1888 receiving 13 votes compared with the highest vote of 43.⁶² In 1883, he moved that the committee reconsider its decision to allow the use of the school by a clergyman for Bible classes.⁶³ Two years later, he successfully moved that attendance be made compulsory.⁶⁴ Ironically, in July 1886 it was noted that his son George had only been to school 18 times in the past half-year, and two years later, when George was absent for 47 out of 60 attendances, the committee asked him to explain.⁶⁵

For a time, Mackie was a leading Presbyterian. When a meeting was held in 1889 to revive this church, he said that, ‘some seven years ago’, he had been chairman of the committee which had, ‘without any difficulty whatever, found every penny’ required to pay for a clergyman. ‘The country

⁵⁵ Town Board, *Te Aroha News*, 14 August 1889, p. 2.

⁵⁶ *Thames Advertiser*, 19 September 1896, p. 2.

⁵⁷ *Waikato Argus*, 8 May 1897, p. 2.

⁵⁸ *Thames Advertiser*, 17 May 1897, p. 3.

⁵⁹ *Te Aroha News*, 10 December 1910, p. 2.

⁶⁰ *Thames Advertiser*, 19 December 1881, p. 3; *Waikato Times*, 28 January 1882, p. 3.

⁶¹ *Te Aroha News*, 9 June 1883, p. 3, 2 February 1884, p. 7, 31 January 1885, p. 2, 1 May 1886, p. 2, 6 November 1886, p. 2, 30 April 1887, p. 2, 25 April 1888, p. 2, 27 April 1889, p. 2, 24 April 1895, p. 2, 26 April 1898, p. 2; *Auckland Weekly News*, 2 May 1896, p. 10, 8 May 1902, p. 41 *Waikato Argus*, 13 May 1897, p. 2.

⁶² *Te Aroha News*, 25 April 1888, p. 2.

⁶³ *Te Aroha News*, 8 September 1883, p. 2.

⁶⁴ *Te Aroha News*, 14 February 1885, p. 7.

⁶⁵ *Te Aroha News*, 10 July 1886, p. 2, School Committee, 8 August 1888, p. 2.

was far more settled now than was the case at that time, and he did not see but what they were in even a better position now to support a minister'. He 'was certainly very much surprised' that an Anglican had written in a 'narrow minded strain' opposing the restoration of Presbyterian services 'and interfering in the matter'. When Peter Ferguson⁶⁶ agreed with Mackie and called for Presbyterians to combine to support their minister, Mackie interjected approvingly and said they should give the critic an 'ocular demonstration that he made a mistake'. He was unanimously elected to the church committee.⁶⁷

Mackie had an opinion about almost everything. In 1889, he questioned a parliamentarian about a fair rent bill, which had been defeated in the Legislative Council, and asked: 'Would it not be great retrenchment, and would not the country be better off if the Upper House was done away with?'⁶⁸ Despite this apparent radicalism, by 1905 he was an opponent of the Liberal Party. In that year he wrote that the railway station was deliberately constructed in the wrong place 'so that the Native owners might get a good fat cheque for the land, as if their claim had right to be supreme'.⁶⁹

In one of his last recorded opinions, in 1903 he suggested that a fisherman in the King Country, who was struggling to make a living, should contact him. 'I will show him where fish are to be got in abundance, and also how they can be conveyed to a part of the country where they can be sold to advantage, there being no opposition, while the population is increasing fast'.⁷⁰ Was he referring to Te Aroha?

BUTCHER

Mackie described himself as 'a butcher by trade' and considered himself to be an expert, for example writing to the Auckland press in 1903 explaining the correct way to scald a pig.⁷¹ Although living for a time in Te Aroha in mid-1881, his shop was not erected until the following April, at a

⁶⁶ See paper on Peter Ferguson and his New Era.

⁶⁷ *Te Aroha News*, 3 July 1889, p. 2.

⁶⁸ *Te Aroha News*, 12 June 1889, p. 7.

⁶⁹ Letter from R.S. Mackie, *Te Aroha News*, 21 September 1905, p. 2.

⁷⁰ 'To Correspondents', *Auckland Weekly News*, 26 March 1903, p. 26.

⁷¹ *Te Aroha News*, 6 November 1889, p. 2; 'To Correspondents', *Auckland Weekly News*, 11 June 1903, p. 41.

cost of about £250.⁷² He erected a slaughterhouse on sections 1 and 2 of Block 32.⁷³ At the beginning of June 1883, he advertised that he was now running his Te Aroha Butchery in the name of R. Mackie and Company.⁷⁴ In addition to selling meat, he purchased hides, tallow, and skins, along with ‘Sage, Thyme, and other Herbs, etc, for seasoning’.⁷⁵ At the end of August, he sued James Soppett, a Waiorongomai storekeeper,⁷⁶ for £100: £80 was for preventing him becoming a butcher at Waiorongomai ‘through detention of tools, £80’, and their value, £20. ‘The case lasted several hours, but contained no item whatever of the slightest public interest,’ in the view of the *Te Aroha News*, which proceeded to provide details. Mackie had managed a butchery for Thomas William Carr,⁷⁷ but Carr went bankrupt in March 1883 owing Mackie £291, or so he claimed.⁷⁸ Mackie then ‘purchased the tools and appurtenances of Carr’s ‘business at Waiorongomai, being under the impression that he had also bought the little shop in which the trade was carried on. This was on skids so as to be easily removable’. In May, when Soppett bought the house and section, thinking ‘he had bought the place and contents’ he let it and contents to another butcher. Mackie then ‘demanded the tools, but agreed to lend them for a few days, but not getting them broke open the shop and took all away but a chopping block and pack saddle’. Soppett at first claimed the block was ‘a fixture, but subsequently agreed to give it up, though he had not done so. A pack saddle also had not been given up, but the defendant swore that plaintiff might have it at any time’. Mackie alleged that not having these goods meant he had been unable to open a butchery for six weeks, during which time he had paid another man £2 5s a week ‘for the express purpose of doing so’, as this man confirmed. ‘The case ultimately resolved itself into whether there had been conversion of the block, it being admitted that the pack saddle had been originally lent, and secondly, had there been any refusal or detention that would justify plaintiff in making a demand for special damages’. The

⁷² R.S. Mackie to Hesketh and Richmond, 2 June 1881, Hesketh and Richmond Papers, box 82, 85/M, Auckland Public Library; *Thames Advertiser*, 19 April 1882, p. 3.

⁷³ Te Aroha Borough Council, Rate Book 1908 [no pagination], entry for Sections 1, 2, Block 32, Matamata-Piako District Council Archives, Te Aroha.

⁷⁴ Advertisement, *Te Aroha News*, 9 June 1883, p. 3.

⁷⁵ Advertisements, *Te Aroha News*, 30 June 1883, p. 3, 25 August 1883, p. 3.

⁷⁶ See paper on the temperance movement in the Te Aroha district.

⁷⁷ See paper on his life.

⁷⁸ *Waikato Times*, 17 March 1883, p. 2.

magistrate, Harry Kenrick,⁷⁹ considered that Mackie had not proved his case, and awarded Soppett £5, which was paid only after a distress warrant was issued.⁸⁰

In late March 1884, it was announced that, as Mackie had left the employ of partners John Bealby Smith and Samuel Seddon,⁸¹ the business would now be known as Smith and Seddon's.⁸² At the same time, Smith charged him with 'Stealing and carrying away certain books and documents'.⁸³ Kenrick was informed that, when the partnership between Smith and Seddon had been dissolved in February, Mackie had been engaged to run the shop, but was dismissed on 8 March. 'We allowed him to remain in the shop up to end of the month having half the profits. We had a book-keeper, who received the monies. On Saturday last heard that the books were taken, and that Mackie was supposed to have them'. When they asked for them,

He said he had them, and that it was in consequence of something that appeared in the paper. He refused to give up the books, and said he wanted them to make up the accounts.... We never refused to make up the accounts....

Defendant demanded £250 from me before he would give me the books.

Charge dismissed.⁸⁴

Mackie had made no plea, and Kenrick recorded that the case was 'Dismissed on merits'.⁸⁵ Mackie neither forgot nor forgave being sued, in

⁷⁹ See paper on his life.

⁸⁰ Te Aroha Magistrate's Court, Civil Record Book 1881-1884, 131/1883, BCDG 11221/1a; Home Warrant Book 1883-1928, 14/1883, BBAV 11498/1a, ANZ-A; *Te Aroha News*, Magistrate's Court, 1 September 1883, p. 2, 15 September 1883, p. 2.

⁸¹ See paper on the Waitoa Find: a fraudulent find near Te Aroha.

⁸² *Te Aroha News*, 29 March 1884, p. 7.

⁸³ Te Aroha Magistrate's Court, Criminal Record Book 1881-1896, 37/1884, BCDG 11220/1a, ANZ-A.

⁸⁴ Police Court, *Te Aroha News*, 5 April 1884, p. 2.

⁸⁵ Te Aroha Magistrate's Court, Criminal Record Book 1881-1896, 37/1884, BCDG 11220/1a, ANZ-A.

August 1885 charging Smith and Seddon with failing to keep their slaughterhouse clean, a charge they admitted.⁸⁶

In 1889, Mackie stated that he had ceased being a butcher in 1884.⁸⁷ That had not been his intention at the time, for in September that year he planned to erect a slaughterhouse on his Waiorongomai farm.⁸⁸ In December, he informed the council that he was about to erect a slaughterhouse, 'and wanted to know if Council would grant a license to the same when erected. - No action taken, it being left to applicant to take the usual course in the matter'.⁸⁹ The following February, his application for a license was adjourned because he had not advertised it in advance of the meeting.⁹⁰ Although the license was granted in March,⁹¹ he did not erect it. In 1887, his occupation was still recorded as butcher, and his obituary claimed he was a butcher until about the turn of the century;⁹² but any butchering was for his private use. After he gave notice that he would apply for a license for 'Mackie's Slaughter House' in May 1889,⁹³ residents petitioned the town board, leading to the following exchange:

Com[missioner George] Lipsey: "Surely Mr Mackie does not intend to slaughter in the heart of the township, he can't be in earnest"... Mr Mackie, who was present, was allowed to speak. He said, "I am prepared to pay whatever sums may be fixed"... Com. Lipsey: "It is not a proper place to have the slaughter house." Mr Mackie: "I have been slaughtering all along for my own use.... As the law is, I can't sell a joint. I have been slaughtering for the past few years and had to give away what we did not use."⁹⁴

Despite arguing that 'the old slaughter house' had been 'a nuisance while in the hands of others, but has it ever been a nuisance since it has

⁸⁶ Te Aroha Magistrate's Court, Criminal Record Book 1881-1896, 27/1885, BCDG 11220/1a, ANZ-A; Magistrate's Court, *Te Aroha News*, 22 August 1885, p. 2.

⁸⁷ *Te Aroha News*, 6 November 1889, p. 2.

⁸⁸ *Te Aroha News*, 6 September 1884, p. 7.

⁸⁹ Piako County Council, *Waikato Times*, 27 November 1884, p. 2.

⁹⁰ Piako County Council, *Waikato Times*, 12 February 1885, p. 2.

⁹¹ Piako County Council, *Te Aroha News*, 14 March 1885, p. 2.

⁹² *Tauranga Electoral Roll, 1887*, p. 15; *Te Aroha News*, 10 December 1910, p. 2.

⁹³ *Te Aroha News*, 11 May 1889, p. 7.

⁹⁴ Te Aroha Town Board, *Waikato Times*, 11 June 1889, p. 2.

been under my control?', his application was refused,⁹⁵ prompting a letter to the local newspaper. 'My premises are well situated for the purpose, and while there is no undue risk incurred in driving cattle into them I think it unfair in the extreme that I should be debarred from trying to lessen the misery of the struggle to live, which I have experienced of late years. I ask no favours, only fair play'.⁹⁶ At the end of the board's next meeting,

in reply to a question remarked he had nothing to say, but he expected to have had a lawyer with him to contest the legality of the Board's power to refuse to grant him a slaughter-house license.- Com. Lipsey retorted – "It's no good, Mr Mackie, were you to bring fifty lawyers, we're not going to have a slaughter-house in the middle of the town'.⁹⁷

Three months later, he described himself as 'a butcher at present out of business';⁹⁸ he would remain out of business.

Mackie was on bad terms with almost all the other butchers. In November 1882, one sued him for wages owing, which he calculated as £6 14s 1d; Mackie paid £4 3s 11d into court, which was accepted.⁹⁹ Thomas Tierney, a Waiorongomai butcher,¹⁰⁰ was sued for £34 17s 6d in August 1883; as he and his partner 'had given large credit' to miners and could not meet the debt until the miners were next paid, Mackie was willing to arrange easy payment.¹⁰¹ George William Graves¹⁰² was a Te Aroha butcher who purchased Smith and Seddon's Waiorongomai butchery in 1884 and

⁹⁵ *Te Aroha News*, 15 June 1889, p. 2.

⁹⁶ Letter from R.S. Mackie, *Te Aroha News*, 19 June 1889, p. 7.

⁹⁷ *Waikato Times*, 23 July 1889, p. 2.

⁹⁸ 'Te Aroha', *Waikato Times*, 31 October 1889, p. 2.

⁹⁹ Te Aroha Magistrate's Court, Civil Record Book 1881-1884, 67/1882, BCDG 11221/1a; Plaints 1882, 67/1882, BBAV 11572/1a, ANZ-A.

¹⁰⁰ See *Te Aroha News*, advertisement, 22 September 1883, p. 4, 8 December 1883, p. 3, advertisement, 15 December 1883, p. 8, 15 November 1884, p. 2, 20 December 1884, p. 2; *Waikato Times*, Piako County Council, 18 December 1886, p. 2, 26 October 1886, p. 2.

¹⁰¹ Te Aroha Magistrate's Court, Civil Record Book 1881-1884, 132/1883, BCDG 11221/1a, ANZ-A; Magistrate's Court, *Te Aroha News*, 1 September 1883, p. 2.

¹⁰² See *Te Aroha News*, 27 June 1885, p. 2, 16 January 1886, p. 2, 31 July 1886, p. 3, 10 September 1887, p. 2, 29 October 1887, p. 3, 16 January 1889, p. 2, 30 March 1889, p. 2, 13 April 1889, p. 2; *Waikato Times*, 9 April 1891, p. 2, 4 December 1894, p. 5.

another butcher's premises two months later.¹⁰³ As Mackie had wanted to be the butcher there, he bore him a grudge, and in May 1885 charged Graves with assaulting him in his own home and with 'slaughtering cattle for sale in a place not being an abattoir'. Graves was fined £2 on both counts after he 'pleaded guilty, and that he had received great provocation'.¹⁰⁴

In November, George Manney Burke,¹⁰⁵ who had been bookkeeper for Smith and Seddon before taking over their butchery in August,¹⁰⁶ sought a reduction of damages claimed by Elizabeth Mackie under the Impounding Act for injury done to some small vines by his trespassing horse. As Burke had to pay £2 to retrieve his horse from the pound despite the actual damage being only 5s, the pound keeper was ordered to refund 15s. Burke also accused Mackie of 'using language towards him calculated to provoke a breach of the peace. Defendant admitted having used the language complained of and was fined 20s and costs.¹⁰⁷ The following month, Burke sued him for £4 19s 8d, being 'value of goods detained by you, belonging to G.M. Burke, in building lately occupied as a slaughter-house by Smith and Seddon and lately rented from them by G.M. Burke'. The goods were one bullock hide, 14 sheepskins, a grindstone, 'etc'.¹⁰⁸ After Burke had bought these, Mackie refused to let him remove them from the slaughterhouse, which had been sold. After Mackie told the Kenrick that he did not 'claim Hide or Skins as my own – I sold it for 8/-. Skins are there now', he was ordered to give up the sheepskins, the hide, and half a bag of salt before 4

¹⁰³ See *New Zealand Gazette*, 16 November 1882, p. 1733, 18 October 1883, p. 1518, 29 November 1888, p. 1330; *Te Aroha News*, 28 June 1884, p. 7, 16 August 1884, p. 2; *Mercantile and Bankruptcy Gazette of New Zealand*, 28 February 1885, p. 67; *Thames Advertiser*, 6 September 1887, p. 2.

¹⁰⁴ Te Aroha Magistrate's Court, Criminal Record Book 1881-1896, 22, 23/1885, BCDG 11220/1a, ANZ-A; Te Aroha Correspondent, *Waikato Times*, 28 May 1885, p. 2; Magistrate's Court, *Te Aroha News*, 6 June 1885, p. 2.

¹⁰⁵ See Magistrate's Court, *Te Aroha News*, 5 September 1885, p. 2, 20 March 1886, p. 2, 11 December 1886, p. 2; *Waikato Times*, Piako County Council, 19 December 1885, p. 3, Te Aroha Correspondent, 2 October 1886, p. 2.

¹⁰⁶ *Te Aroha News*, 22 August 1885, p. 2, 29 August 1885, p. 2.

¹⁰⁷ Te Aroha Magistrate's Court, Criminal Record Book 1881-1896, 39, 41/1885, BCDG 11220/1a, ANZ-A; Te Aroha Correspondent, *Waikato Times*, 26 November 1885, p. 3.

¹⁰⁸ Te Aroha Warden's Court, Plaints 1880-1889, 95/1885, BBAV 11572/1a, ANZ-A.

o'clock that afternoon or pay £3 2s.¹⁰⁹ As Mackie charged Burke with using 'threatening and abusive language' to his son Edward, clearly during this quarrel, he was ordered to keep the peace for 12 months.¹¹⁰

On 11 May 1886, John Wood, Te Aroha's first butcher, who had become a farmer as well,¹¹¹ sued Mackie for the value of a dog, which he estimated as £12 10s.¹¹² Wood gave evidence that his sheep dog had disappeared during the night of 2 May, despite being chained up. Two days later, when he saw it at Mackie's, 'I claimed the Dog, he would not give it up – He said some man had given the Dog to his Boy. I had the Dog given to me as a Pup', and could recognize '8 or 9 marks'. Being a good sheep dog, it was worth £10, and he had registered it. 'Dog not given up to me until the summons was issued'. Mackie's letter to him was not received before the summons was issued. The dog had been given to a Mr Knight before being returned about a month before it was taken. In his evidence, Mackie agreed that the dog belonged to Wood, but it had been with Knight, several times running away. When Wood claimed it, 'I thought it was not his'. On 3 May, Wood 'tied it up', and that evening it came to Mackie's house with Mackie's children. 'Wood claimed it on 4th May. I refused to give it up'. After he received the summons, Mackie 'offered to give it up. I sent the Boy with the Dog' to Wood yesterday, along with some money, but it later 'came back with the Boy'. He tied it up at his fence and left money 'on the block last night'. His son Portland (George) then gave evidence: 'I was sent with Pup to Mr Wood yesterday morning I gave him a letter I did not give Mr Wood the money – I took dog away with me. He said he would not take the Dog – I

¹⁰⁹ Notes by Harry Kenrick, 22 December 1885, Te Aroha Magistrate's Court, Register of Applications 1885-1892, folio 13, BBAV 11505/7c; Te Aroha Magistrate's Court, Civil Record Book 1881-1884, 94/1885, BCDG 11221/1a, ANZ-A.

¹¹⁰ Te Aroha Magistrate's Court, Criminal Record Book 1881-1896, 40/1885, BCDG 11220/1a, ANZ-A.

¹¹¹ For his butchery, see Te Aroha Correspondent, *Waikato Times*, 11 November 1880, p. 2, Piako County Council, 27 January 1890, p. 3; *Thames Advertiser*, 15 November 1880, p. 3, 30 November 1880, p. 3, 2 December 1880, p. 3; *Observer*, 'Te Aroha', 13 August 1892, p. 19, 15 May 1897, p. 7; *Ohinemuri Gazette*, 25 January 1896, p. 6. For his farm at Te Aroha West in the 1880s, see *Te Aroha News*, 9 April 1884, p. 2, advertisement, 23 May 1885, p. 7, Magistrate's Court, 6 February 1886, p. 2, advertisement, 3 April 1886, p. 7, 10 April 1886, p. 2, 25 June 1887, p. 2.

¹¹² Te Aroha Magistrate's Court, Civil Record Book 1884-1889, 20/1886, BCDG 11221/1b; Plaintiffs 1886, 20/1886, BBAV 11572/1a, ANZ-A.

tied the Dog up & put the money on the block – Mr Wood away'. Wood was awarded £10, 'to be reduced to 1/- if Dog delivered up within 24 hours', and Mackie was ordered to pay legal costs of £4 17s.¹¹³ On 15 May, Wood obtained a distress warrant to force Mackie to pay £5 3s.¹¹⁴

On 19 May, Mackie wrote a letter that was not published in the Hamilton newspaper until the 27th (the Te Aroha newspaper had ignored this squabble):

The subject of the action (a black collie bitch) came into my possession about the middle of April last, having then been about Te Aroha for some time apparently without any owner and, along with a lot more dogs, had become a great nuisance about the back yard of one of our hotels, from whence one of my boys was asked to take her, which he did, and she was kept by and followed him until the 3rd of May, when Mr John Wood claimed her. Not being satisfied with his statement I went to the registrar and finding that no female dog or the name of Wood appeared in the book I registered and put the collar on her. Mr Wood then summoned me, and in the meantime I learned that she had been sent to him months ago, and because it was a female dog he would not take her, telling the coachman who brought her here to do what he liked with it. I did not think the ownership worth testing, and therefore sent the bitch to him, together with cost of summons, trusting thus to end the matter, but so far from that he went to court, and on oath in the witness-box stated that he had her registered before she came into my possession, whereas the following now appears on the register:- May 4th, P. Mackie, black female cattle dog; May 5th, J. Wood, black female sheep dog, aged one year, the result being as reported by you, upon which I refrain from passing any comment.¹¹⁵

After writing this letter, intended to show that the verdict was incorrect because Wood had lied under oath, Mackie refused to pay him any more money until compelled to. On 25 May, after the bailiff sued Elizabeth Mackie to obtain £5, she put in an interpleader summons against Wood for

¹¹³ Te Aroha Magistrate's Court, Register of Applications 1885-1892, folios 32-34, evidence taken by Harry Kenrick on 11 May 1886, BBAV 11505/7c; Civil Record Book 1884-1889, 20/1886, BCDG 11221/1b, ANZ-A; *Waikato Times*, 13 May 1886, p. 2.

¹¹⁴ Te Aroha Magistrate's Court, Home Warrant Book 1883-1928, 3/1886, BBAV 11498/1a, ANZ-A.

¹¹⁵ Letter from Robert Mackie, *Waikato Times*, 27 May 1886, p. 4.

the same amount.¹¹⁶ The *Te Aroha News* ignored this case, as it had the previous one, presumably considering it too trivial. The bailiff stated that when he took a stack of hay to meet Mackie's debt, his wife 'claimed it'. Elizabeth Mackie gave evidence that the hay was bought by Mackie for her 'a few months ago'; she had paid for it and its cartage and stacking out of her own money, using a promissory note. 'All the Cattle are mine the Hay was to be used for them', although she had sold some of it. Mackie had 'no property – He leased land' from a farmer, William Archibald Murray.¹¹⁷ 'The Crop was purchased standing & I had to cut & stack it'. In his evidence, Mackie deposed that when offered the hay 'I saw it was too big a speculation & wanted to negotiate for half' and 'said I would consult the wife about it'. He did not pay cash, and arranged to pay half when the hay was reaped and the balance 'to remain for a time'. His promissory note was accepted, 'not my Wife's – My wife took no part in this transaction – The Hay was for her'. Kenrick ordered the bailiff to sell the hay 'as the property of the Debt[or]'.¹¹⁸

Two weeks later, the dog was poisoned, and Wood offered a reward to discover the identity of the person responsible.¹¹⁹ Whilst it cannot be assumed that Mackie was responsible, Wood may very well have believed he was; the culprit was never identified.

ACQUIRING LAND IN TE AROHA TOWNSHIP

In 1902, after Mackie objected to three members of another family being granted residence sites of an acre each, one of them withdrew his application and the warden granted the other two.¹²⁰ The land that was withdrawn would have blocked a track to the bush that he had used for 20 years, and Mackie's elder daughter, a washerwoman, used the area to dry

¹¹⁶ Te Aroha Magistrate's Court, Civil Record Book 1884-1889, Interpleader Summons heard 25 May 1886, BCDG 11221/1b, ANZ-A.

¹¹⁷ See paper on his life.

¹¹⁸ Te Aroha Magistrate's Court, Register of Applications 1885-1892, folios 39-50, notes of evidence taken by Harry Kenrick on 25 May 1886, BBAV 11505/7c, ANZ-A.

¹¹⁹ *Waikato Times*, 19 June 1886, p. 3.

¹²⁰ Te Aroha Warden's Court, Register of Applications 1899-1905, Hearings of 24 February 1902, 24 March 1902, BBAV 11505/4b, ANZ-A.

clothes and his wife used it as a fowl run.¹²¹ Mackie's plaint was ironic, considering that he had accumulated several sections for himself on the southern edge of the town, between King and Whitaker streets and adjoining Princess Street,¹²² using the names of his wife and some of his children as dummies.

(Using family members as dummies to enable a man to obtain several sections was sometimes permitted, despite being against the regulations. In 1900, the wife of a long-time resident, storekeeper Robert Harris,¹²³ was sued for forfeiture of a partly fenced residence site used as a potato patch. Despite the requirement that all residence sites were to be occupied only for houses, he had owned it since 1896 without occupying it. After Harris claimed 'it was intended for a place of business for his daughter, who at that time was under age, and could not have the section in her own name', he was forced to admit that she 'already possessed a business and a residence site'. He noted that 'this was the first test case of the sort, and there were some 125 sections similarly affected', and 'thought it was only right' that he and his wife 'should make provision' for their children. The plaintiff's case was that obtaining land to build 'was practically prohibited by the prices asked by holders of sections'. The magistrate, in forfeiting the site because the conditions had not been met, noted that anyone over 14 who held a miner's right could take up a residence site. 'He would not grant another site to anyone who was already the holder of one, and was against allowing a husband to hold one site while the wife held another, unless they were each prepared to reside on their own sections'.)¹²⁴

Mackie's applications for two business sites, made on 15 December 1880, lapsed.¹²⁵ One month later, he applied for a residence site on the southern side of the slaughter yard in Morgan's Block, on the edge of the

¹²¹ Te Aroha Warden's Court, Plaint by R.S. Mackie, 10 February 1902, Applications 1902, BBAV 11289/17a; Register of Applications 1899-1905, Hearings of 24 February 1902, 24 March 1902, BBAV 11505/4b, ANZ-A.

¹²² 'Plan of Goldfield Township of Te Aroha', n.d. [1890s], DOSLI, Hamilton; 'Heather', 'Elizabeth Mackie and her Colonial Oven', p. 14; *Te Aroha News*, 20 September 1979, p. 5.

¹²³ See *Descriptive Handbook to the Waikato* (Hamilton, 1880), p. 30; *Te Aroha News*, 7 February 1885, p. 2, 10 March 1888, p. 2, 31 July 1909, p. 2.

¹²⁴ Magistrate's Court, *Te Aroha News*. 8 February 1900, p. 2.

¹²⁵ Te Aroha Warden's Court, Register of Applications 1880-1882, folios 41-42, nos. 117, 118, BBAV 11505/3a, ANZ-A.

township; it was granted in his wife's name in April 1882.¹²⁶ Sections 2, 3, 4, 6, 7 and 8 of Block 32, each of one rood and each valued at £20 in 1886, formed a small dairy farm run by his wife; it was between King and Whitaker Streets and in the middle of the block bounded by Burke and Princess Streets.¹²⁷ In April 1882, section 3 was granted to a daughter, section 4 to a son, and section 8 to his wife.¹²⁸ Upon the latter section, at the top left hand corner of their land, a six-roomed house was erected; it was always held in Elizabeth's name.¹²⁹ In September 1882, Mackie applied on behalf of his youngest son for section 7, which was granted the following month; in 1903 it was transferred into his wife's name.¹³⁰ Section 6 was applied for in the name of his daughter Elizabeth on the same date in September and then transferred to his wife, also on the same date.¹³¹ She retained possession of sections 6 to 8 for the rest of her life.¹³²

Section 2 of the same block was granted to Mackie in April 1883.¹³³ He was lax in paying the rent on time, being £2 in arrears in December 1887; in the following September he was ordered to pay arrears of £1.¹³⁴ By failing to pay the rent, it was forfeited in July 1890, but three months later it was

¹²⁶ Te Aroha Warden's Court, Register of Applications 1880-1882, folios 59-60, no. 6, folios 91-92, no. 1, BBAV 11505/3a, ANZ-A.

¹²⁷ *Te Aroha News*, 24 April 1886, p. 2; Paeroa Warden's Court, Register of Te Aroha Mining Privileges 1899-1913, folios 103-104, ZAAP 11500/10a, ANZ-A; 'Plan of the Goldfields Township of Te Aroha', n.d. [1890s], DOSLI, Hamilton.

¹²⁸ Te Aroha Warden's Court, Gold Revenue Licenses 1882-1929, folios 11, 18, BBAV 11495/1a, ANZ-A.

¹²⁹ Te Aroha Borough Council, Rate Book 1888 [no pagination], Section 8 Block 32; Rate Book 1906-1907 [no pagination], Sections 2, 8, Block 32, Matamata-Piako District Council Archives, Te Aroha.

¹³⁰ Te Aroha Warden's Court, Register of Applications 1880-1882, folio 216, no. 319, BBAV 11505/3a; Gold Revenue Licenses 1882-1929, folio 149, BBAV 11495/1a; Register of Mining Privileges 1894-1910, folios 116-117, BBAV 11500/2a, ANZ-A.

¹³¹ Te Aroha Warden's Court, Register of Applications 1880-1882, folio 217, no. 320, BBAV 11505/3a; Gold Revenue Licenses 1882-1929, folio 148, BBAV 11495/1a; Register of Mining Privileges 1894-1910, folios 116-117, BBAV 11500/2a, ANZ-A.

¹³² Te Aroha Warden's Court, Gold Revenue Licenses 1882-1929, folio 138, BBAV 11495/1a, ANZ-A.

¹³³ Te Aroha Warden's Court, Rent Ledger 1881-1900, folio 68, BBAV 11501/1a, ANZ-A.

¹³⁴ Te Aroha Warden's Court, Plaintiff Book 1880-1898, 13/1887, 20/1888, BBAV 11547/1a, ANZ-A.

granted to his wife.¹³⁵ In the early twentieth century, their elder daughter owned sections 5 and 21, the latter having first been obtained in the name of their 16-year-old granddaughter.¹³⁶

Mackie's son George was registered as the owner of Section 10 of Block 31, on the corner of Burke and King Streets, in April 1882.¹³⁷ Two years later, it was sold to a speculator, but bought back from him in 1897. When the rent was not paid in 1898, the warden's clerk noted that Mackie would pay, which he did, late.¹³⁸ George was registered as the owner again in May 1903.¹³⁹ Also in 1898, both Mackie and Henry Foulke Gotz, a journalist,¹⁴⁰ applied for Section 1 of Block 32. The warden, Robert Smelt Bush,¹⁴¹ was reluctant to grant it to Mackie because his wife and family already held several sections.¹⁴² At the adjourned hearing, Gotz's lawyer 'explained that this site had been in occupation by Mr Mackie for 12 years without any rent having been paid for it, and had been used for a business site during that time'. Gotz claimed his 'was a bona fide application, that it was not for speculation, that there were no partners with him, and that he intended to build a residence for himself'. The Mackie family held six sections in this block but had only erected one house, in which they lived, 'the balance of the land being used for garden, orchard, etc'. As this section was half an acre whereas the others were quarter-acres, Mackie was willing to let Gotz have the front half if he could retain the back half, where their cowsheds

¹³⁵ Te Aroha Warden's Court, Letterbook 1883-1900, p. 293, BBAV 11534/1a; Gold Revenue Licenses 1881-1929, folio 105, BBAV 11495/1a, ANZ-A.

¹³⁶ Te Aroha Borough Council, Rate Book 1906-1907 [no pagination], Sections 5, 21, Block 32, Matamata-Piako District Council Archives, Te Aroha; Sale of Section 21 Block 32, 7 November 1904, Applications for Business and Residence Sites 1904, BBAV 11591/1b, ANZ-A.

¹³⁷ Te Aroha Warden's Court, Gold Revenue Licences 1881-1929, folio 21, BBAV 11495/1a, ANZ-A; 'Plan of Goldfield Township of Te Aroha', n.d. [early twentieth century], DOSLI, Hamilton.

¹³⁸ Te Aroha Warden's Court, Rent Ledger 1881-1899, folio 97, BBAV 11501/1a, ANZ-A.

¹³⁹ Te Aroha Warden's Court, Gold Revenue Licenses 1881-1929, folio 136, BBAV 11495/1a, ANZ-A.

¹⁴⁰ See *Thames Advertiser*, 28 August 1896, p. 2, 20 June 1899, p. 2; *Ohinemuri Gazette*, 8 May 1897, p. 4, 4 October 1899, p. 2; *Auckland Weekly News*, 6 April 1900, p. 15.

¹⁴¹ See *Auckland Weekly News*, 12 August 1893, p. 30; *Observer*, 5 October 1895, p. 5, 21 March 1908, p. 5.

¹⁴² Warden's Court, *Te Aroha News*, 12 March 1898, p. 2.

were built. George's application 'was made practically on his mother's account, as it was necessary that she should have that ground for the proper conduct of her business as a dairy farmer. If deprived of the ground she would be practically ruined'. Having paid rent only once, in April 1888, Mackie now offered to pay the arrears.

Bush 'expressed himself very strongly against the practice of people holding more than one residence site, a practice which he intended to put a stop to, and he certainly would not grant half an acre to anyone for a residence site, except the situation was on the side of a hill, or where no one else was likely to go'. He rejected the argument 'that all this ground was necessary for the carrying on of the business. If a business was being carried on then a business license should be taken out. In any case people who wanted to carry on a dairy farm should go outside the town, where there is room'. The same ruling applied to two sections applied for by two of Mackie's sons. Bush adjourned the case to 'view the ground in question'.¹⁴³ Mackie was not granted this section, and Gotz was granted section 8, not section 1; in 1903, after he left Te Aroha it was acquired by Elizabeth.¹⁴⁴ In July 1898, Mackie's application for section 9 as a residence site was refused because his family held several sections already.¹⁴⁵

When, in October 1886, Mackie asked that 'a road to his property be improved', the county council decided to take no action. One councillor raised a laugh by suggesting 'that they might be able to do the work with some of the fines',¹⁴⁶ a reference to the conflict over Clarke's drain, explained below. In September 1898, Mackie wrote to the borough council about his land. 'As the section through which I have always had access to my House is about to be enclosed and my Road stopped: thus cutting me off from the Main-Road. I hereby humbly ask that you do something to give me an entrance'.¹⁴⁷ As no more was heard of his concern, clearly it was met.

FARMING ON THE EDGE OF TE AROHA

¹⁴³ Warden's Court, *Te Aroha News*, 2 April 1898, p. 2.

¹⁴⁴ Warden's Court, *Te Aroha News*, 14 May 1898, p. 2; Te Aroha Warden's Court, Gold Revenue Licenses 1881-1929, folio 138, BBAV 11495/1a, ANZ-A.

¹⁴⁵ Magistrate's Court, *Te Aroha News*, 16 July 1898, p. 2.

¹⁴⁶ Piako County Council, *Te Aroha News*, 2 October 1886, p. 2.

¹⁴⁷ R.S. Mackie to Te Aroha Borough Council, 20 September 1898, Te Aroha Borough Council Correspondence 1898, Matamata-Piako District Council Archives, Te Aroha.

As 'Jane Heather' mentioned, for many years the family milked a small herd of cows, never less than four and once as many as 23.¹⁴⁸ In June 1890 Mackie attended a meeting to discuss establishing a creamery for the Waihou district,¹⁴⁹ and his occupation was recorded as 'dairy' in 1893 and 1894.¹⁵⁰

In March 1886, Mackie wanted fences and other obstructions on Stafford and Rewi Streets removed; the former was a paper road close to the river, and neither had been formed. It was decided to take no action, 'several councillors' commenting 'that if a public road were fenced across, any one was at perfect liberty to break it down and go through'.¹⁵¹ In June, he asked that fences, erected by James Clarke (whose involvement with his family is recorded later), obstructing the road to the riverbank be removed. 'It appears from statements made, that Clarke has fenced in and planted with fruit trees, etc, the land intended for street purposes, adjoining his sections. It was decided this sort of thing could not be allowed, and the fences should be removed'.¹⁵² The following month, Francis Pavitt, the council's engineer,¹⁵³ provided details about fences obstructing the road to the river, causing 'several complaints'. The land fenced 'was all swamp, and not likely to be used for some time; but as neighbours objected to the fencing', it should be removed and replaced by gates. Accordingly, Clarke was instructed to remove the fences on these two streets.¹⁵⁴ In August, when told that Clarke's fence had not been removed, the council took no action.¹⁵⁵

In February 1888, Mackie wrote to the town board about these obstructions. 'I hereby very respectfully request you get all fences, etc, removed from Stafford and Rewi streets, as they are a source of great inconvenience and loss to me (and doubtless to others); principally through

¹⁴⁸ 'Heather', 'Elizabeth Mackie and her Colonial Oven', p. 14; Te Aroha Magistrate's Court, *Te Aroha News*, 2 March 1889, p. 2; Paeroa Warden's Court, Register of Mining Privileges, Te Aroha, 1899-1913, folios 103-104, ZAAP 11500/10a, ANZ-A.

¹⁴⁹ *Te Aroha News*, 25 June 1890, p. 2.

¹⁵⁰ *Cleave's Auckland Directory, 1893* (Auckland, 1893), p. 274; *Cleave's Auckland Directory, 1894* (Auckland, 1894), p. 284.

¹⁵¹ Piako County Council, *Te Aroha News*, 13 March 1886, p. 2.

¹⁵² Piako County Council, *Te Aroha News*, 5 June 1886, p. 7.

¹⁵³ See *Cyclopedia of New Zealand*, vol. 2, p. 825; *Te Aroha News*, 27 June 1908, p. 2.

¹⁵⁴ Piako County Council, *Te Aroha News*, 4 September 1886, p. 2.

¹⁵⁵ Piako County Council, *Waikato Times*, 5 August 1886, p. 2.

the obstruction of the road leading to the river'. After it was noted that this 'appeared to be a renewal of the old standing grievance' between Mackie and Clarke, the matter was adjourned to make enquiries.¹⁵⁶ In April, after 'considerable discussion' the board unanimously agreed that Clarke and Frank McDevitt, a miner,¹⁵⁷ must remove all fences in both streets within 21 days.¹⁵⁸ McDevitt was willing to comply; Clarke was silent.¹⁵⁹

Conflicts continued over access. In July 1889, Clarke's wife, Margaret Ann, opposed others applying for part of the land she occupied, without a title, for if others acquired this portion it 'would entirely debar me from having access to the river bank'.¹⁶⁰ However, Mary Isabella Clements, the wife of Robert John Michael, a labourer,¹⁶¹ wanted Rewi Street opened behind their property, sections 5, 6, 11 and 12 of block 36, running from Whitaker to Rewi Streets and between Burke and Princess Streets.¹⁶² Because the farmers who wanted to acquire Margaret Clarke's land also wanted this unmade road, she did not want it opened.¹⁶³ Michael had complained in September 1886 'that owing to fences erected by Jas. Clarke on one side, and now by R[ichard] Blencowe,¹⁶⁴ he was debarred from making use of his back entrance, and if he wished to get in a horse or a pig, he would have to do so through his garden, and requesting the Council to have the obstacles removed'. After hearing from Clarke that Michael was causing trouble over his drain, the council resolved to do nothing.¹⁶⁵

In 1890, on behalf of 'self and family', Mackie asked for the use of a paddock on the riverbank below Rewi Street; it could be reached from

¹⁵⁶ Town Board, *Te Aroha News*, 18 February 1888, p. 2.

¹⁵⁷ *Te Aroha News*, 18 October 1884, p. 7; *Te Aroha Electoral Roll, 1890*, p. 21.

¹⁵⁸ Town Board, *Te Aroha News*, 18 April 1888, p. 2.

¹⁵⁹ Town Board, *Te Aroha News*, 16 May 1888, p. 2.

¹⁶⁰ M.A. Clarke to Clerk of Warden's Court, *Te Aroha*, 5 July 1889, *Te Aroha Warden's Court, General Correspondence 1889*, BBAV 11584/4a, ANZ-A.

¹⁶¹ See paper on his life.

¹⁶² 'Plan of Goldfield Township of Te Aroha', n.d. [1890s], DOSLI, Hamilton; *Te Aroha Warden's Court, Rent Register 1881-1899*, folios 279, 287, 360, BBAV 11501/1a, ANZ-A; Schedule of some of the sections held under residence and business site licenses in Te Aroha, n.d., Lands and Survey Department, LS 77/2, ANZ-W.

¹⁶³ M.J. Michael to Warden, 6 July 1889, *Te Aroha Warden's Court, General Correspondence 1889*, BBAV 11584/4a, ANZ-A.

¹⁶⁴ See below.

¹⁶⁵ Piako County Council, *Te Aroha News*, 4 September 1886, p. 2.

August Street on one side or by Wild Street and an unnamed and unformed road on the other (Stafford Street?).¹⁶⁶

I hereby very respectfully request, that A right of way be preserved between the Main Road near Block 32 & the Riverbank (at the nearest Bend) where there is A good place for Keeping & working As Roads for cropping &c; which I used for years, when this Field was opened, & would have continued, only for my Boat being cast adrift &c [unreadable] & Barbed wire being put so as to block the way.¹⁶⁷

In November 1893, Mackie interviewed the Minister of Mines, Alfred Jerome Cadman, about wanting an agricultural lease over part or all of 151 acres of hillside in Rina Mokena's Block. Whitaker Street would be the bottom boundary, with Wilson Street on one side and Hori More's Block on the other, the top boundary being a distance above the domain; it included his land between Whitaker and King Streets.¹⁶⁸ Despite this unoccupied land being 'totally unfit for residential purposes', his earlier application to lease it for 'pastoral purposes' had been refused; he considered there was 'no just reason' why it should not be leased and thereby provide revenue to its Maori owners.¹⁶⁹ The warden explained that agricultural leases were never granted within the goldfield because it was difficult to remove the tenant. Even had Mackie applied for an occupation license, this would have been refused, as the size was beyond his power to grant, and the removal of vegetation would spoil the scenery.¹⁷⁰ Both the borough council and the domain board opposed his being granted a lease for the latter reason.¹⁷¹

¹⁶⁶ For map of site, see Henry Crump, map of part of Te Aroha, n.d. [1890], Te Aroha Warden's Court, General Correspondence 1890, BBAV 11584/4b, ANZ-A.

¹⁶⁷ R.S. Mackie to Warden, 7 July 1890, Te Aroha Warden's Court, General Correspondence 1890, BBAV 11584/4b, ANZ-A.

¹⁶⁸ See map in Mines Department, MD 1, 94/276, ANZ-W.

¹⁶⁹ R.S. Mackie to A.J. Cadman (Minister of Mines), 2 November 1893, Mines Department, MD 1, 94/276, ANZ-W.

¹⁷⁰ Warden to Under-Secretary, Mines Department, 16 November 1893, Mines Department, MD 1, 94/276, ANZ-W.

¹⁷¹ Percy Snewin (Clerk, Te Aroha Borough Council) to A.J. Cadman, 12 February 1894; Hot Springs Domain Board to A.J. Cadman, 27 February 1894, Mines Department, MD 1, 94/276, ANZ-W.

In July 1898, Mackie's bid to obtain section 9 of block 32 failed because of the number of sections his family held; when his lawyer said he wanted it 'in order to use the water running through it for dairy purposes', Bush 'agreed to reserve the water'.¹⁷² Two years later, he was running cattle on his land.¹⁷³

In 1909, at a borough council meeting, as Mackie explained in a letter to the editor, a councillor

asked me what I wanted Princes' street cleared for. I replied, as best I could, that I wanted access to the river bank, where I had some firewood, which brought out some further questions by him, quite outside the clearing of the street, and now, Mr Editor, with kind assistance from you, I will tell him, and every other body, my primary reason, which is: "That it is one of the streets of this town, as shown on the map." That, I think, is quite sufficient reason for him (who now holds three different offices, J.P. included) to get the said Princes' street cleared, and otherwise protect us from molestation in the expanding of this our goldfield town, now 29 years old on the 25th of this month.¹⁷⁴

MACKIE'S STREAM AND CLARKE'S DRAIN

The stream used by the family's cows was known to Maori as Te Toto, and as Mackie's Stream to Pakeha in the nineteenth and early twentieth centuries.¹⁷⁵ Presumably because of Pakeha confusion over the original names, the Haenga Stream was 'generally known as Mackie's Creek', but this was Stoney Creek, closer to Waiorongomai.¹⁷⁶ According to Charles Scott, a local busybody who married a daughter of Robert Michael,¹⁷⁷ it received its name from Mackie being the first Pakeha 'to settle on its banks'; he had 'decided on the location on account of the good water supply,

¹⁷² Magistrate's Court, *Te Aroha News*, 16 July 1898, p. 2.

¹⁷³ *Te Aroha News*, 18 January 1900, p. 2.

¹⁷⁴ Letter from Robert Mackie, *Te Aroha News*, 4 November 1909, p. 3.

¹⁷⁵ Gilbert Mair to Receiver of Gold Revenue, Te Aroha, 15 October 1897, Te Aroha Warden's Court, Warden's Office General Correspondence 1897, BBAV 11584/5b, ANZ-A.

¹⁷⁶ Warden to Minister of Mines, 3 November 1896, Mines Department, MD 1, 97/520, ANZ-W; Gilbert Mair to Receiver of Gold Revenue, Te Aroha, 15 October 1897, Te Aroha Warden's Court, Warden's Office General Correspondence 1897, BBAV 11584/5b, ANZ-A.

¹⁷⁷ See paper on prospectors and investors in the Te Aroha Mining District in the 1930s.

and had the stream protected for domestic purposes'.¹⁷⁸ 'Jane Heather' recalled entering their garden from King Street after crossing over 'the lovely crystal clear creek which caused so many heart burnings and trouble in later years with the Borough Council and others'. Part of the stream was diverted past the back door of the house before rejoining the main stream beside the garden.¹⁷⁹

This stream had caused trouble long before her visits in 1906. It ran across the open land above King Street and partly through Mackie's land and down what was in the 1890s the unformed or only partly formed Princess Street, across Whitaker Street and then into block 36 and the swamps beside the river.¹⁸⁰ Today, after crossing the land above King Street, it is channelled along this street and down beside Princess Street to Whitaker Street.

After being a publican at Thames, James Clarke was a grocer there and, after 1882, at Te Aroha.¹⁸¹ After the second of his three bankruptcies, in 1884, he became a gardener and then a farmer at Waiorongomai.¹⁸² In 1890 he described himself as a labourer.¹⁸³ His financial position was rarely strong, and he first filed as bankrupt in 1870.¹⁸⁴ Six years later, his bank account was described as 'respectable' despite an overdraft of nearly £200 resulting from paying off his mortgage on his houses and shops.¹⁸⁵ One year

¹⁷⁸ *Te Aroha News*, 4 November 1927, p. 4.

¹⁷⁹ 'Heather', 'Elizabeth Mackie and her Colonial Oven', p. 14.

¹⁸⁰ 'Plan of the Goldfield Township of Te Aroha', n.d. [1890s], DOSLI, Hamilton.

¹⁸¹ For Thames, see *Auckland Provincial Government Gazette*, 12 August 1870, p. 327, 5 September 1876, p. 349; Birth Certificate of James Alexander Clarke, 2 January 1871, 1871/146, BDM; *Auckland Weekly News*, 3 September 1870, p. 11, 2 September 1871, p. 23; *Thames Advertiser*, 22 September 1876, p. 3, 22 March 1879, p. 3; *Thames Star*, 31 July 1882, p. 3, 1 August 1882, p. 3. For Te Aroha, see *Thames Star*, 7 August 1882, p. 2, advertisement, *Te Aroha News*, 9 June 1883, p. 1.

¹⁸² *Te Aroha Electoral Roll, 1890*, p. 7; *Waikato Electoral Roll, 1893*, p. 7; *Thames Advertiser*, 23 March 1893, p. 2; *Te Aroha News*, 21 September 1895, p. 2, 16 October 1895, p. 3, 19 October 1895, p. 2; Te Aroha Correspondent, *Auckland Weekly News*, 26 October 1895, p. 23.

¹⁸³ *Te Aroha News*, 4 June 1890, p. 2.

¹⁸⁴ *Auckland Weekly News*, 24 September 1870, p. 15.

¹⁸⁵ National Bank, Grahamstown Branch, Inspection Report, 7 August 1876, Advances, National Bank Archives, Wellington.

later, he had reduced his indebtedness by almost £50.¹⁸⁶ In November 1884, he became bankrupt again.¹⁸⁷ If his assets produced the amounts anticipated, the deficit would be £123 18s 5d. His creditors condemned ‘in the strong terms’ his not keeping adequate records and stressed that on two previous occasions he had ‘compounded with his creditors’.¹⁸⁸ His estate paid a first and final dividend of one shilling in the pound.¹⁸⁹ This bankruptcy led to continuing argument about whether it was fraudulent because of his hiding some of his assets, but he was not found guilty of this offence.¹⁹⁰ To avoid meeting a financial burden created by his son’s illegitimate child, as explained below, in 1890 he declared himself bankrupt once more; his liabilities were £40 14s and his assets nil.¹⁹¹ In 1903, he still owed money to these creditors.¹⁹²

Clarke’s shop was in the centre of the township.¹⁹³ With his wife, Margaret Ann, he acquired sections 2 to 4 and 13 to 16 of block 36, between Whitaker and Rewi Streets and alongside Burke Street, their five-roomed house, on section 2, being in her name.¹⁹⁴ As this land was subject to

¹⁸⁶ National Bank, Grahamstown Branch, Inspection Report, 19 September 1877, Advances, National Bank Archives, Wellington.

¹⁸⁷ *Te Aroha News*, 8 November 1884, p. 7, 29 November 1884, p. 2, 17 January 1885, p. 7, 31 January 1885, p. 7, 7 February 1885, p. 2, 14 February 1885, p. 2.

¹⁸⁸ Supreme Court, *Thames Star*, 13 December 1884, p. 2.

¹⁸⁹ *Te Aroha News*, 1 August 1885, p. 2.

¹⁹⁰ Thames Magistrate’s Court, Criminal Record Book 1883-1886, 27/1885, BACL 13736/36a; Supreme Court, Judges’ Notebooks, Bankruptcy 1884-1889, pp. 49-51, BBAE A304/1088; Official Assignee to Beale and Beale, 16 April 1903, 14 May 1903, 18 May 1903; Official Assignee to James Clarke, 1 May 1903, 6 May 1903, Official Assignee, Letterbook 1903-1904, pp. 101, 145, 156, 182, 202, BAAB 11038/1a, ANZ-A; *Thames Advertiser*, 13 February 1885, p. 2, Police Court, 28 February 1885, p. 2, Supreme Court, 28 March 1885, p. 3; Supreme Court, *Auckland Weekly News*, 4 April 1885, p. 14.

¹⁹¹ Te Aroha Magistrate’s Court, Home Warrant Book 1883-1928, 29/1890, BBAV 11498/1a. ANZ-A; *Mercantile and Bankruptcy Gazette*, 7 June 1890, p. 173.

¹⁹² Official Assignee to James Clarke, 6 May 1903, Official Assignee, Letterbook 1903-1904, p. 156, BAAB 11038/1a, ANZ-A.

¹⁹³ Te Aroha Warden’s Court, Rent Register 1881-1900, folio 393, BBAV 11501/1a, ANZ-A.

¹⁹⁴ Te Aroha Warden’s Court, Register of Applications 1880-1882, folio 215, no. 309, BBAV 11505/3a; Rent Register 1881-1900, folios 220, 241, BBAV 11501/1a, ANZ-A; Te Aroha Town Board, Rate Book 1888 [no pagination], Sections 2-4, 13-16 Block 36, Matamata-

flooding, for several years its drainage caused a constant battle between Clarke and Mackie and some other residents. In August 1889 the local newspaper complained that ‘for some years scarcely a meeting’ of the council ‘passed without a good deal of valuable time being occupied in discussing “Clarke’s Drain,” doing or undoing at the request of the Te Aroha members’, Denis Murphy and James Mills.¹⁹⁵ It claimed that ‘this drain seemed quite a pet scheme’ of Mills.¹⁹⁶

Its first mention was in July 1885, when Clarke told the council that ‘much damage was done to his garden by the drain constructed’ by its previous engineer: ‘after every heavy rain he had to clear this drain himself and do the work’. Pavitt, the new engineer, instructed to report,¹⁹⁷ recommended that the lower end of the drain be cleared out and that the roadside drain on the upper side of Whitaker Street be cleared out and deepened to take part of the water running through Clarke’s land, at a cost of £6. Councillors, tired of constant appeals for such small tasks, considered that property-holders could spend half an hour doing all that was necessary; and it had no money to spend on it.¹⁹⁸ Two months later, after two councillors inspected the drain, it agreed to spend the £6.¹⁹⁹ One month later, when George Manney Burke complained that now the diverted water flooded his property, Pavitt was asked for an explanation.²⁰⁰ He reported that ‘he felt sure the council would be satisfied with what he had done, notwithstanding complaints from certain quarters. It was only a matter of neighbour’s quarrels’. Councillors accepted his word.²⁰¹

The March 1886 council meeting decided to take no action over Mackie’s request ‘that certain outlet drains be enlarged’.²⁰² Four months later, Murphy revealed that he had changed his mind about Clarke’s complaints, saying if the council had seen his plans his application ‘would have been very differently treated’, for the drain ‘would solely benefit

Piako District Council Archives, Te Aroha; Warden’s Court, *Te Aroha News*, 10 October 1888, p. 2; ‘Map of Goldfield Town of Te Aroha’, n.d. [1890s], DOSLI, Hamilton.

¹⁹⁵ See papers on their lives.

¹⁹⁶ *Te Aroha News*, 3 August 1889, p. 2.

¹⁹⁷ Piako County Council, *Waikato Times*, 25 July 1885, p. 3.

¹⁹⁸ Piako County Council, *Waikato Times*, 19 September 1885, p. 3.

¹⁹⁹ Piako County Council, *Waikato Times*, 14 November 1885, p. 3.

²⁰⁰ Piako County Council, *Waikato Times*, 19 December 1885, p. 3.

²⁰¹ Piako County Council, *Waikato Times*, 19 January 1886, p. 3.

²⁰² Piako County Council, *Te Aroha News*, 13 March 1886, p. 2.

Clarke, enabling him to cultivate the land drained. He considered the Council had already spent enough for Mr Clarke's benefit'.²⁰³ At the beginning of September, the *Te Aroha News*' report of the council meeting had the subheading: 'Clarke's estate and drain (grievance as usual)'. Clarke had written 'stating that the Council's instructions re Clarke's drain had not been carried out; Mr Mackie had sent four of his children to fill it up, and that Michael and Mackie were the two men who had caused so much trouble over this drain'. On Murphy's advice, council decided to take no action apart from instructing Pavitt 'to see that the water ran each way, according to previous instructions'.²⁰⁴ After the next council meeting, the *Waikato Times* headed its report of this issue: 'THE CLARKE'S DRAIN NUISANCE'.²⁰⁵ After Mackie's obstruction was removed by Pavitt, Mackie 'again filled it up again', prompting Pavitt to serve a notice on him 'requiring him to cease obstructing the drain, which he ignored'. Clarke then threatened legal proceedings against the council. The chairman noted that 'the water ran over Clarke's land before he bought it' and that the council 'had made a mistake in ever interfering about it'. Murphy agreed that 'the water was on Clarke's land when he first went there', and that the council 'ought never to have touched it'. When one councillor noted that 'the water had worn a ditch across the road' which 'should be filled up altogether', another commented that 'in any case Mackie had no right to fill up the drain'. It was resolved 'that the Chairman will proceed against any person obstructing drains' and that Pavitt should erect fencing 'to protect the approaches to the cutting caused by the water'.²⁰⁶ The chairman should also 'compel' the removal of the obstruction.²⁰⁷

In mid-October, the *Te Aroha News* reported that 'the celebrated Clarke's drain' had been fenced in 'where it crosses a portion of the public road'.²⁰⁸ Mackie, charged in November with 'obstructing' the drain in Whitaker Street, was fined 10s and required to pay costs of £5 11s.²⁰⁹ The *Waikato Times* explained to those outside the Te Aroha district that this conflict had lasted for 18 months, with Mackie filling up the drain every

²⁰³ Piako County Council, *Te Aroha News*, 10 July 1886, p. 3.

²⁰⁴ Piako County Council, *Te Aroha News*, 4 September 1886, p. 2.

²⁰⁵ Piako County Council, *Waikato Times*, 30 September 1886, p. 2.

²⁰⁶ Piako County Council, *Te Aroha News*, 2 October 1886, p. 2.

²⁰⁷ Piako County Council, *Te Aroha News*, 30 September 1886, p. 2.

²⁰⁸ *Te Aroha News*, 16 October 1886, p. 2.

²⁰⁹ Te Aroha Magistrate's Court, *Waikato Times*, 20 November 1886, p. 2.

time the engineer cleared it.²¹⁰ Mackie attended the November council meeting, at which ‘a considerable quantity of correspondence’ was read from Mackie, Michael, and Clarke’s lawyer.²¹¹ Mackie ‘requested the council to forgive him the fine and grant him £5 compensation’. When Murphy moved this, on the grounds that he had a large family, his motion was not seconded, the other councillors believing Mackie ‘had brought this expense on himself, by persistently obstructing the drain, after he had repeatedly been warned not to do so’.²¹² This was the last time that Mackie took an active part in this squabble, but Clarke continued to pester the council for another two years.

In December, the *Te Aroha News* grumbled that ‘this Clarke’s drain business’ had ‘become a regular nuisance; occupying a large amount of valuable time at any and every meeting’. It noted that ratepayers were ‘saddled with a debt of £7 10s for legal expenses’ for his successful prosecution. Should a town board be established, it would have ‘to adopt some firm measures to put an end to this continual squabble; which has pretty well developed into a tri-angular duel, between these neighbours’ who kept on ‘writing and making complaints against each other to the Council’.²¹³

In October 1887, the council received a letter from Clarke ‘complaining that the late heavy rains had done damage to the drain, which had made fresh outlets for itself, and flooded his lands, sweeping away trees and shrubs. The letter was received’.²¹⁴ Two months later, when he wrote that the drain was still causing his land to be flooded, Mills reported that it had created a channel from 17 to 18 feet wide and ten feet deep, and was getting worse. Clarke ‘was only a poor man, and his fruit trees were dying away, and his property [was] being much injured’.²¹⁵ Mills moved and Murphy seconded that a kauri chute about two chains long be put through Clarke’s property, but when Pavitt reported to the January meeting that this would cost £50, this proposal was dropped.²¹⁶

²¹⁰ *Waikato Times*, 23 November 1886, p. 2.

²¹¹ Piako County Council, *Waikato Times*, 25 November 1886, p. 2.

²¹² Piako County Council, *Te Aroha News*, 27 November 1886, p. 3.

²¹³ *Te Aroha News*, 4 December 1886, p. 2.

²¹⁴ Piako County Council, *Te Aroha News*, 29 October 1887, p. 2.

²¹⁵ Piako County Council, *Te Aroha News*, 31 December 1887, p. 2.

²¹⁶ *Te Aroha News*, Piako County Council, 31 December 1887, p. 2, 3 August 1889, p. 2.

‘Clarke’s drain again!’ was the headline for a report of the January 1888 council meeting. Asked to report whether water could be taken from the creek ‘along the roadside drain’ instead of through Clarke’s drain, Pavitt said this could be done by deepening and widening the outfall drain through Richard Nathaniel Blencowe’s leasehold land and the road drain, for a total distance of 30 chains.²¹⁷ Blencowe, a butcher who became a miner, contractor, and small farmer,²¹⁸ with his wife held five sections in Block 31, between King and Whitaker Streets and half-way between Wild and Burke Streets.²¹⁹ He also leased a paddock of over ten acres on the lower side of the road between Te Aroha and Waiorongomai, adjacent to Te Aroha,²²⁰ and at the lower end of Mackie’s Stream. Pavitt considered ‘it would be necessary to fix a plank crossing over the road drain’ to enable Mackie to get to his section, and estimated the total cost as £15. He stated that Blencowe supported this work on his land ‘as it would drain a considerable portion of the low-lying ground on his and adjoining sections’, and Clarke ‘was willing that a small portion of the water should pass through his land’ on condition the council spent about £2 clearing ‘the lower portion of the present water course below his section’. This report provoked ‘considerable discussion’ on a matter that the newspaper wrote had ‘already tried the forbearance of the council, and the pockets of the ratepayers almost past endurance, and as in fact become a regular nuisance’. One councillor ‘strongly deprecated’ spending any more money ‘because two neighbours chose to keep on quarrelling as to which way the water should run’. Pavitt

²¹⁷ Piako County Council, *Te Aroha News*, 21 January 1888, p. 2.

²¹⁸ For his career as a butcher, see *Waikato Times*, 14 September 1880, p. 2; *A Return of the Freeholders of New Zealand ...*, p. B 51; *Auckland Weekly News*, 24 January 1891, p. 14. For his mining and contracting, see *Te Aroha News*, 1 September 1883, p. 2, 7 November 1885, p. 2, 13 February 1886, p. 7, 13 March 1886, p. 2, 10 July 1886, p. 2. For his farming, see advertisement, *Te Aroha News*, 23 February 1889, p. 2; Inquest, Justice Department, J 46, COR 1891/75, ANZ-W.

²¹⁹ ‘Plan of Goldfield Township of Te Aroha’, n.d. [1890s], DOSLI, Hamilton; Te Aroha Warden’s Court, Register of Applications 1880-1882, folios 164, 165, BBAV 11505/3a; Rent Ledger 1881-1900, folios 88, 98, 104, BBAV 1501/1a, ANZ-A; Te Aroha Town Board, Rate Book 1888 [no pagination], Sections 4, 6, 7 of Block 31, Matamata-Piako District Council Archives, Te Aroha; *Te Aroha News*, 5 May 1888, p. 2.

²²⁰ *Te Aroha News*, 21 August 1886, p. 2, 29 August 1888, p. 7; Te Aroha Town Board, Rate Book 1888 [no pagination], entry for R.N. Blencowe, Suburban Land, Matamata-Piako District Council Archives, Te Aroha.

clarified that Clarke, told that the council ‘would probably stop all the water from going through his place’, wanted some to cross it, for otherwise ‘he would have to go to the river for water’. Murphy was ‘quite certain very little damage’ had ever been done by floodwater on Clarke’s land, as was ‘plain to any person looking at his place’. The cost of draining it ‘must have already cost the council about £50; still we would rather settle the matter quietly if possible than have any complaint’. It was ‘ultimately’ resolved to support Pavitt’s recommendation to take the water through Blencowe’s land; as the old course of the stream would be filled up, no more water would go through Clarke’s land.²²¹

The following month, Clarke sent the council what the *Te Aroha News* described as a ‘cool letter’, explaining that he went with Pavitt ‘to arrange with him about putting a pipe through, so that I might still have sufficient water for domestic purposes’. As Pavitt told him he required permission, he explained that he would obtain the pipes and lay them at his own expense, ‘and at any future time any damage that might be sustained through it I will be responsible for. Thanking you for the trouble you have had over this drain, and this will be an end to it’. The chairman, William Philip Chepmell, considered this proposal ‘appeared absurd, after all the fuss he had made about the water running through his land’. Murphy commented that Clarke’s ‘fuss’ had cost the council about £60, and that the drain was made in 1881 ‘before ever Clarke took up the land’. Only Mills supported Clarke, the other councillors insisting that their earlier resolution to block the drain completely be adhered to.²²²

In March, the *Te Aroha News* headlined the latest development: ‘Clarke’s Drain Again. Settling the County Council at Defiance’. After it was diverted, Clarke had had ‘the audacity’ to dig across Whitaker Street and lay pipes, ‘determined to have the water (respecting which he so worried the council). We refrain from commenting on Clarke’s action just now, seeing the matter will come before the Council next week. Such conduct the Council will no doubt put down with a strong hand’.²²³ Councillors instructed Pavitt ‘to remove and take charge of, as County property, the pipe’s laid down’ by Clarke ‘in direct opposition to the Council’s ruling’.²²⁴ As his tactics had been counter-productive, his wife asked the warden to

²²¹ Piako County Council, *Te Aroha News*, 21 January 1888, p. 2.

²²² Piako County Council, *Te Aroha News*, 18 February 1888, p. 2.

²²³ *Te Aroha News*, 10 March 1888, p. 2.

²²⁴ Piako County Council, *Te Aroha News*, 17 March 1888, p. 2.

restore the water. George Wilson, the mining inspector,²²⁵ reported that ‘all the water available was, in his opinion, running down the creek referred to, and he did not think that the Warden could grant anything further in the matter’.²²⁶ So ended the battle of Clarke’s drain, in which Mackie opposed the man he would take to court two months later over the behaviour of his son, as explained below.

Charles Scott later claimed that the Tourist Department diverted the water from Mackie’s Stream to the domain in 1903. When Mackie discovered it had dried up, he ‘immediately re-diverted the water to its correct channel.... Oh yes, Mr Mackie had democratic ideas and was quite capable of protecting his rights’. When the local agent of the department threatened him with prosecution, Mackie wrote to his superiors, ‘who frankly admitted that the diversion was an unlawful act’, and apologized.²²⁷ The loss of the local newspaper means that an alternative account is unobtainable; although no such apology has been traced in the department’s files, Mackie’s unilateral behaviour sounds authentic.

In his last year and a half of life, Mackie clashed with the council over the stream, in his usual style. In July 1909, he asked it to construct King Street so there would be proper access to his house and protection from storm water, for the latter came across his land ‘in streams right to his back door, so that during the recent storms it was both difficult and dangerous for himself and his aged wife to venture outside’. The council promised to investigate.²²⁸ Four months he wanted Princess Street cleared to give him access to the riverbank, where he had some firewood, and accused the council of being obstructive.²²⁹ (He was probably referring to this street below Whitaker Street, although none of this street seems to have been formed at this time.) A councillor responded that this street did not exist, having been cut into sections by the government.²³⁰ Mackie replied that when the goldfield was ‘duffered out, and not a holder of a residence-site left to object, then Princess-street may be rubbed off the map, but that time is not yet’. He emphasized that he had voted against this councillor in the election, implying bias by him: ‘He has me pretty well left “marooned,” but I

²²⁵ See paper on his life.

²²⁶ Warden’s Court, *Te Aroha News*, 24 March 1888, p. 2.

²²⁷ Letter from Charles Scott, *Te Aroha News*, 14 November 1927, p. 5.

²²⁸ *Te Aroha News*, 31 July 1909, p. 3.

²²⁹ *Te Aroha News*, 4 November 1909, p. 3.

²³⁰ *Te Aroha News*, 6 November 1909, p. 3.

trust his counsels will be confounded, and brought to naught'.²³¹ After Mackie's death, when the stream was partly diverted along Whitaker Street, as she needed the water his widow asked that it not be diverted from across her property.²³²

FARMING AT WAIORONGOMAI

When Mackie became bankrupt in October 1889, he explained that after ceasing to be a butcher in 1884 he leased 85 acres of the high school endowment 'and spent all his time and money (£256) on it, without any return whatever. He worked at it from 1884 to 1887'.²³³ The section, number 16, had been acquired from William Australia Murray, without the approval of the board of governors.²³⁴ In May 1886, he complained that '3 or 4 water-courses had been conveyed up to his boundary and during heavy rain the drain through his section was too small to carry off all the water, and consequently suffered from overflow'. He wanted the council to spend £12 enlarging the road drain.²³⁵ He was paid £5 as compensation for the cost of enlarging it.²³⁶ The following year, he asked for better drainage, unsuccessfully, a councillor noting that he had accepted the £5 as a final payment for this problem.²³⁷ In 1889, he complained that a neighbour had blocked his drain.²³⁸

In October 1887 he applied, unsuccessfully, for sections 17 and 18.²³⁹ The following year, Murray told the board that Mackie, 'with whom he had made arrangements, should now have paid the rent and declining on his own part to pay anything more'. As it had refused, 'some time ago', to

²³¹ Letter from Robert Mackie, *Te Aroha News*, 9 November 1909, p. 3.

²³² *Te Aroha News*, 27 November 1912, p. 3, Piako County Council, 29 November 1912, p. 2.

²³³ *Te Aroha News*, 6 November 1889, p. 2.

²³⁴ High School Board, *Te Aroha News*, 18 February 1888, p. 2.

²³⁵ Piako County Council, *Waikato Times*, 11 May 1886, p. 3; Piako County Council, *Te Aroha News*, 15 May 1886, p. 2.

²³⁶ Piako County Council, *Te Aroha News*, 5 June 1886, p. 7.

²³⁷ Piako County Council, *Te Aroha News*, 6 August 1887, p. 3.

²³⁸ Piako County Council, *Waikato Times*, 16 April 1889, p. 2.

²³⁹ High School Board, *Te Aroha News*, 8 October 1887, p. 2.

sanction the transfer, Murray remained liable.²⁴⁰ In 1903, Mackie's offer to lease sections 17-20 for £60 per year was declined.²⁴¹

FARMING AT WAIRAKAU

On the first day of July 1889, Mackie leased Section 53 of Block XII of the Aroha Survey District for 30 years, at £11 13s 8d a year.²⁴² Of 187 acres, it was 'within seven miles' of Te Aroha.²⁴³ He immediately asked the council 'to make the Katikati Bridle Track wide enough for wheeled traffic as far as' his land, but it 'declined to interfere with' this government track.²⁴⁴ Nearly one year later, he asked it to make portion adjoining his land passable for drays, but the matter was adjourned until it had the funds.²⁴⁵ In January 1891, at his request it agreed to spend £5 in improving the road to his section, he doing the work, which was completed by the end of the year.²⁴⁶

In December 1890, as he had not complied with all the conditions the Auckland Land Board required him to show cause why his section should not be forfeited.²⁴⁷ By October 1892 he had complied with the conditions, but almost five months later he was sued for arrears of rent of £17 10s 6d.²⁴⁸ By December 1893, he had fulfilled the conditions of his tenure.²⁴⁹ In

²⁴⁰ High School Board, *Te Aroha News*, 18 February 1888, p. 2.

²⁴¹ Thames High School Board of Governors, Minutes of Meeting of 23 September 1903, High School Archives, Thames.

²⁴² Register of Rents of Lands held under Deferred-Payment Leases, folio 92, Aroha Block 12 Section 53, Lands and Survey Department, LS 23/1, ANZ-W.

²⁴³ Auckland Land Board, Minute Book 1887-1891, Meeting of 11 December 1890, p. 338, Lands and Survey Department, BAAZ 4019/3, ANZ-A; evidence of Robert Mackie, 'Crown Lands', *AJHR*, 1905, C-4, p. 1046; 'Heather', 'Elizabeth Mackie and her Colonial Oven', p. 14; Piako County Council, *Waikato Times*, 13 August 1889, p. 3.

²⁴⁴ Piako County Council, *Waikato Times*, 9 July 1889, p. 3.

²⁴⁵ Piako County Council, *Te Aroha News*, 19 June 1890, p. 2.

²⁴⁶ Piako County Council, *Waikato Times*, 27 January 1891, p. 3, 24 December 1891, p. 2.

²⁴⁷ Auckland Land Board, Minute Book 1887-1891, Meeting of 11 December 1890, p. 338, Lands and Survey Department, BAAZ 4019/3, ANZ-A.

²⁴⁸ Auckland Land Board, Minute Book 1891-1893, Meeting of 4 October 1892, p. 228; Meeting of 28 February 1893, p. 280, Lands and Survey Department, BAAZ 4019/4, ANZ-A.

1896, he reported losing a mare and a bridle from his farm, naming the person he believed to be responsible. The mare was found,²⁵⁰ but no action was taken against the man he accused. In 1897, while he was in Hamilton hospital, a thief stole three large rugs and a tent fly from his whare.²⁵¹ The following month, his request for a perpetual lease was declined, but the land board agreed to lower the value of his improvements to £42 10s.²⁵²

As his land was forfeited for not paying his rent, in 1902 he asked parliament for an 'inquiry into, and compensation for, loss of land'. The Waste Lands Committee, 'having made inquiries', was 'satisfied petitioner has no claim to consideration'.²⁵³ Two years later, when he sought 'relief' for the forfeiture, the committee recommended the matter be referred to the Auckland Land Board 'for further inquiry and consideration'.²⁵⁴ The decision was not reversed.

Also in 1902, when John Watson Walker²⁵⁵ asked the county council to close an unmade and unused road running through his Wairakau farm, a councillor

handed in a request from Robert Mackie that no fences be allowed on this road. Mr Walker attended in support of his request, and explained the position. Councillors were generally of opinion that Mackie's objection was due to fractiousness, and advised Mr Walker to move the Land Board to prevent him (Mackie) from running his cattle on unoccupied land to the annoyance of his neighbours.²⁵⁶

In June 1905, Mackie gave evidence to the Royal Commission on Land Tenure, Land Settlement, 'and other matters affecting the Crown Lands of the Colony', when it visited Te Aroha. He commenced by mentioning

the case of a man who died here through his section being forfeited. We are in the same box. We were both forfeited at the

²⁴⁹ Auckland Land Board, Minute Book 1891-1893, Meeting of 19 December 1893, p. 376, Lands and Survey Department, BAAZ 4019/4, ANZ-A.

²⁵⁰ *New Zealand Police Gazette*, 1 April 1896, p. 55, 15 April 1896, p. 67.

²⁵¹ *Thames Advertiser*, 6 August 1897, p. 2.

²⁵² Auckland Land Board, *Auckland Weekly News*, 25 September 1897, p. 35.

²⁵³ 'Reports of Waste Lands Committee', *AJHR*, 1902, I-5, p. 4.

²⁵⁴ 'Reports of Lands Committee', *AJHR*, 1904, I-5, p. 6.

²⁵⁵ See paper on his life.

²⁵⁶ Piako County Council, *Waikato Times*, 24 February 1902, p. 2.

one time. I took up my land and fulfilled all the conditions to the letter. It cost me a lot of hard work to make a road to the land, and I did a lot of hard work to satisfy the Ranger. The grass I sowed proved a complete failure. I told the Ranger that I thought the regulations were extremely absurd, having regard to the local conditions of the district. Again, the capital value was £1 5s per acre, and I said it was too much rent altogether, and the Ranger agreed with me. I exhausted my resources and the rent fell £40 behind, and my land was forfeited for non-payment of rent. The rent was reduced to 15s, and I asked if I could take up the land at the reduced rent as from the first day of my occupation to get credit for the rent I paid. The Land Board rejected that proposal. The land was put up and I applied for it, and I was told my applications would not be entertained until the 21st September, 1897, when I could apply if nobody else had taken it up in the meantime. I again applied then, and again my application was rejected under clause 160 of the Act of 1892, which was as much as saying I was not fit to take up the land. I replied saying that that clause could not apply to me, because I had been a farmer from my youth up and had had any amount of colonial experience. After a time my land was divided into two sections of 60 acres and 127 acres, the latter being the bush portion. I applied again twice and was rejected every time, and the Commissioner told me it was no use continuing the correspondence. He said I must pay my rent or take the consequences. A third time I applied and my money was returned. It seems another party had bought the land. I said before I would give up possession I wanted some arrangement about my improvements, and I drew attention to the fact that my lease contained an arbitration clause and that I wanted it acted upon. The other man took possession and erected fences, which I cut down twice to allow my cattle out, and for doing this a third time I was sent to prison for a month. I kept in communication with the Land Board, and at last got a letter saying they would reduce the outstanding rent of £40 to £14, and that I could keep the land under perpetual lease. I said I would agree to this if they would give me something for my improvements. I had made a road into the bush where there was a large amount of firewood, for which I had a local market in Te Aroha.²⁵⁷

Five years later, in the last year of his life, he again sought compensation 'for loss of land forfeited for non-payment of rent', unsuccessfully.²⁵⁸

²⁵⁷ Evidence of Robert Mackie, 'Crown Lands', *AJHR*, 1905, C-4, p. 1064.

²⁵⁸ 'Reports of the Lands Committee', *AJHR*, 1910, I-5, p. 3.

CONTRACTOR IN THE 1890s

In 1893, his tender for work on the main road to Shaftesbury was declined.²⁵⁹ Two years later, although he unsuccessfully tendered to sand a road in Te Aroha and to repair one at Waiorongomai, his tender of £8 15s to form a road at Wairakau was accepted.²⁶⁰ In 1897, when he was repairing the track from Wairakau to Katikati (now the Tuahu track), he requested an additional £10 because he had incurred extra expense through floods ‘which had quite put it out of his power to work up to specifications’. Instead, the council refunded his deposit of £2, which had been ‘forfeited for non-compliance with specifications’.²⁶¹ Early the following year, his tender to cart gravel at Wairakau was declined.²⁶² In 1899, his tender to supply and cart 35 years of gravel for the approaches to the railway bridge was accepted.²⁶³

FINANCIAL STRUGGLES

Mackie both sued and was sued over debts, especially in the 1880s. In 1882, he was sued by a Palmerston North firm for a longstanding debt, but it combined with Mackie in an interpleader summons against Charles Stanislaus Stafford²⁶⁴ for £50 17s 11d. ‘Bailiff ordered to deliver possession of Cheques seized to Claimant’.²⁶⁵ The following year, he took out a distress warrant against a miner for a dishonoured cheque for £19 19s, but the

²⁵⁹ Piako County Council, *Waikato Times*, 4 May 1893, p. 7.

²⁶⁰ *Te Aroha News*, 27 February 1895, p. 2. Piako County Council, Minutes of Meetings of 11 April 1895, 9 May 1895, Matamata-Piako District Council Archives, Te Aroha.

²⁶¹ Piako County Council, *Waikato Argus*, 23 October 1897, p. 3.

²⁶² Piako County Council, *Te Aroha News*, 19 February 1898, p. 2.

²⁶³ Piako County Council, *Waikato Argus*, 23 March 1899, p. 3.

²⁶⁴ See paper on Harry and Charles: Henry Ernest Whitaker and Charles Stanislaus Stafford.

²⁶⁵ Richter, Nannestad and Company to Harry Kenrick, 26 July 1882, Te Aroha Warden’s Court, General Correspondence 1882, BBAV 11584/1c; Te Aroha Magistrate’s Court, Civil Record Book 1881-1884, Interpleader Summons, 1 August 1882, BCDG 11221/1a, ANZ-A.

miner's poverty meant he was not paid.²⁶⁶ As noted, his attempt in August to obtain £100 from James Soppett of Waiorongomai failed, but in December he successfully sued him for £20 6s 11d.²⁶⁷ Also in August, as noted he successfully sued two Waiorongomai butchers for £34 17s 1d.²⁶⁸ His case against a publican in December for £2 6s 1d resulted in this sum being paid into court.²⁶⁹ A serious financial loss that year was the £291 he claimed to be owed by Carr's bankrupt estate.²⁷⁰

In 1884, he successfully sued for £94 1s 5d, settled a demand for £5 3s 3d out of court, but as he did not appear to support two suits for a total of £25 1s 2d these were struck out.²⁷¹ To enforce payment, five distress warrants were issued; in one case the defendant had no property that the bailiff could seize.²⁷² Having given up his butchery in that year, in the following one only two people were sued, successfully, for a total of £2 6s 6d.²⁷³ In March 1886, he obtained rent amounting to £4 19s from a Waiorongomai shoemaker.²⁷⁴ Mackie stated that he had paid 4s a week for this land until the previous December, after which he paid 2s 6d. The defendant 'brought cow to my paddock without my knowledge & I told them

²⁶⁶ Te Aroha Magistrate's Court, Civil Record Book 1881-1884, 97/1883, BCDG 11221/1a; Plaints 1883, 30/1883, BBAV 11572/1a; Home Warrant Book 1883-1928, 11/1883, BBAV 11498/1a, ANZ-A.

²⁶⁷ Te Aroha Magistrate's Court, Civil Record Book 1881-1884, 115, 185/1883, BCDG 11221/1a; Plaints 1883, 131/1883, BBAV 11572/1a, ANZ-A.

²⁶⁸ Te Aroha Magistrate's Court, Civil Record Book 1881-1884, 132/1883, BCDG 11221/1a, ANZ-A; Magistrate's Court, *Te Aroha News*, 1 September 1883, p. 2.

²⁶⁹ Te Aroha Magistrate's Court, Civil Record Book 1881-1884, 201/1883, BCDG 11221/1a, ANZ-A.

²⁷⁰ *Waikato Times*, 17 March 1883, p. 2.

²⁷¹ Te Aroha Magistrate's Court, Civil Record Book 1881-1884, 9-11, 16, 17, 92, 98, 99, 192/1884, Judgment Summons heard on 27 May 1884, 24 June 1884, 5 August 1884, BCDG 11221/1a, ANZ-A.

²⁷² Te Aroha Magistrate's Court, Home Warrant Book 1883-1928, 5, 8-10, 39/1884, BBAV 11498/1a, ANZ-A.

²⁷³ Te Aroha Magistrate's Court, Civil Record Book 1884-1889, 41, 49/1885, BCDG 11221/1b; Home Warrant Book 1883-1928, 6/1885, BBAV 11498/1a, ANZ-A.

²⁷⁴ Te Aroha Magistrate's Court, Civil Record Book 1884-1889, 10/1886, BCDG 11221/1b; Plaints 1886, 10/1886, BBAV 11572/1a, ANZ-A.

1/6 a week would be the charge – they left it there'.²⁷⁵ In July, he was awarded £1 19s 6d for milk supplied.²⁷⁶ The last time he sued anyone in the 1880s was in April 1889, when he sought £2 2s but did not issue the summons, and two months later, when he sued a baker for £2 6s 4d, being milk supplied.²⁷⁷

In every year from 1881 to 1889 Mackie was sued for debts. In the first suit, for £3 10s in April 1881, the plaintiff was non-suited.²⁷⁸ As noted, in the following year he had to be forced to pay wages amounting to £4 3s 11d owing to a butcher he had employed.²⁷⁹ In April 1883, when a miner sued for £3 13s 6d he paid this amount into court.²⁸⁰ Four months later, Edward Hugo Ross Raue sued him for £100, 'damages for forcible entry of a house'.²⁸¹ Raue, a barber, cook, and general handyman,²⁸² deposed that Mackie had forced his way into his Waiorongomai house, 'taking away certain goods, and destroying plaintiff's business. The evidence was very conflicting', but Kenrick 'thought that it was in the plaintiff's favor, and gave a verdict for £5 damages for entry, £15 plaintiff's loss of business, and £13 19s law expenses and costs, in all £33 9s'.²⁸³ In 1884, two merchants sued for £10 10s, 'amount of unpaid order and interest', which was paid into court.²⁸⁴

²⁷⁵ Te Aroha Magistrate's Court, Register of Applications 1885-1892, folio 28, Harry Kenrick's notes, 30 March 1886, BBAV 11505/7c, ANZ-A.

²⁷⁶ Te Aroha Magistrate's Court, Civil Record Book 1884-1889, 28/1886, BCDG 11221/1b, ANZ-A; Magistrate's Court, *Te Aroha News*, 24 July 1886, p. 2.

²⁷⁷ Te Aroha Magistrate's Court, Civil Record Book 1889-1896, 41, 55/1889, BCDG 11221/1c; Plaints 1889, 55/1889, BBAV 11572/1a, ANZ-A.

²⁷⁸ *Waikato Times*, 9 April 1881, p. 2.

²⁷⁹ Te Aroha Magistrate's Court, Civil Record Book 1881-1884, 67/1882, BCDG 11221/1a, ANZ-A.

²⁸⁰ Te Aroha Magistrate's Court, Civil Record Book 1881-1884, 30/1883, BCDG 11221/1a, ANZ-A.

²⁸¹ Te Aroha Magistrate's Court, Civil Record Book 1881-1884, 115/1883, BCDG 11221/1a; Plaints 1883, 115/1883, BBAV 11572/1a, ANZ-A.

²⁸² See recollections of R.J. Raue, *Te Aroha News*, 9 January 1937, p. 5; *Waikato Electoral Roll, 1884*, p. 18.

²⁸³ Magistrate's Court, *Te Aroha News*, 11 August 1883, p. 3.

²⁸⁴ Te Aroha Magistrate's Court, Civil Record Book 1881-1884, 222/1884, BCDG 11221/1a; Plaints 1884, 222/1884, BBAV 11572/1a, ANZ-A.

The most notable suit in 1884 was one by his wife, who charged him with ‘Habitually failing to provide maintenance for complainant & her children and praying that a protection order may be granted’. Mackie made no plea, and an order was made protecting her property and earnings since 1 June 1883 from Mackie and his creditors.²⁸⁵ Nearly five years later, Mackie revealed that this arrangement was not what it had appeared to be, for ‘he had made over his property at Te Aroha to his wife in 1884 to protect his family from his creditors’; the magistrate commented that ‘defendant had no doubt taken this course to evade his creditors’.²⁸⁶ In another version of these comments, he described Mackie as having ‘adopted a very convenient way of getting out of his debts’.²⁸⁷ Before making this arrangement, his debts totalled £306 5s.²⁸⁸

In 1885, a Thames saddler successfully sued for £3 10s.²⁸⁹ In April 1886, a distress warrant was issued against him by a labourer to enforce payment of £7 9s, being wages owing,²⁹⁰ and the following month he was forced to pay costs in a case over the ownership of a dog, as explained earlier. He was sued only once in 1887, for not paying his subscription to the *Waikato Times*, which was so overdue that he was ordered to pay £7 14s.²⁹¹ He was sued twice in 1888, once by the county council for £1 14s 2d, which was struck out, and at the end of the year by the mining inspector for an unrecorded amount.²⁹² In May 1889, a labourer claimed £7 10s 6d from

²⁸⁵ Te Aroha Magistrate’s Court, Criminal Record Book 1881-1896, 38/1884, BCDG 11220/1a, ANZ-A; Magistrate’s Court, *Te Aroha News*, 26 April 1884, p. 7.

²⁸⁶ Magistrate’s Court, *Waikato Times*, 26 February 1889, p. 2.

²⁸⁷ Hamilton Magistrate’s Court, *Te Aroha News*, 2 March 1889, p. 2.

²⁸⁸ *Te Aroha News*, 6 November 1889, p. 2.

²⁸⁹ Thames Magistrate’s Court, Civil Record Book 1883-1885, 51/1885, BACL 13735/2a, ANZ-A.

²⁹⁰ Te Aroha Magistrate’s Court, Civil Record Book 1884-1889, 14/1886, BCDG 11221/1b; Plaints 1886, 14/1886, BBAV 11572/1a; Home Warrant Book 1883-1928, 2/1886, BBAV 11498/1a, ANZ-A.

²⁹¹ Hamilton Magistrate’s Court, Civil Record Book 1885-1888, folio 109, BCDG 11256/2a, ANZ-A.

²⁹² Te Aroha Magistrate’s Court, Civil Record Book 1885-1888, 66/1888, BCDG 11221/1b; Home Warrant Book 1883-1928, 20/1888, BAV 11498/1a, ANZ-A.

'Lizie' Mackie for unpaid wages; after 6s was paid into court plus 5s for costs, the matter was settled out of court.²⁹³

The year 1889 was notable for the consequences of Mackie's continued refusal to pay his subscription to the *Waikato Times*. In January, its business manager, George Edgecumbe,²⁹⁴ obtained a distress warrant to obtain £8 14s.²⁹⁵ The following month, Edgecumbe sought a judgment summons in the Hamilton magistrate's court to enforce payment.²⁹⁶ The *Te Aroha News* reprinted the detailed *Waikato Times* report, which noted that the original judgment had been obtained 'as far back as 1887' and revealed the state of his finances and how he had been evading creditors:

Defendant, who had refused to attend Court unless his conduct money [the cost of travelling to Hamilton] was provided, was examined at length by plaintiff. He admitted that in 1884 he had made over his property under a protection order to his wife: that was in order to protect his wife and family from his creditors; since then he had had nothing; his wife kept a number of cows; they'd milked as many as 23, and never less than 4; they all belonged to his wife, who supplied him with clothes and food; his wife also had horses, and harness; he used these to get some timber out of the bush, a contract for a gold mine; but he earned £10, and had to pay away £11 6. 4d on the contract; he bought horses and other stock for his wife, in her name with her money; he never bought anything for himself; he admitted going in 1887 to Galatea to inspect a block of land; his wife provided him with the money for the trip; he was not so anxious to inspect the land as to have some hot baths at Rotorua; he was not sure what he went on that trip for – whether it was for himself or his wife, or an unknown individual; swore positively he did not make an offer to lease 1550 acres of the block, and stock it; his wife's brand was a D; could not say what the brand was on the young stock – he usually branded everything he got hold of. Could make no offer of payment; had a bill in his hand of W.J. Hunter's which he would

²⁹³ Te Aroha Magistrate's Court, Civil Record Book 1889-1896, 50/1889, BCDG 11221/1c, ANZ-A.

²⁹⁴ See *Descriptive Handbook to the Waikato* (Hamilton, 1880), p. 27; *Cyclopedia of New Zealand*, vol. 2, pp. 740, 745; *New Zealand Herald*, 12 March 1930, p. 14; *Waikato Times*, 12 March 1930, p. 5.

²⁹⁵ Hamilton Magistrate's Court, Distress Warrant Book 1880-1922, 2/1889, BCDG 11261/1a, ANZ-A.

²⁹⁶ Hamilton Magistrate's Court, Civil Record Book 1888-1894, folio 15, BCDG 11256/2a, ANZ-A.

pay if he could. - The plaintiff said he thought enough had been shown to secure an order. Defendant chose to work for his wife, to whom he had given his property admittedly to protect himself and her from his creditors. His labour, however, was worth more than his food and clothes, and if he continued this course he would never have any money.- The R[esident] M[agistrate] said defendant had adopted a very convenient way of getting out of his debts. He feared such methods were on the increase. However, he did not see how an order could be made in face of the evidence. - Plaintiff said he had not expected to obtain the order, but he wished publicity given to the fact that Mr Robert Mackie had nothing, and never would have anything, and therefore the only safe way for people to deal with the family was through the wife. Case dismissed.²⁹⁷

At the end of October, Edgecumbe sought a judgement summons in the Te Aroha court for the amount owing, now £9 12s.²⁹⁸ Henry William Northcroft, an experienced and respected magistrate,²⁹⁹ was unsympathetic to Mackie, as the *Waikato Times*, which had a vested interest in the outcome, made clear:

In a judgment case *Edgecumbe v Mackie* more than usual interest on the part of the public was apparent and the case was watched with keen interest, the same application having been dismissed on a former occasion in the Hamilton R.M. Court some time ago on the ground of alleged inability of the defendant, Mackie, to satisfy the claim. At the opening of the case, Mackie, in a somewhat excited manner said, "Before proceeding with this case, your Worship, I have to say that I am not the party; judgment could never have been given against me; I am proceeded against as Mackay." – His Worship: "That's as good; suppose he had called you Jones it would not alter the case. You have just dropped on the worst thing you could have done." His Worship then read authority to show the fallacy of the contention.- Mackie: "I am not the party, there's been no judgment against me." On being sworn, Mr Mackie said he was a settler, and a butcher at present out of business in Te Aroha, and

²⁹⁷ Hamilton Magistrate's Court, *Te Aroha News*, 2 March 1889, p. 2.

²⁹⁸ Te Aroha Magistrate's Court, Civil Record Book 1889-1896, Application for Judgment Summons heard on 29 October 1889, BCDG 11221/1c, ANZ-A.

²⁹⁹ See editorial, *Waikato Times*, 20 March 1888, p. 2; *Te Aroha News*, 9 June 1888, p. 2; *Thames Advertiser*, 24 February 1890, p. 2, 17 October 1893, p. 2; *Cyclopedia of New Zealand*, vol. 2, p. 745; *Observer*, 6 February 1897, p. 2, 14 August 1909, p. 5, 8 January 1910, p. 4, 5 November 1910, p. 5; *New Zealand Herald*, 22 July 1909, p. 6.

in reply to a question put by Mr Edgecumbe, re payment to him of money by Mr J[ohn] Wood for cattle, said, "I won't answer a single question, and I claim the protection of this Court." His Worship: "But you must answer, Mr Mackie." Mackie: "I will not answer a single question." His Worship, (to the sergeant): "Confine him till the rising of the Court," which was accordingly done. After being in the lock-up for several hours, whilst the ordinary business was being gone on with, Mackie was brought before His Worship and severely reprimanded for his disobedience. The case was then proceeded with, and in reply to Mr Edgecumbe's question, "Have you sold cattle to Mr Wood lately?" Mackie replied: "What can you have to do with that? I won't answer the question, the cattle weren't mine." On being pressed he admitted the cattle realised £22, which Mr Wood paid to him and for which he gave a receipt.- Mr Wood gave corroborative evidence as to having purchased cattle from Mr Mackie on the 29th July for £22, the receipt for which was produced, signed by Robert Mackie.- Mr Mackie denied the ownership, and stated he sold the cattle by Mrs Mackie's instructions, cashed the cheque and handed her over the money.- His Worship ordered Mackie to pay the whole amount forthwith, he having the means to pay, or in default two month's imprisonment in Mount Eden jail. Mr Mackie was again taken into custody.³⁰⁰

In the *Te Aroha News*' briefer account, when Mackie said he was 'not the party' because his name was not Macky, he said: 'If a judgment had been got against him it must have been by false swearing'. After Northcroft 'repeatedly warned' him to answer the question about selling cattle to Wood, he was imprisoning for contempt of court.³⁰¹ When this brief imprisonment was registered, his occupation was recorded as a labourer.³⁰²

As he still refused to pay, on a warrant of commitment Mackie was taken to Mt Eden gaol, to be released immediately because he petitioned to be adjudged bankrupt.³⁰³ In his statement to the assignee, he described

³⁰⁰ Te Aroha Correspondent, *Waikato Times*, 31 October 1889, p. 2.

³⁰¹ Magistrate's Court, *Te Aroha News*, 30 October 1889, p. 2.

³⁰² Armed Constabulary Force, Return of Charges taken at Te Aroha Lock-up 1880-1903, 32/1889, in private possession.

³⁰³ Te Aroha Magistrate's Court, Home Warrant Book 1883-1928, Application for Warrant of Commitment heard on 29 October 1889, BBAV 11498/1a, ANZ-A; *Te Aroha News*, 2 October 1889, p. 2.

himself as 'a butcher by trade, but had not followed that business since 1884. He started on a leasehold farm of 85 acres' at Waiorongomai,

and spent all his time and money (£256) on it, without any return whatever. He worked at it from 1884 to 1887. Since then he had been dependant on casual work as a labourer, milking cows, and bush work, a very hand to mouth living. His debts amounted to £378 14s 6d, the sum of £306 5s having been incurred prior to 1884. He was put in gaol for a debt he never owed, and filed to get out.³⁰⁴

Whilst still claiming not to be the 'Macky' sued by Edgecumbe, he was silent on the fact that in 1884, when owing £306 5s, he had transferred his property into his wife's name to evade his creditors. Northcroft, 'noted for plain speaking',³⁰⁵ was even plainer in letters he wrote one month after hearing Edgecumbe's case. The first was sent to the clerk of court at Te Aroha:

Mr Geo Edgecumbe writes asking if we have any receipts for money signed by R. Mackie and not Mrs Mackie if we have you might let him have them or if you know of any you might let him know where he can get them.... I would like to get that old skunk get a good showing up for I think the old --- is living a life of fraud.³⁰⁶

The brief one sent to 'My dear George' revealed clear bias in favour of Edgecumbe, a friend from his days as a magistrate in Hamilton from 1877 to 1888:³⁰⁷ 'I was sorry you did not get your money out of that old fraud'.³⁰⁸ One member of the district sympathized with Mackie, William Archibald Murray citing this suit as one of two cases where the *Waikato Times* had got

³⁰⁴ *Te Aroha News*, 6 November 1889, p. 2.

³⁰⁵ *Observer*, 21 December 1907, p. 4.

³⁰⁶ H.W. Northcroft to Clerk of Court, Te Aroha, 28 November 1889, H.W. Northcroft Papers, Letterbook, p. 600, ARC 2159, Te Awamutu Museum.

³⁰⁷ See editorial, *Waikato Times*, 10 March 1888, p. 2; *Te Aroha News*, 3 March 1888, p. 2; *New Zealand Herald*, 22 July 1909, p. 6.

³⁰⁸ H.W. Northcroft to 'My dear George' [Edgecumbe], 28 November 1889, H.W. Northcroft Papers, Letterbook, p. 602, ARC 2159, Te Awamutu Museum.

people imprisoned unjustly, Mackie having 'said he did not own' this debt.³⁰⁹

Mackie's total indebtedness was discovered to be £390 1s 6d. His only assets were shares in the Colonial Bank, valued at £13, and book debts of £29 15s, which were estimated to produce £15, giving a total of £28.³¹⁰ He must have had more assets, for two years later a first dividend of 8s 10 1/2d was paid.³¹¹ In 1893, he was discharged as a bankrupt after a second and final dividend of 2s 4d was paid.³¹²

Mackie was sued only twice more in the 1890s. In 1896, A. & G. Price of Thames sued for £4 14s 4d for goods supplied, and two years later took out a distress warrant to obtain what had risen, through legal costs, to £5 6s 4d; as Mackie had no assets to be sold, this amount remained unpaid.³¹³ Mackie sued others only twice in that decade also; he was non-suited when seeking £2 11s 6d in 1893, but obtained £2 in 1899.³¹⁴

In the last decade of his life, Mackie sued on six occasions and his wife on one. In 1902, £1 12s was paid into court by one debtor, but he was non-suited when seeking £5 1s (half the cost and maintenance of a fence) and £35 3s for damages, and unsuccessfully claimed 10s lent to the poundkeeper.³¹⁵ In 1904, he obtained £1, and the following year his wife, 'a married woman having separate estate', had her case for £2 14s 8d struck out.³¹⁶ His last suit, in 1908, for £42 12s, being hire of a mare for two years,

³⁰⁹ Letter from W.A. Murray, *Waikato Times*, 13 October 1891, p. 2.

³¹⁰ *Mercantile and Bankruptcy Gazette*, 9 November 1889, p. 349.

³¹¹ *Mercantile and Bankruptcy Gazette*, 19 November 1891, p. 349.

³¹² *New Zealand Gazette*, 9 March 1893, p. 316; *Mercantile and Bankruptcy Gazette*, 15 February 1894, p. 70.

³¹³ Paeroa Magistrate's Court, *Plaint Book 1896-1901*, 171/1896, BACL 13745/2a; *Home Warrant Book 1881-1927*, 47/1898, BACL 13748/1a, ANZ-A.

³¹⁴ Te Aroha Magistrate's Court, *Civil Record Book 1889-1896*, 21/1893, BCDG 11221/1c; *Civil Record Book 1896-1907*, 41/1899, BCDG 11221/2a, ANZ-A.

³¹⁵ Te Aroha Magistrate's Court, *Civil Record Book 1896-1907*, 8, 31, 34, 49/1902, BCDG 11221/2a; *Plaints 1902*, 31, 34/1902, BBAV 11572/3a, ANZ-A.

³¹⁶ Te Aroha Magistrate's Court, *Civil Record Book 1896-1907*, 24/1904, 24/1905, BCDG 11221/2a, ANZ-A.

which was reduced to £33 10s; this was not paid because the defendant had no means.³¹⁷

In November 1902, Thomas Gavin³¹⁸ sued Mackie for ‘possession of certain messuage³¹⁹ and Tenement’, but this case was struck out two months later.³²⁰ The last time he was sued was in 1908, when the New Zealand Loan Company was unable to obtain its £6 2s 6d because he had no effects.³²¹

MORE CANTANKEROUS BEHAVIOUR

In December 1883, the *Observer* referred to ‘our pugilistic Robert’ being ‘done “brown” by the same ex-blue-coat’,³²² meaning that he had been cheated by a soldier.³²³ It is not certain that this Robert was Mackie, but it was in character for him to be ‘pugilistic’, both by tongue and fist. In 1890, he was in serious trouble for giving Frank McDevitt ‘a tongue lashing’, as the *Observer* described it.³²⁴ The previous year, his wife had been forced to pay wages owing to McDevitt, then a labourer.³²⁵ On 4 February, McDevitt charged him with using ‘abusive and insulting language’ against him in the main street on 8 January, but then withdrew the charge.³²⁶ Two weeks later, McDevitt sued him again for the same offence, namely ‘calling

³¹⁷ Te Aroha Magistrate’s Court, Civil Record Book 1907-1911, 14/1908, BCDG 11221/2b; Home Warrant Book 1883-1928, 14/1908, BBAV 11498/1a, ANZ-A; Magistrate’s Court, *Te Aroha News*, 28 May 1908, p. 2.

³¹⁸ See paper on his life.

³¹⁹ ‘Dwelling-house with outbuildings & land assigned to its use’: *The Concise Oxford Dictionary of Current English*, 5 ed. (Oxford, 1964), p. 762.

³²⁰ Te Aroha Magistrate’s Court, Civil Record Book 1896-1907, 45/1902, BCDG 11221/2a, ANZ-A.

³²¹ Hamilton Magistrate’s Court, Home Warrant Book 1881-1922, entry for 30 March 1908, BCDG 11261/1a, ANZ-A.

³²² ‘Te Aroha’, *Observer*, 8 December 1883, p. 16.

³²³ Eric Partridge, *A Dictionary of Slang and Unconventional English*, 8 ed., ed. Paul Beale (London, 1984), pp. 102, 318.

³²⁴ ‘Te Aroha’, *Observer*, 1 March 1890, p. 14.

³²⁵ Te Aroha Magistrate’s Court, Civil Record Book 1889-1896, 50/1889, BCDG 11221/1c; Plaints 1889, 50/1889, BBAV 11572/1a, ANZ-A.

³²⁶ Te Aroha Magistrate’s Court, Criminal Record Book 1881-1896, 11/1890, BCDG 11220/1a, ANZ-A; Magistrate’s Court, *Te Aroha News*, 5 February 1890, p. 2.

defendant and his wife d***** scoundrels, d***** thieves, and d***** rogues, in the hearing of passers by, whereby a breach of the peace might have been caused'. The *Te Aroha News* noted that this alleged offence took place at about the time when McDevitt had quarrelled with another neighbour, Robert Michael, whom the previous month he had prosecuted for assault. The evidence proved that these neighbours had 'not been on friendly terms for some time past', and that Michael believed that a bull borrowed by McDevitt had broken down Michael's fence. 'Strong language was followed by blows, Michael hitting McDevitt in the face giving him a black eye. Mrs McDevitt coming on the scene took up stones and threw at Michael' before neighbours arrived 'to put an end to the quarrel'. Mackie, a witness in the case, stated 'that before the blows were struck, he saw McDevitt "shaping" up to Michael and shaking his fist at him'. Michael was found guilty of assault and Hannah McDevitt of throwing a stone.³²⁷

When the case against Mackie was heard, he conducted his own defence. In response to his questions, McDevitt said others, including Michael and James Clarke, were present when Mackie 'called out' to him:

The reason I thought the words were addressed to me was because you often used very similar expressions to me before. I did receive money from your wife, for damages done to my garden. It was not by extortion I got it from her. I did not call your family d*** mongrels. The only reason I had for supposing the language was addressed to me was because you had often done the like before. You were on Whitaker Street at the time.

Northcroft explained to Mackie that the offence was using this language in a public place; 'it would not have mattered if you had addressed it to a stone'. James Clarke, a storekeeper who had had serious conflicts with him, as explained below, then gave evidence:

Remembered the morning of January 8th last, and the row that took place that morning between plaintiff and Michael. Saw defendant at the time in a very excited position. He was calling McDevitt a rogue, a thief, and a hay stealer. He was using very abusive language.

By Defendant: I think it was over [Robert Job] Maisey's³²⁸ bull, which had broken down a fence, you were excited. I believe you

³²⁷ Police Court, *Te Aroha News*, 15 January 1890, p. 2.

³²⁸ See *Te Aroha News*, 27 August 1930, p. 5.

mentioned about Mrs McDevitt throwing stones. I did not see you on Whitaker-street.

Henry Kirby [a miner]³²⁹ (sworn): Stated he heard defendant using very bad language towards the plaintiff and his wife, calling them d---- thieves, rogues, and scoundrels.

By Defendant: I saw the McDevitt's stone throwing. I remember with respect to one of the stones thrown "If Bob Michael had caught that it would have settled him." Both McDevitt and his wife threw stones.

Charles Kirby [a miner, and brother of Henry]³³⁰ (sworn): Stated he saw defendant about the time of the row between McDevitt and Michael, on the morning of January 8th. Defendant abused McDevitt and his wife. Heard Mackie call plaintiff a d--- scoundrel, a d--- liar, and d---- rogue.

In reply to Defendant: You certainly did not say anything until Michael was assailed by stones.

Robert Mackie (sworn): On the 8th of January I saw McDevitt and Michael fighting. Whilst this was going on Mrs McDevitt came out and hit Michael with a stone; after which both McDevitt and his wife took to stone throwing. When Kirby remarked if Michael had got that stone on the head it would have settled him, I said yes and made use of some derogatory remarks about McDevitt and his wife. I was not on Whitaker street at all at the time. I was in Stafford street, at the corner of my fence.

Mary Michael (sworn): In reply to His Worship, said she saw the row from beginning to end. Did not hear any bad language used by any one but Mrs McDevitt.

By Defendant: You did not interfere in the fight as long as the two men had it to themselves, or until Mrs McDevitt commenced to throw stones at Michael.

These were the only witnesses called.

His Worship: In the face of the evidence given by the two Kirby's, who have both sworn positively that the language set out in the information was made use of, and are both independent witnesses, I can only come to one conclusion, viz, that it was used.

Fined £2 and £4 3s costs. ³³¹

As Mackie did not pay, a distress warrant was issued, but as the bailiff 'found nothing to seize', a warrant of imprisonment was issued later the same day, 4 March, and Mackie was briefly imprisoned in Te Aroha before

³²⁹ See *Thames Star*, 11 April 1893, p. 2.

³³⁰ See *Te Aroha News*, 19 February 1887, p. 2; *Thames Advertiser*, 12 April 1893, p. 2.

³³¹ Magistrate's Court, *Te Aroha News*, 22 February 1890, p. 2.

being sent to Mt Eden gaol for one month.³³² Northcroft explained to the Commissioner of Police, who queried this outcome, that because there was ‘insufficient distress (nothing – Mackie having made everything over to his wife I am informed)’, the second warrant had been issued. ‘Everything was regular and Mackie knew he would have to go to Gaol unless he found the money which he refused to do. His case is not a hard one for he could have paid it and would not’.³³³

In 1891, Mackie, convicted of a breach of the dog registration laws, was fined £1 and ordered to pay 5s for a dog collar; this time he paid.³³⁴ During this hearing, the details of which are unknown because of the loss of the local newspaper, he clearly behaved in his usual pugnacious way, because he was imprisoned for contempt of court until it rose.³³⁵

In 1898 there occurred the first of several squabbles with Mary Isabella Michael, despite her husband being a fellow Presbyterian and having seconded his nomination to the church committee in 1889.³³⁶ On 2 August, she sued him because he ‘Did rescue one horse seized for the purpose of being impounded’, on 20 July. Mackie pleaded not guilty, but was fined £2, in default one month in the Thames prison; given one month’s grace to find the money, he paid.³³⁷ On 18 August, he charged Michael with assaulting him four days after this hearing; Michael was ordered to keep the peace.³³⁸

³³² Te Aroha Magistrate’s Court, Criminal Record Book 1881-1896, 13/1890, BCDG 11220/1a, ANZ-A; *Te Aroha News*, 8 March 1890, p. 2; Armed Constabulary Force, Return of Charges taken at Te Aroha Lock-up 1880-1903, 5/1890, in private possession.

³³³ H.W. Northcroft to Col. [W.E.] Gudgeon, 22 March 1890, H.W. Northcroft Papers, Letterbook, p. 607, ARC 2159, ANZ-A.

³³⁴ Te Aroha Magistrate’s Court, Criminal Record Book 1881-1896, 9/1891, BCDG 11220/1a, ANZ-A.

³³⁵ Armed Constabulary Force, Return of Charges taken at Te Aroha Lock-up 1880-1903, 3/1891, in private possession.

³³⁶ *Te Aroha News*, 3 July 1889, p. 2.

³³⁷ Te Aroha Magistrate’s Court, Criminal Record Book 1896-1907, 16/1898, BCDG 11220/1b, ANZ-A.

³³⁸ Te Aroha Magistrate’s Court, Criminal Record Book 1896-1907, 19/1898, BCDG 11220/1b, ANZ-A.

The following year, the council referred his complaint about the pound to the poundkeeper.³³⁹ In November 1901, he was convicted of using abusive words to Michael and ordered to pay the costs of the hearing.³⁴⁰ The following January, John Watson Walker, who then owned 'Wairakau Farm',³⁴¹ charged him with causing £2-worth of damage to a fence. Despite denying guilt, Mackie was fined £1 and ordered to pay £1 damages to Walker.³⁴² As he refused to pay, in May he was briefly imprisoned in Te Aroha before being sent to Mt Eden prison for a month.³⁴³ In August, Mackie sought £35 3s in damages from Walker, but was non-suited.³⁴⁴

At the end of September 1903, Mary Michael, now a widow, sued him for £10 over 'Trespass to Bull', which he was ordered to pay.³⁴⁵ He made a counter-claim 'on account of alleged damage resulting from association of the bull with his cows. It appeared that, finding the bull with his cows, which were not in a legally fenced enclosure, Mackie tied the bull up. Later the animal was found dead through suffocation'. After claiming that he was unable to get the bull impounded, Mackie was accused of not taking proper legal action over the trespass and of causing serious loss to Mrs Michael.³⁴⁶ Forced to sue for her money, which with legal fees had risen to £13 18s, she withdrew her suit within two weeks because it was 'Settled by Consent' after Elizabeth Mackie made an interpleader claim and lodged this amount in court.³⁴⁷

³³⁹ Te Aroha Borough Council, Minutes of Meetings 1898-1911, Meeting of 15 November 1899, p. 49, Matamata-Piako District Council Archives, Te Aroha.

³⁴⁰ Te Aroha Magistrate's Court, Criminal Record Book 1896-1907, 58/1901, BCDG 11220/1b, ANZ-A.

³⁴¹ *Te Aroha News*, 9 October 1900, p. 4.

³⁴² Te Aroha Magistrate's Court, Criminal Record Book 1896-1907, 5/1902, BCDG 11220/1b, ANZ-A.

³⁴³ Te Aroha Magistrate's Court, Criminal Record Book 1896-1907, 16/1902, BCDG 11220/1b, ANZ-A; Armed Constabulary Force, Return of Charges taken at Te Aroha Lock-up 1880-1903, 13/1902, in private possession.

³⁴⁴ Te Aroha Magistrate's Court, Civil Record Book 1896-1907, 34/1902, BCDG 11221/2a; Plaints 1902, 34 1902, BBAV 11572/3a, ANZ-A.

³⁴⁵ Te Aroha Magistrate's Court, Civil Record Book 1896-1907, 19/1903, BCDG 11221/2a; Plaints 1903, 19/1903, BBAV 11572/3a, ANZ-A.

³⁴⁶ Te Aroha Magistrate's Court, *Auckland Weekly News*, 8 October 1903, p. 40.

³⁴⁷ Te Aroha Magistrate's Court, Minute Book 1898-1919, folio 7, BBAV 11225/2a; Home Warrant Book 1883-1928, 19/1903, BBAV 11498/1a, ANZ-A.

In February 1904, Mary Michael took Mackie to court once more because he ‘Did unlawfully assault Informant by throwing a stone at her and the said Mary Michael fears that such conduct may be repeated and may tend to provoke a breach of the Peace and requires that you may be called upon to find sureties to keep the Peace’.³⁴⁸ As he was not bailed out (clearly his wife was tired of saving him from himself), he was imprisoned in the lock-up awaiting trial.³⁴⁹ He was fined £2 and costs, and ordered to keep the peace for 12 months and provide a surety of £50 and two other sureties of £25; if no sureties were obtained, he would be imprisoned in Mt Eden for six months.³⁵⁰ ‘The defendant said that if he were a dangerous man he did not wish others to be responsible for his acts, and he would therefore go to gaol’.³⁵¹

This was the fourth, and last, time he was imprisoned in Mt Eden, although his first imprisonment in 1889 was so brief that the police did not record his release.³⁵² In July 1905, prompted by disturbances in this prison, he wrote to the Member of Parliament for the City of Auckland to show ‘that prisoners are not always fairly treated’. He described himself as aged 70 ‘and an invalid during the last eight years’, a diagnosis not confirmed from any other source. Before leaving Te Aroha, a doctor had examined him and ‘said a vehicle of some sort’ would be needed to take him to and from the train.

I reached the prison about 7 o’clock on Saturday evening and was put into a cell and provided with mattress, plenty of blankets, and bread and water. Two warders came in and acted kindly towards me, while on Sunday afternoon other two came and ordered me to turn out: if you do not turn out now you will have to do so to go to work in morning, but on leaving one said “That man is sick and ought to have been taken to the Hospital & not brought here at all.” I knew that the food (bread and tea) would have a very bad effect upon me, therefore I did not touch it. I think it was Tuesday

³⁴⁸ Te Aroha Magistrate’s Court, Criminal Record Book 1896-1907, 11/1904, BCDG 11220/1b, ANZ-A.

³⁴⁹ New Zealand Constabulary, Report of Charges taken at Te Aroha Lock-up 1903-1917, 6/1904, BADB 11355/1a, ANZ-A.

³⁵⁰ Te Aroha Magistrate’s Court, Criminal Record Book 1896-1907, 11/1904, BCDG 11220/1b, ANZ-A.

³⁵¹ Te Aroha Correspondent, *Auckland Weekly News*, 3 March 1904, p. 43.

³⁵² *Te Aroha News*, 2 October 1889, p. 2; *New Zealand Police Gazette*, 23 April 1890, p. 85, 18 June 1902, p. 160, 7 September 1904, p. 261.

when the Doctor came & examined me, saying, "Weak heart, weak heart, lie down and keep quiet." I was then shifted where I had neither air nor light, but a strong smell of what I took to be dead rats. I could only get warm in bed by keeping my clothes on & I was roused in the morning by having the wooden pillow kicked from under my head; all the warders were not unkind as one man gave me hot water and a light, telling me at the same time that there was plenty of hot water to be got, while others only sneered at me. This went on for three weeks by which time I was very bad and could not keep myself clean, when I saw Messrs Clayton & Hume, after which I was put into the Hospital where there was a little fire & my bed was good, but the Gaoler told me I was not there to be made comfortable, while the Chief Warders made misrepresentations to the Doctor and also induced the other prisoners to annoy me, until on the 18th of June I was knocked down on the stair & only just missed being killed on the spot. The blood spouted from a wound in my head: I said "Will you not take me to the Hospital?" but was told the Doctor will soon be here, but an hour and a half elapsed before he came & although Mr Hall the lifer was there and a lot more they appeared afraid to do or say anything. The Dr. asked me how it happened: he stitched it & left me and within an hour it burst out afresh: some three hours elapsed before he returned when he swore at me saying I must have undone his work: by the time he finished I was quite helpless, but never lost my senses and was well aware every drop of blood I could spare and life was just about gone out of me & I was only saved by warmth and stimulants. I lay for a week during which I was well attended, Mr Hall being my chief nurse, sitting up for several nights. I became deaf and when I got to be able to speak I asked to see a Visiting Justice. One came who asked how it was done. I told him & he said "If you can prove that you were knocked down I will punish him." I said that was no good to me: I did not want him punished, I want to be sent where I can get some special treatment to try & preserve my hearing. The Gaoler stood by and in a sneering manner said it was all my own fault. I also saw Mr Clayton to whom I made the same request, when the Gaoler again interposed. A Mr Beehan also came but he, the Gaoler, prevented him coming up to my bed. I got as much milk as I could take for one week at the end of which time the extra was withdrawn which left me as before, with ample quantity of food, good of its kind. Several times I asked for ships biscuits but was sneered at though my bread was brought regular & wasted.³⁵³

³⁵³ Robert Mackie to Alfred Kidd, 31 July 1905, Justice Department, J 41, 1905/846, ANZ-W.

In response to a telegram from the Inspector of Prisons, the gaoler explained that Mackie had served four sentences, in 1889, 1890, 1902, and 1904:

I can only report on the last two occasions, he was then an inmate of the Prison Hospital the whole time and made himself most obnoxious to everyone with his imaginary ailments. He either sat over the fire with a blanket around him or lay in bed the most of the day, and kept the other prisoners awake at night by not being able to sleep. He had an abnormal appetite and would often wake up the Hospital Orderly during the night asking for something to eat, he would frequently gorge himself to such an extent that he complained of illness afterwards. He was of a quarrelsome nature and a persistent fault finder and grumbler.³⁵⁴

In a more detailed report sent 12 days later, the gaoler outlined how Mackie had been well treated in hospital, where he had been moved two weeks after admission, 'not because he was ill, but on account of there being a fire in the room'. On 17 June, he had fallen on the stairs leading to the hospital, and the surgeon saw him three times during that day and increased his allowance of milk. He listed Mackie's interviews with him, most of them about discomfort or being roughly treated, but the first was about his desire 'to lay an information' about being assaulted. There was no corroboration for his complaint on 30 June that a prisoner had pushed him down the stairs, causing his head to be cut: the prisoner stated that Mackie 'slipped on a scrubbing brush and fell against the iron door'. The complaints in his letter were then dealt with:

He made no complaints about Warders speaking to him as he describes, and I do not think such an occurrence is likely to have taken place; he was not sentenced to hard labour, and was never asked to work; as to bread and tea having "a bad effect" on him, and his not eating it; I know that he did not complain, that he had an abnormal appetite, and used to devour everything in the way of food that he could lay his hands on, even to getting up in the night to eat. He was never in a cell without air or light, there were no rats dead or otherwise, and the cell [was] selected by the Surgeon. There was no wooden pillow in his cell, therefore he could not have been "roused" as he states. As to the Warders manner towards him I do not know anything, but he did not make

³⁵⁴ F.E. Severne to Inspector of Prisons, 8 August 1905, Justice Department, J 41, 1905/846, ANZ-W.

any complaint. It is quite untrue that I ever said he “was not there to be made comfortable,” and also untrue that the Chief Warder made any representations to the Surgeon, or induced other prisoners to annoy him; as a matter of fact his behaviour in the Hospital gave great annoyance to all the prisoners there, and seriously interfered with the rest and quiet of those who required it.... I never saw Mackie when he was unable to speak; and as to his becoming deaf, all those who were with him stated that he could hear as well as he could prior to the accident – when he wished to. It is not very uncommon for people of his age to be a little deaf. With regards to my saying it was all his own fault, the statement is untrue, there would be no sense or point in such a remark; it is also just as false to say that I “interposed” in any way, or at any time; to the best of my recollection both Messrs Beehan and Clayton, Visiting Justices, had rather long conversations with Mackie, as also Mr McGovern V.J. I never heard of his asking for ships biscuits, but if the Surgeon had ordered them, they would have been supplied. In conclusion I may state that Robert Mackie was in my opinion treated remarkably well while here; he certainly made himself very disagreeable, and obnoxious, to those prisoners who were associated with him; he is of a most quarrelsome disposition and was continually grumbling: but this is possibly due to his age. It is to be regretted that he did not make these complaints before his release from prison, (or immediately afterwards,) while everything was fresh in my memory: instead of waiting for twelve months.³⁵⁵

After receiving these details, the inspector told Mackie why his complaints were not sustained, regretting he had not considered them ‘of sufficient importance to report them when you were in Gaol or immediately on your release’, when the facts were fresh in everyone’s memory.³⁵⁶ Mackie’s response, to which no reply was made, attacked the ‘unreliable character of the party who furnished the report’. He insisted that he did have a wooden pillow and that the statement that he slipped on a scrubbing brush was a ‘complete fabrication’. He now claimed that ‘the attack was premeditated, cowardly, & savage, being the consummation of many previous attacks, some of which are quite fresh in my mind’, although he was uncertain of the dates. ‘I claim to have A little more culture, than willfully

³⁵⁵ F.E. Severne to Inspector of Prisons, 20 August 1905, Justice Department, J 41, 1905/846, ANZ-W.

³⁵⁶ Inspector of Prisons to Robert Mackie, 23 August 1905, Justice Department, J 41, 1905/846, ANZ-W.

annoy or disturb my neighbours under any circumstances. I was often sorry for those near me, especially one man who was kind to me despite his own sufferings'. Whilst his deafness was 'no doubt due partly to old age', a 'much larger per centage' of it and the pain he still suffered from was caused by being wounded by the iron door. 'I frequently asked for Ships' biscuits, but was sneered at. The food I got was excellent, and with the addition of eight penny worth of Biscuit A week, would have kept life in me whereas I had to eat about four times the usual quantity of salt, & dry up what little bread I used'. The doctor gave him brandy twice, and extra milk for one week: Mackie 'pleaded for it, so he continued, without avail', he wrote, confusingly.³⁵⁷

Not content to complain privately, prompted by a recent inquest in the gaol Mackie wrote to the press in Te Aroha and Auckland:

In sending you this short statement I feel that I am performing a duty. In March, 1904, I was taken from here to the above named prison. I am seventy years of age, and had to be seen and treated by a doctor before leaving here. Passing over details, on the 18th of June following, I was pushed on the stairs by a fellow prisoner, and my head struck an iron gate, so that I just missed being killed on the spot, when, no doubt, a similar inquest and verdict would have been passed upon my remains. But I am alive, and able to tell a very different tale.³⁵⁸

FAMILY LIFE

Although little direct evidence has survived about Mackie's family life, it clearly was not the peaceful one suggested by 'Jane Heather'. Presumably having seven children, six of whom lived to be adults, indicated marital harmony at least until the 1880s (the last child was born in March 1882).³⁵⁹ In 1883, the *Observer* Man wrote that 'the butcher seems to enjoy the laundry work at the creek',³⁶⁰ but as there was more than one butcher, this implication of flirting with women doing their washing could apply to another one.

³⁵⁷ Robert Mackie to Inspector of Prisons, 30 August 1905, Justice Department, J 41, 1905/846, ANZ-W.

³⁵⁸ Letters from Robert Mackie, *Observer*, 26 August 1905, p. 17, *Te Aroha News*, 2 September 1905, p. 2.

³⁵⁹ Birth Certificate of John William Graves Mackie, 5 March 1882, 1882/5950, BDM.

³⁶⁰ 'Te Aroha', *Observer*, 1 December 1883, p. 8.

Two of his sons became miners: John, who mined at Waihi,³⁶¹ and George, who also mined at Waihi and would become a mine manager.³⁶² Ten months before Mackie's death, George went to Canada to 'try his luck', but returned within a few years and became a surveyor's assistant.³⁶³ Bruce, at first a labourer, became an engine driver,³⁶⁴ and Edward was an electrical engineer.³⁶⁵ Their second daughter, Elizabeth, married a farmer, and lived for a time at Waitekauri and then Mangaiti.³⁶⁶

The elder daughter, Christian, created the most problems for her family, and her unhappy life created a dispute between Mackie and Clarke with overtones of Romeo and Juliet. On 6 September 1888, Christian gave birth to a daughter, Harriet, whose father was not recorded on the birth certificate,³⁶⁷ was James Alexander Clarke, a labourer and drover who had been born in January 1871,³⁶⁸ and therefore three years younger than Christian. Twelve days after the birth, Mackie, on behalf of his daughter, took him to court for refusing to support his illegitimate child; after he made no plea, the case was adjourned.³⁶⁹ The local newspaper did not explain why Clarke was being sued,³⁷⁰ although residents cannot have been in any doubt. When the 'affiliation case' was heard on 9 October, Christian's name was given by the press as Christina,³⁷¹ presumably the name under which she was known. At the start of the hearing, the

³⁶¹ Marriage Certificate of John William Mackie, 29 December 1909, 1909/4699, BDM.

³⁶² *Thames Star*, 6 April 1906, p. 2; *Cleave's Auckland Directory 1932-33* (Auckland, 1932), p. 687; Probate of Portland George Alexander Mackie, Hamilton Probates, BCDG 4420/9463, ANZ-A.

³⁶³ *Te Aroha News*, 12 February 1910, p. 2, 27 November 1916, p. 2.

³⁶⁴ Waihi Hospital, Register of Patients 1903-1910, folio 51, no. 68, ZABW 4935/1a; Probate of Portland George Alexander Mackie, Hamilton Probates, BCDG 4420/9463, ANZ-A.

³⁶⁵ Probate of Edward Morrison Mackie, Probates, BBAE 1570, 472/46, ANZ-A.

³⁶⁶ Marriage Certificate of Kenneth Bruce Wright, 16 March 1932, 1932/2356, BDM.

³⁶⁷ Birth Certificate of Harriet Mackie, 6 September 1888, 1888/11561, BDM.

³⁶⁸ Birth Certificate of James Alexander Clarke, 2 January 1871, 1871/146, BDM; Armed Constabulary Force, Return of Charges taken at Te Aroha Lock-Up 1880-1903, 31/1888, in private possession; *New Zealand Police Gazette*, 8 May 1889, p. 90.

³⁶⁹ Te Aroha Magistrate's Court, Criminal Record Book 1881-1896, 43/1888, BCDG 11220/1a, ANZ-A.

³⁷⁰ Magistrate's Court, *Te Aroha News*, 19 September 1888, p. 2.

³⁷¹ Magistrate's Court, *Te Aroha News*, 10 October 1888, p. 2; Te Aroha Magistrate's Court, *Waikato Times*, 11 October 1888, p. 2.

magistrate 'remarked that all gentlemen should leave the Court, and the hint was taken at once and the Court was cleared'.³⁷² Mackie's solicitor opened the case:

The complainant was about 21 years of age, residing with her parents at Te Aroha. The defendant was a young man residing with his parents close by. In November 1886, an intimacy sprang up between the two, which ripened into closer relationship, with the ultimate view of matrimony. The defendant had on several occasions tried to effect his purpose, but was successfully resisted by complainant until one evening he succeeded, when with her in a lonely place.... Intercourse took place on several subsequent occasions, and one evening in November, 1887, which resulted in the pregnancy.

Christian then gave evidence:

She had known the defendant for about six years, and commenced to keep company with him in November, 1886. Defendant first took liberties with her in March, 1887, one evening when she went for a walk with him along the western bank of the Waihou river. On the evening in question he succeeded in having connection with her entirely against her consent, and after she had remonstrated with him, and resisted so far as she was able, but he was too strong for her. There had been talk of marriage between them prior to this. She threatened to tell her parents, and would have done so, but defendant implored her not to do so, saying he might be hung for the offence; and promised to marry her. About two months afterwards he met her on the road one evening, and again had connection with her, although she resisted him all she could on this second occasion also. Witness stated that after this, connection took place between them on several occasions, with the result that she became *enciente* [pregnant]. She would swear there had never been any impropriety between her and any other man. He assured her shortly before the birth of the child he would not think of denying the paternity; and promised to do what he could to support it; and he all along professed his intention to marry her. Witness stated her father disapproved of her keeping company with Clarke, and warned him away from the house.

One witness 'deposed to frequently meeting young Clarke out walking with a female in the evenings, but could not swear his companion was Miss

³⁷² Te Aroha Magistrate's Court, *Waikato Times*, 11 October 1888, p. 2.

Mackie as he did not know her'. Two other men stated they had 'frequently' seen the couple walking in the domain grounds in the evening. 'Elizabeth Mackie, a little sister of complainant, deposed to frequently taking messages from defendant to complainant, asking her to meet him in the Domain; and the complainant always warned her not to let her father or mother know about it'. Mackie stated he had 'had to warn defendant away from his house', and that when he had 'interviews' with James after the birth, James 'said he was not the father of it, but when asked if he would come and say that in the girl's presence, said he would not'; he 'refused to contribute towards its support'.

George Lipsey³⁷³ deposed that on the morning of September 7th, before he was out of bed, defendant came to him and wanted him to lend as much as would take him to Melbourne. In consequence of a rumour he had heard, he asked defendant on that occasion how Miss Mackie was, and said she was a very nice girl. He had heard they were keeping company. He never had heard anything whatever against Miss Mackie's character.

George Graves, the butcher who had assaulted Mackie three years previously, was the first to give evidence for the defence. He 'said he had never taken any liberties with Miss Mackie. He never heard anything but a good character of her; and he had never given defendant the slightest occasion to ask him the question he had about him'.³⁷⁴ Graves, aged 31, had married an 18-year-old girl less than three months previously.³⁷⁵ James Clarke, 'in his evidence and in reply to questions put, admitted having had connection with complainant on the various occasions as stated by her, etc, etc, but denied that he was the father of the child'.

Before giving the judgment, the *Te Aroha News* made some comments:

During the whole of the hearing of the case, not a particle of evidence was adduced to prove that Miss Mackie was other than a modest, well-behaved girl, against whose character nothing could be said until she had the misfortune to pick up with young Clarke, who, taking advantage of being alone with her in an out of the way place one evening, effected her ruin; and then in the most mean and cowardly fashion, had the hardihood to come into

³⁷³ See paper on his life.

³⁷⁴ Magistrate's Court, *Te Aroha News*, 10 October 1888, p. 2.

³⁷⁵ Marriage Certificate of George William Graves, 24 July 1888, 1888/3553, BDM; *Te Aroha News*, 1 August 1888, p. 2.

court and deny the paternity of the child in the face of the strongest presumptive evidence.³⁷⁶

In its brief account, the *Waikato Times* reported that both of Christian's parents had given evidence and that under cross-examination James' 'heartless conduct was fully proved'.³⁷⁷

The magistrate, Northcroft, ruled that James was 'the putative father of the child', and ordered him to pay 10s each week from the date of her birth until she was 14. He was also required to pay costs of £18 14s and to provide two sureties of £50 each. Failure to obey the order would result in his being imprisoned in Mt Eden for six months with hard labour.³⁷⁸ £12 of these costs were 'incidental to birth'.³⁷⁹ 'The police were instructed to take defendant in charge until the security is forthcoming'.³⁸⁰ As he was unable to find the two sureties, he was imprisoned, briefly, in Te Aroha and then in Auckland.³⁸¹ One newspaper reported that, 'under the circumstances', his 'conduct since his imprisonment' at Te Aroha had been 'quite extraordinary. He left quite jubilant' for Mt Eden.³⁸² Although the local newspaper understood that the money would soon be obtained, 'in which case Clarke will be liberated', as it was not found he served six months with hard labour.³⁸³

Immediately James was released in April 1889, Mackie, on behalf of Christian, sued him for failing to comply with the maintenance order, and he was 'immediately re-arrested' and brought from Auckland to Te Aroha.³⁸⁴ At the first hearing, he made no plea and was remanded in the lock-up at

³⁷⁶ Magistrate's Court, *Te Aroha News*, 10 October 1888, p. 2.

³⁷⁷ Te Aroha Magistrate's Court, *Waikato Times*, 11 October 1888, p. 2.

³⁷⁸ Te Aroha Magistrate's Court, Criminal Record Book 1881-1896, 43/1888 [entry for 9 October 1888], BCDG 11220/1a, ANZ-A.

³⁷⁹ Magistrate's Court, *Te Aroha News*, 10 October 1888, p. 2.

³⁸⁰ Te Aroha Magistrate's Court, *Waikato Times*, 11 October 1888, p. 2.

³⁸¹ Armed Constabulary Force, Return of Charges taken at Te Aroha Lock Up 1880-1903, 31/1888, in private possession.

³⁸² *Thames Advertiser*, 13 October 1888, p. 2.

³⁸³ *Te Aroha News*, 13 October 1888, p. 2, 10 April 1889, p. 2.

³⁸⁴ *Te Aroha News*, 10 April 1889, p. 2.

the request of the police until the adjourned hearing five days later.³⁸⁵ At this, he admitted not complying with the maintenance order because, ‘having been in Mount Eden ever since the order was made against him, he had been unable to comply with it’. He then told Northcroft ‘he had nothing further to say’. His father said he had ‘used all possible endeavour’ to obtain £30, but Northcroft said he had never fixed the amount at £30.

His Worship: Clarke came to me a considerable time ago, stating he was most anxious to try and get his son out of gaol, and some propositions were made, which he stated he would try and comply with. But I never heard anything more from him on the subject till now; and the arrears have been piling up ever since.

Clarke: I used my best endeavours to raise the money (£48 14s). Mrs Clarke also tried to mortgage her property in order that the boy might be released, but she failed to do so. I wish to tell your Honor what Mr Mackie said to me, when I went to him to ask him to forgo some of the costs.

His Worship: But that will have no bearing on the case and do no good.

Clarke: But I would very much like to tell your Honor the answer Mr Mackie gave me, in the presence of his wife, when I told him I would try and raise the £30.

His Worship: Your relating any conversation between yourself and Mackie since the trial cannot possibly have anything to do with the present charge.

Clarke: Well your Honor I particularly wish to tell you that Mr Mackie told me to “go and tell the Warden to go and put the £30 where the monkey put the nuts.”

At which point Mackie’s solicitor informed the court that Mackie denied saying this. Clarke added that he understood Mackie had said his son ‘was of age, that is not true as he is only about 18 years of age’.

In answer to Northcroft’s question about what he intended to do about paying, James ‘replied to the effect that if released he would promise to pay it’. Northcroft responded that he required ‘something more than a mere verbal promise from you’, for ‘very often’ such promises were ‘forgotten all about shortly afterwards. If you or your people will not give me some security that this money will be paid, you will have to go to Mount Eden gaol for another six months, to be again waited on when you come out’.

³⁸⁵ Te Aroha Magistrate’s Court, Criminal Record Book 1881-1896, 23/1889, BCDG 11220/1a, ANZ-A; Armed Constabulary Force, Return of Charges taken at Te Aroha Lock-Up 1880-1903, 12/1889, in private possession; *Te Aroha News*, 13 April 1889, p. 2.

James responded: 'I suppose it will have to be done then; that's all'. His mother was then given permission to address Northcroft:

I wish to say your Worship that we have tried every possible means to raise the money to get the boy released. I have tried the Building Society and also the Bank to mortgage my property but failed to do so. If the boys gets out he can earn wages to pay the amount of the order; but if committed to Mount Eden he cannot help himself, and it seems to me unnecessary severity. You put the boy down and with your foot on his neck tell him to get up, when it is impossible for him to do so; that's what it really means. The girl took a false oath when she said the boy overpowered her. She is 23 years of age and should know better. A girl who used to be out till 10 o'clock at night should know how to take care of herself, and if Mr Mackie had brought up his family as he should, this would never have happened.

His Worship: If you had brought up your boy as you should have done, Mrs Clarke, he would not be in the position he is to-day or have so disgraced his family. If lads will go about getting girls into trouble in this way, and are brought before me, by George I will make them pay for it as long as I sit on the bench.³⁸⁶

James was required to pay £15 immediately and then 10s weekly, and to provide sureties, or be sentenced to another six months' hard labour. As he could not provide the sureties, he was 'removed in custody', and a warrant of imprisonment was issued the following day.³⁸⁷

'Pater Familia' of *Te Aroha* applauded Northcroft's 'firm stand'. Although James' family might consider he was 'too harshly treated', the writer believed most parents would applaud his decision:

Too long has it been allowed that the seducer escapes scot free, and is sometimes thought more highly of by some in consequence of his lady killing abilities, whilst his poor frail victim suffers all the pain and shame; their reputation being blasted for life, and no chance being given them to recover their once good name; but a few examples like Clarke's will no doubt show these young sparks that they are likely to suffer something as well as their victims.³⁸⁸

³⁸⁶ Magistrate's Court, *Te Aroha News*, 20 April 1889, p. 2.

³⁸⁷ Magistrate's Court, *Te Aroha News*, 20 April 1889, p. 2; *Te Aroha Magistrate's Court, Criminal Record Book 1881-1896, 23/1889, BCDG 11220/1a, ANZ-A.*

³⁸⁸ Letter from 'Pater Familia', *Te Aroha News*, 20 April 1889, p. 2.

One month later, Mackie sued James to fix a sum 'to be paid in satisfaction of the weekly payment'.³⁸⁹ James being in prison, his father defended the case. When asked by Northcroft 'what sum he proposed to offer in satisfaction', Clarke said 'he hardly knew how to answer that question'. He wanted 'an award on the lowest possible scale, so as to enable his son to be released from prison, and he would do his utmost to pay it'. Told that £34 12s was owed, he promised to pay if allowed 'six or eight months time to do so. I could not do more now than raise £20'. Asked for his opinion of this arrangement, Mackie claimed that, when Clarke filed as bankrupt, he had told him 'that he had an independent income. He has also told me his boy had means of his own'. Clarke interjected wishing Northcroft to place Mackie in the witness box 'and see if he would say that'. Mackie responded:

I know the Clarke's could just as easily pay the 10s a week as a 6d, if the will was there. There are a lot of cattle all bearing Clarke's son's brand. I think the amount Mr Clarke offers a very paltry sum, and do not see why I should be saddled with bringing up the child; still I am willing to leave the matter in your Worship's hands.³⁹⁰

According to another report, Northcroft 'said that men of their age should sink all differences in this matter'.³⁹¹ He ruled that £20 of the £56 12s owing was to be paid at once and the balance by six months' time. A later note in the record book recorded that the time was 'extended till after Xmas 1889'.³⁹² The initial sum must have been paid, for James was released from prison within two weeks of being sentenced.³⁹³

In May 1890, Christian sued James for £36 12s, which he was ordered to pay.³⁹⁴ The warrant for the bailiff to seize property to meet this debt was

³⁸⁹ Te Aroha Magistrate's Court, Criminal Record Book 1881-1896, 23A/1889, BCDG 11220/1a, ANZ-A.

³⁹⁰ Magistrate's Court, *Te Aroha News*, 14 May 1889, p. 2.

³⁹¹ Te Aroha Correspondent, *Waikato Times*, 16 May 1889, p. 2.

³⁹² Te Aroha Magistrate's Court, Criminal Record Book 1881-1896, 23A/1889, BCDG 11220/1a, ANZ-A.

³⁹³ *New Zealand Police Gazette*, 5 June 1889, p. 113.

³⁹⁴ Te Aroha Magistrate's Court, Civil Record Book 1889-1896, 29/1890, BCDG 11221/1c, ANZ-A.

‘returned unexecuted’ as his father had filed as bankrupt.³⁹⁵ At the creditors’ meeting, the principal creditor was recorded as ‘Miss C.R. Mackie’; indeed the only liability, £40 14s, was to her.³⁹⁶ Clarke and his family left the district in 1895,³⁹⁷ and although it would seem unlikely that Mackie would permit him to depart without arranging for the payment of maintenance, as there were no further suits he may have abandoned these efforts to obtain money from a man who was certainly unwilling and possibly unable to pay.

Harriet Mackie lived with her mother and grandparents, and in 1904, when aged 16, became involved in the squabbles of her grandfather, charging Mary Michael with assault. The latter denied the charge, which was dismissed, each side to pay their own costs.³⁹⁸ The details of their conflict are unknown because of the loss of the local newspaper. When married, over five years later, at the age of 21, her marriage certificate did not name her father;³⁹⁹ whether that meant she never knew his name is not known.

Then and later, Christian worked as a laundress.⁴⁰⁰ Four days short of her daughter’s second birthday, on 2 September 1890, she married James Simpson, a carpenter aged 28, five years her senior, in a registry office ceremony.⁴⁰¹ They lived in Te Aroha, where, on 1 March 1891, they had a son, Arthur Edward Ewen;⁴⁰² she had been three months pregnant when they married. Simpson deserted his wife in mid-February 1893, and six months later their son died, in Mackie’s house, after suffering for 14 days

³⁹⁵ Te Aroha Magistrate’s Court, Home Warrant Book 1883-1928, 29/1890, BBAV 11498/1a, ANZ-A.

³⁹⁶ *Mercantile and Bankruptcy Gazette*, 7 June 1890, p. 173; *Te Aroha News*, 14 June 1890, p. 2.

³⁹⁷ Te Aroha Correspondent, *Auckland Weekly News*, 26 October 1895, p. 23.

³⁹⁸ Te Aroha Magistrate’s Court, Criminal Record Book 1896-1907, 7/1904, BCDG 11220/1b, ANZ-A.

³⁹⁹ Marriage Certificate of Harriet Mackie, 10 November 1909, 1909/4704, BDM.

⁴⁰⁰ For instance, *Auckland Weekly News*, 17 December 1903, p. 39.

⁴⁰¹ Marriage Certificate of Christian Robertson Mackie, 2 September 1890, 1890/1389, BDM.

⁴⁰² Birth Certificate of Arthur Edward Ewen Simpson, 1 March 1891, 1891/9060, BDM.

from measles and bronchitis.⁴⁰³ As less than a year later Christian sued her husband for failing to support her, their marriage may have been a 'shotgun' one. 'No appearance of Defendant but letter from him to his wife produced admitting service'. He was ordered to pay 15s weekly.⁴⁰⁴ In June the following year, she sued him for failing to obey this order (he was £32 in arrears). He made no plea, and the case was dismissed because Christian failed to appear in court or produce 'evidence of persistent poverty'.⁴⁰⁵ In July 1898, when she sued him again, the arrears amounted to £144 5s. He made no plea, and was ordered to pay £20 at once or be imprisoned for one month with hard labour in Whangerei gaol. Execution was then delayed by a month to permit payment of £30 before the next sitting.⁴⁰⁶

As once more he did not pay,⁴⁰⁷ Christian, in December 1903, successfully sued for divorce, on the grounds that he had deserted her 'without just cause' in February 1893.⁴⁰⁸ Simpson did not appear to contest her evidence. She told the court that, after their wedding, she 'continued to live with her people, respondent living there also' (which could have meant conflict with his in-laws). 'Some time later', Simpson

went to live at Waihi, but returned to Te Aroha, rented a house, and came in a drunken condition to her to take her to it. Upon her refusal to go he left her and disappeared for six weeks. Inasmuch as he had told her he did not want to see her again, she did not live with him upon his return. Later he went to New Plymouth, promising to send for her, but failing to keep his word. Moreover he failed to comply with an order of the Court for her support. She had had no communication with him for the past six years.⁴⁰⁹

⁴⁰³ Auckland Supreme Court, Divorce Files, Petition of C.R. Simpson, 9 July 1903, BBAE 4984, D 250, ANZ-A; Death Certificate of Arthur Edward Ewen Simpson, 14 August 1893, 1893/4303, BDM.

⁴⁰⁴ Te Aroha Magistrate's Court, Criminal Record Book 1881-1896, 11/1894, BCDG 11220/1a, ANZ-A.

⁴⁰⁵ Te Aroha Magistrate's Court, Criminal Record Book 1881-1896, 13/1895, BCDG 11220/1a, ANZ-A.

⁴⁰⁶ Te Aroha Magistrate's Court, Criminal Record Book 1896-1907, 9/1898, BCDG 11220/1a, ANZ-A; Magistrate's Court, *Te Aroha News*, 16 July 1898, p. 2.

⁴⁰⁷ 'Decrees Nisi', *Auckland Weekly News*, 17 December 1903, p. 39

⁴⁰⁸ Auckland Supreme Court, Divorce Minute Book 1869-1908, p. 223, BBAE 5636/1a; Divorce Files, Simpson v. Simpson, BBAE 4984, D 250, ANZ-A.

⁴⁰⁹ 'Decrees Nisi', *Auckland Weekly News*, 17 December 1903, p. 39.

Nearly three years after her divorce, Christian, aged 40, married a local farmer Joseph Bougen, aged either 48 (his marriage certificate) or 54 (his death certificate). His first wife had died in October 1903, leaving two sons.⁴¹⁰ This time Christian seems to have had a happy relationship, for although they had no children they lived together in Te Aroha until his death in 1926, aged 73.⁴¹¹ Under his will, Christian inherited their Te Aroha home and effects.⁴¹² She died 12 years later, aged 71.⁴¹³

FINAL YEARS AND DEATHS

In August 1902, Mackie's first application for an old age pension was unsuccessful,⁴¹⁴ presumably because he could not prove his poverty. Three years later he was granted £26 per year, a larger amount than most other pensioners,⁴¹⁵ presumably because his poverty had been proved. In November 1909, he was admitted to Waihi hospital suffering from an enlarged prostate, being discharged after 20 days, but whether cured or relieved was not recorded.⁴¹⁶ In December the following year he died of prostate cancer, his final illness lasting three weeks; aged 77, he was also suffering from senile decay.⁴¹⁷ 'Confined to his bed for about three weeks' before his death, it had at first been 'thought he would recover'.⁴¹⁸ As was usual, his obituary in the *Te Aroha News* did not mention his failings. After

⁴¹⁰ Marriage Certificate of Christian Robertson Simpson, 20 March 1907, 1907/300; Death Certificate of Joseph Bougen, 10 July 1926, 1926/3145, BDM; Probate of Joseph Bougen, BCDG 4420/2143, ANZ-A.

⁴¹¹ Death Certificate of Joseph Bougen, 10 July 1926, 1026/3145, BDM.

⁴¹² Probate, BCDG 4420/2143; Henry Bougen to Christina Robertson Bougen, 12 November 1926, Te Aroha Magistrate's Court, Mining Registrations 1926-30, no. 3735, BCDG 11288/9a, ANZ-A.

⁴¹³ Death Certificate of Christina Bougen, 4 February 1938, 1938/15914, BDM.

⁴¹⁴ Te Aroha Magistrate's Court, Old Age Pension Claim Register 1899-1909, no. 48, BBAV 11503/1a, ANZ-A.

⁴¹⁵ Te Aroha Magistrate's Court, Old Age Pension Claim Register 1899-1909, no. 62, BBAV 11503/1a, ANZ-A.

⁴¹⁶ Waihi Hospital, Register of Patients 1903-1910, folio 76, no. 293, ZABW 4935/1a, ANZ-A.

⁴¹⁷ Death Certificate of Robert Spark Mackie, 7 December 1910, 1910/6465, BDM.

⁴¹⁸ *Te Aroha News*, 10 December 1910, p. 2.

stating that he had been in Te Aroha for 30 years and had witnessed the opening of the goldfield, it recorded that he carried on business as a butcher until about ten years ago, 'since when he had lived a retired life'. (It is questionable if he had witnessed the opening, and he had ceased butchering for the public in 1884.) He 'always took a great interest in educational matters', being for many years on the school committee.⁴¹⁹

During the decade before her death in 1929, Elizabeth suffered from a gradually worsening heart condition combined with senility. She died, aged 86, in her son Bruce's home at Waihi.⁴²⁰ Her obituary made no comments about her personality or experiences, restricting itself to a summary of where she had lived and the number of her descendants: there were 16 grandchildren and seven great-grandchildren.⁴²¹ Although all six of her children were alive at the time of her death, in her will, made five years previously, she left money and property to only three of them, Bruce, Elizabeth, and George.⁴²²

CONCLUSION

Although the family memoir implied a happy marriage (but said little about Robert), it was not at all happy; nothing unique in that, but what was unique, at least at Te Aroha, was his widow's refusal to share his grave. Mackie was one of the district's most pugnacious residents, quarrelling with his neighbours and willing to go to prison on four occasions rather than pay the debts he owed to his opponents in the many disputes he provoked. A remarkable man, like other quarrelsome men such as Bernard Montague,⁴²³ for most people he would be remembered for the wrong reasons whereas his long-suffering wife was remembered fondly.

Appendix

Figure 1: Plan of paddock adjoining Waihou River, at Te Aroha, attached to Robert Mackie to Warden, 7 July 1890 [with portion of this

⁴¹⁹ *Te Aroha News*, 10 December 1910, p. 2.

⁴²⁰ Death Certificate of Elizabeth Mackie, 19 August 1929, 1929/6279, BDM; *Te Aroha News*, 28 August 1929, p. 1.

⁴²¹ *Te Aroha News*, 28 August 1929, p. 1.

⁴²² Hamilton Probates, BCDG 4420/2596, ANZ-A.

⁴²³ See paper on his life.

letter], Te Aroha Warden's Court, Mining Applications 1890, BBAV 11591/1a, ANZ-A [Archives New Zealand/Te Rua Mahara o te Kawanatanga, Auckland Regional Office]; used with permission.

De Arno. July 7th 1890

H. Northcroft Esq
Warren

recd 7.7.90

Sir

In dealing with the application of my paper I hereby very respectfully request that the rights therein be preserved between the main Road near Block 32 & the Riverbank (at the nearest point) where there is a good place for keeping & working the Road for crabs &c; which I use for years when this field was open & would have continued, only for my Road being cut across &c. &c. to Barbet wire place as is the block the way.

AUGU.

