

CRIME IN THE TE AROHA DISTRICT, MOSTLY IN THE  
NINETEENTH CENTURY

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THE UNIVERSITY OF  
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*Te Whare Wānanga o Waikato*

## CRIME IN THE TE AROHA DISTRICT, MOSTLY IN THE NINETEENTH CENTURY

**Abstract:** *The Te Aroha district was claimed to be relatively crime-free. Certainly, there was only one murder, in 1881, and most offences were minor. Theft was the most common one, some thefts being very petty, such as stealing washing or fruit. But there were also examples of breaking and entering, taking mining property, and opportunist thefts committed in the aftermath of fires. Money was obtained on false pretenses, and vandalism of property by adults was a regular concern. There was some arson, and some vagrants were prosecuted.*

*Cases of obscene language and disorderly behaviour resulting in violence (usually because of over-indulgence in drink), and including domestic violence, occasionally came before the courts. Public disorders on the streets of Waiorongomai were widely reported. Police and bailiffs were sometimes resisted when doing their duty. There were some suicides; attempted suicide was dealt with sympathetically. Some sexual offences came to light, as did a wide variety of other, lesser, crimes. But despite most offences being minor, the district was never free of crime.*

### INTRODUCTION

There was a variety of criminal behaviour committed by men (most crime was committed by men) who at some stage mined in the Te Aroha district, but only crimes committed in this district have been covered in this paper, with examples being given of the types of crimes. The worst crime, the murder of Hamiora Haira in 1881, is dealt with in a separate paper, and crimes against women are discussed on the paper devoted to their lives. The sexual and other misbehaviours of Alexander Mackay and John Hadfield are dealt with in the paper on the former, the paper on Charles Gallagher is an example of a murder/suicide, and the paper on James David Roycroft is an example of a drunk and violent man. Larrikinism is covered in another paper, as is the consequences of over-indulgence in strong drink. Almost all the examples given are from the first 30 years of Pakeha settlement.

### CLAIMED TO BE RELATIVELY CRIME-FREE

During the initial gold rush, as in all such rushes, ‘bad characters’ were reportedly present, necessitating something more than a tent pole erected in the police tent to chain

them to.<sup>1</sup> With the end of the rush, the criminal element largely departed. In June 1883, the *Te Aroha* newspaper reported on the almost total absence of crime:

Though the majesty of the law is vindicated by the presence of one solitary guardian of the peace, Sergeant [William] Emerson,<sup>2</sup> it is most creditable to the population of the district to say that during the last month he has only exercised his authority twice, once in arresting a drunken man, and in the other issuing a summons for improper language in a public place. There are few districts in the colony with an equal population that can show such a record, which speaks volumes for the residents of this locality.<sup>3</sup>

Two months later, the newspaper wrote that ‘without doubt’ the district was ‘one of the most law-abiding places in the world, for crime is almost unknown here. It is now months since a criminal charge was preferred against any of its inhabitants, with the exception of a “drunk” arrested’ one month previously.<sup>4</sup> In 1888, when reporting about a burglary at the railway station, it commented that ‘hitherto Te Aroha has been remarkably exempt from cases of burglary and theft’.<sup>5</sup> Five months later, a ‘fracas’ in a hotel ‘created a considerable amount of excitement, such scenes being of very rare occurrence in the township’.<sup>6</sup> In the following year, a correspondent described Te Aroha as a ‘usually quiet and well-conducted town’ and Waiorongomai as being an ‘orderly mining township’.<sup>7</sup>

Being generally law-abiding did not mean that police informers were admired. In 1883, it was reported that ‘the process-server is cutting flax’ at Waiorongomai. ‘Will none of the hill men patronize him since he turned Carey on them?’<sup>8</sup> the reference being to Joseph Carey, who had informed on his fellows who committed the Phoenix Park murders in Dublin.<sup>9</sup>

In 1911, the *Te Aroha News* commented that, whilst ‘public order in Te Aroha is usually of a model character’, more than one policeman was required, and the Justice

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<sup>1</sup> *Te Aroha* Correspondent, *Waikato Times*, 19 February 1881, p. 2.

<sup>2</sup> See *West Coast Times*, 9 June 1876, p. 2, 5 April 1883, p. 2; *Te Aroha News*, 15 September 1883, p. 2; *Grey River Argus*, 29 July 1926, p. 4.

<sup>3</sup> *Te Aroha News*, 23 June 1883, p. 2.

<sup>4</sup> *Te Aroha News*, 18 August 1883, p. 2.

<sup>5</sup> *Te Aroha News*, 5 May 1888, p. 2.

<sup>6</sup> *Te Aroha News*, 24 October 1888, p. 2.

<sup>7</sup> *Te Aroha* Correspondent, *Waikato Times*, 12 September 1889, p. 2, 28 November 1889, p. 2.

<sup>8</sup> ‘Waiorongomai’, *Observer*, 9 June 1883, p. 180.

<sup>9</sup> See Robert Kee, *The Laurel and the Ivy: The story of Charles Stewart Parnell and Irish nationalism* (London, 1993), pp. 437, 458-459.

Department was to be asked for another.<sup>10</sup> Although several policemen had been present when the goldfield opened,<sup>11</sup> by mid-1883 only one, William Emerson, was trying to cover the area from Morrinsville to Te Aroha without any assistance.<sup>12</sup> In May 1888, when a constable (and a future town clerk), Frederick Wild,<sup>13</sup> provided temporary help, it hoped that two police would be permanently based in the township because of the large area to be covered.<sup>14</sup> When Wild was transferred back to Hamilton in August 1889, another constable replaced him, and when Sergeant Emerson was transferred to Auckland in July 1890 he was praised as a ‘most efficient and painstaking officer’ with a ‘large circle of friends’.<sup>15</sup> Policemen continued to be popular, amongst the respectable at least, and when Wild left in 1898, after his second posting to Te Aroha, he was presented with £21.<sup>16</sup>

### A WIDE VARIETY OF OFFENCES

The ‘Report of Charges taken at Te Aroha Lock-up’ between 1880 and 1903 comprised 24 pages of mostly minor offences, but serious enough to warrant imprisonment before the offender was brought before the court. The number of drunks is recorded in the paper on drink. Whilst offences by women are included in these totals (excluding drunkenness with no additional misdemeanours), details of excessive drinking and of offences against women and children are discussed in these papers.

Drink was a contributing factor in most of the 49 charges of disorderly behaviour, the 17 charges of using obscene and abusive language, the six of refusing to leave hotels when requested, the two of indecent exposure, and the 20 cases of resisting arrest and/or assaulting policemen. The largest number of crimes, 59, was theft, and there was one charge of breaking and entering and six people were illegally on private premises. Damage to property led to six arrests, forging and uttering counterfeit currency another six, two people gave valueless cheques, five people obtained money by false pretences, and one knowingly received stolen goods. Five men were arrested for assault, another five for disturbing the peace, two for fighting, and one each for wounding and for

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<sup>10</sup> *Te Aroha News*, 1 June 1911, p. 2.

<sup>11</sup> See paper on the opening of the Te Aroha goldfield.

<sup>12</sup> *Te Aroha News*, 18 August 1883, p. 2.

<sup>13</sup> See *Cyclopedia of New Zealand*, vol. 2, p. 829 [name recorded as Wilde]; *Auckland Star*, 7 June 1906, p. 2, 13 December 1923, p. 3; *Observer*, 12 November 1910, p. 16; *Thames Star*, 30 December 1912, p. 5.

<sup>14</sup> *Te Aroha News*, 26 May 1888, p. 2.

<sup>15</sup> *Te Aroha News*, 21 August 1889, p. 2, 28 August 1889, p. 2, 19 July 1890, p. 2.

<sup>16</sup> *Te Aroha News*, 8 February 1898, p. 2.

threatening language; there was also one on ‘suspicion of murder’, the killing of Hamiora Haira in 1881.<sup>17</sup> Nineteen people were arrested on suspicion of lunacy, 12 for contempt of court and refusing to obey court orders, and one for non-payment of a fine. There were eight charges of vagrancy and two of cruelty to horses. Two people were arrested for attempted arson one for successful arson, and two for attempted suicide. Sex with an under-age girl led to one arrest, and there was one ‘unnatural offence’, meaning a homosexual one.<sup>18</sup>

## THEFTS

Most thefts were committed discreetly, but one potential theft would have been most indiscreet, as one former miner recalled in 1927:

Over 30 years ago he had been asked to become a bushranger. He was working on the Te Aroha hills at the time, when one of his mates was a hardy doer. A lot of money was brought down at certain times from Karangahake to pay men working in the mines. The money was entrusted to quite a lad, recently out from Home [England] and only 19 or 20 years of age. His mate’s idea was to hold this young fellow up and relieve him of his money without violence.

As he ‘turned a deaf ear to the man’s proposal’,<sup>19</sup> no bushranging occurred. An unsuccessful attempt at highway robbery was made in 1894, when ‘a man presented a revolver’ at a driver of a flax wagon somewhere on the road between Te Aroha and Paeroa; nothing was stolen.<sup>20</sup> Possibly a bushranger might have been admired by some members of the community, judging by an escaped prisoner, described as ‘a modern bushranger’, being seen drinking in a Waiorongomai hotel with some of his sympathizers.<sup>21</sup>

Sometimes people were wrongly accused of theft; the earliest example was in December 1880:

Between one and two o’clock this morning the residents of the township were started out of their slumbers on hearing the cries of “Police, police,” and “Stop, thief,” and on rushing into the open air they observed a man running in the direction of the landing and followed by three others. The

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<sup>17</sup> See paper on the Te Aroha murder of 1881.

<sup>18</sup> Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-Up 1880-1883, ‘Te Aroha Gold Mining Archives’, University of Waikato Library, Hamilton, New Zealand.

<sup>19</sup> Recollections of Henry Jackson, *Te Aroha News*, 26 October 1927, p. 5.

<sup>20</sup> *Thames Advertiser*, 12 May 1894, p. 2.

<sup>21</sup> *Te Aroha News*, 5 February 1898, p. 2, 8 February 1898, p. 2.

police were soon on the spot, and enquiries by them elicited that three young men had accused a fourth – a young foreigner – of having stolen their provisions and chased him about the township with sticks. The accusers failed to prove the charge, and the police warned them to desist from persecuting the foreigner.<sup>22</sup>

Thefts were common during the initial rush, as the *Te Aroha Miner* reported in January 1881:

Again, it is our unpleasant duty to call attention to the existence of a gang of petty thieves in our midst, who continue their depredations scathless of detection. One of the shareholders of the All Nations mine informs us that a most impertinent theft was perpetrated on the shareholders of that mine, a saw and adze being stolen during the temporary absence of the workmen. As this is not a solitary instance of the robbery of tools, it behoves miners to have their brands affixed to them as at the Thames. An attempt should be made to bring one of these petty thieves to justice so that a wholesome warning might be given to his associates in crime.<sup>23</sup>

Another newspaper reported, on the same date, that ‘petty larcenies are becoming frequent, and the police are endeavouring to bring some of the offenders to justice’.<sup>24</sup> Clotheslines were periodically targeted, as illustrated by a butcher’s advertisement in 1886:

To Whom It May Concern.

Unless the Clothes Stolen from off the Line in my back yard on last Thursday night are at once returned, the Party who took same will hear of something to their disadvantage – being known.<sup>25</sup>

Presumably the ‘known’ offender took the hint, for no more was heard of this theft. Three years later, two youths, ‘apparently’ aged about 19 or 20, were charged with stealing a flannel shirt, a pair of flannel drawers, and a pair of woollen socks, with a total value of 14s. They had been staying at the Palace Hotel for some days, and after their departure the cook had found these items missing. ‘After a great deal of trouble and searching’, they were located near Matamata with the shirt and drawers on one of them, who said he had taken them in lieu of money the cook owed him. Although the latter admitted owing him ‘a few shillings’, the admission of theft resulted in 14 days of hard labour. After the case against another youth was dismissed for lack of evidence, a

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<sup>22</sup> Te Aroha Correspondent, *Thames Advertiser*, 20 December 1880, p. 3.

<sup>23</sup> *Te Aroha Miner*, n.d., reprinted in *Thames Star*, 8 January 1881, p. 2.

<sup>24</sup> *Thames Advertiser*, 8 January 1881, p. 3.

<sup>25</sup> Advertisement, *Te Aroha News*, 19 June 1886, p. 3.

third youth pleaded guilty to stealing a pair of spurs from this hotel; after the police discovered he had convictions at Cambridge for assault and insulting behaviour, he was sentenced to two months' hard labour.<sup>26</sup>

In 1889, a Waiorongomai correspondent reported a sneak thief:

Waiorongomai is not without its petty thief, if carrying away house blocks can be called petty theft.... Eight puriri house blocks were carried away during one night last week. There is very strong suspicion as to who the delinquent is, as his lantern was seen coming and going several times; the thieving took place in the early morning, and the light was noticed by some of the Battery employees.<sup>27</sup>

Despite the confidence that the thief could be identified, he was never taken to court. Five years later, sneak thieves operated at Te Aroha:

A lady, a few weeks ago, lost a whole line-full of clothes, which she had left hanging out to dry one evening, and some children's clothes have now been stolen from the Family Hotel. It is time that some steps were taken to protect the public from these night attacks, which are becoming too frequent to be at all pleasant.<sup>28</sup>

Huts and tents in remote sites were vulnerable. In 1885, two miners placed an advertisement in the local newspaper: 'Whereas some Person or Persons are continually Breaking into our Whare (situate between foot of Butler's Spur and Lower County Road), and taking away and destroying our property', they offered a £1 reward for information.<sup>29</sup> In 1897, three large rugs and a tent fly from a whare at Wairakau, upriver from Waiorongomai, belonging to Robert Mackie<sup>30</sup> were stolen by 'some mean sneak thief who has been seen prowling about the locality'. Mackie said that 'during the last seven years, clothes, blankets, and food have been left in tents close to where his whare now stands and nothing was previously disturbed excepting food, and then more than an equivalent in money was invariably left behind. "The old order of things changeth."' <sup>31</sup>

Several cases of housebreaking in both townships were reported in 1884, with one miner's one-roomed shanty at Waiorongomai being broken into and £1 15s taken from

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<sup>26</sup> *Te Aroha News*, 24 July 1889, p. 2.

<sup>27</sup> Waiorongomai Correspondent, *Te Aroha News*, 12 June 1889, p. 2.

<sup>28</sup> Te Aroha Correspondent, *Auckland Weekly News*, 12 May 1894, p. 23.

<sup>29</sup> Advertisement, *Te Aroha News*, 8 August 1885, p. 7.

<sup>30</sup> See paper on Robert and Elizabeth Mackie.

<sup>31</sup> *Thames Advertiser*, 12 May 1897, p. 2.

a carpet bag.<sup>32</sup> In 1887, a 15-year-old tramway driver stole £1 12s from one hut and 2s and a purse valued at the same amount from another.<sup>33</sup> Also in that year, a £5 note and eight £1 notes were stolen from a miner's hut at Quartzville.<sup>34</sup> The largest theft of money from a house was reported at Waiorongomai in 1888, when Edward Hickey,<sup>35</sup> described as 'a quiet, respectable labouring man',<sup>36</sup> lost £109. Hickey lived in what was variously described as 'a small lean-to' and 'a little two-roomed cottage' behind the Premier Hotel.<sup>37</sup> He was 'well-known in the township and has been for some time working on the county tramway'.

He said it had been his custom for years to keep his money under his pillow, so that he might have it handy when he required it. He left the house about 4 o'clock yesterday afternoon to visit a neighbour, just before leaving he straightened up the bedclothes. In doing so he saw the money, which he kept in a small box, was lying in its usual place. On his return a few minutes afterwards, he found the bedclothes tossed, and on further examining his bed he had discovered that his money had been stolen. The box contained £100 in sovereigns and nine £1 notes.

On being asked the reason why he kept the money in the house and not at the bank, he said he suffered greatly from his eyes, was contemplating an operation, and he kept the money handy so that he could go to town [Auckland] at any time without the trouble of drawing money from the bank. He said he had not spoken to anyone about this money, although he had several times been taxed with having large sums about him. He strongly suspects a man with whom he was slightly acquainted. He met him again after an absence of some years, last evening, and after some conversation he promised to give the man work if he obtained the section on the water race for which he had tendered.

Hickey, though usually steady, is said was lately "spreeing," and last Friday he had been pretty free with his money and had frequently displayed the notes. With reference to this, he states that he took £10 from its hiding place, out of which he intended to lend £3 to a person who had asked for it, but afterwards found the money was not wanted.

Much sympathy is felt for Hickey, who has been a resident in the district almost since the opening of the goldfield, and has been some years in saving up this money with the object of having an operation performed on his eyes. He is an old soldier, having served in the Maori war with the 18th Regiment, and possesses two good conduct stripes.<sup>38</sup>

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<sup>32</sup> *Te Aroha News*, 16 August 1884, p. 2.

<sup>33</sup> Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-Up 1880-1903, 3, 4/1887, 'Te Aroha Mining History Archives, University of Waikato Library.

<sup>34</sup> *New Zealand Police Gazette*, 9 November 1887, p. 222.

<sup>35</sup> His life has not been traced.

<sup>36</sup> Te Aroha Correspondent, *Waikato Times*, 14 June 1888, p. 2.

<sup>37</sup> *Te Aroha News*, 13 June 1888, p. 2; Te Aroha Correspondent, *Waikato Times*, 14 June 1888, p. 2.

<sup>38</sup> *Te Aroha News*, 13 June 1888, p. 2.

A correspondent reported that suspicion ‘fell on a person who was seen coming from the direction of the house at about 5.30 p.m., and who has the reputation of being concerned in such matters before. He was examined but indignantly denied the charge’. Surprise was ‘expressed that Hickey should have kept such a large sum as mentioned above in his bedroom, without even lock or key, but being somewhat illiterate and prejudiced towards banks, it has always been his custom to keep his money in his house’.<sup>39</sup> One week after the burglary, Hickey put the police on a ‘new scent’, but the local newspaper, correctly, considered it ‘hardly likely’ that the money would ever be recovered.<sup>40</sup> Weeks later, he was ‘still on the lookout for the delinquent’, and on one Sunday ‘a “suspect” was searched by some amateur detectives’, but

nothing came of this ill-advised step. The only ground that Hickey had for suspecting this man was that he recently arrived in the district with a light purse, and has been very free with his cash, and now apparently has a good sum on hand. Hickey communicated the matter to Constable Wild, and made some investigations, but found that Hickey’s friends had upset the chance of getting satisfaction in that corner, as the man had been put on his guard.<sup>41</sup>

Most thefts were of minor amounts of money or property of little value; nevertheless, the punishment could be severe. A coach driver found in a Waiorongomai storekeeper’s stable ‘without lawful excuse’ and found guilty of stealing oats to the value of 6s was sentenced to six months’ hard labour.<sup>42</sup> The least amount of money, sixpence, was stolen by a miner, John McKennick, from the bar drawer of Martin Murphy’s Waiorongomai Hotel<sup>43</sup> in 1896.<sup>44</sup> A Thames newspaper considered this was ‘A Singular Case’, and reported the trial in detail:

Mr Murphy gave evidence, and said at 7 o’clock in the morning the accused jumped over the bar counter, and when he went into the bar he met the

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<sup>39</sup> Te Aroha Correspondent, *Waikato Times*, 14 June 1888, p. 2.

<sup>40</sup> *Te Aroha News*, 20 June 1888, p. 2.

<sup>41</sup> *Te Aroha News*, 7 July 1888, p. 2.

<sup>42</sup> Armed Constabulary Force, Return of Charges taken at Te Aroha Lock-Up 1880-1903, 22/1889, 23/1889, ‘Te Aroha Mining History Archive’, University of Waikato Library; Magistrate’s Court, *Te Aroha News*, 9 October 1889, p. 2.

<sup>43</sup> See section on publicans in paper on the drink problem in the Te Aroha district.

<sup>44</sup> Armed Constabulary Force, Return of Charges taken at Te Aroha Lock-Up 1880-1903, 14/1896, ‘Te Aroha Mining History Archive’, University of Waikato Library; Te Aroha Magistrate’s Court, Criminal Record Book 1896-1907, 19/1896, BCDG 11220/1b, ANZ-A.

accused coming out, and he (accused) gave him sixpence and said it was all he took. Accused had been in the bar twice before that morning and had two drinks.

In cross-examination, the witness admitted serving accused with a pint of beer. Accused paid 1s.

Accused: Why did you not give me my 6d change?

Murphy said he gave another pint of beer instead.

Accused: Do you consider me a respectable man?

Murphy: Yes.

Accused: Did I not ask what I owed you last pay day?

Murphy: Yes.

Accused: And I paid you?

Murphy: Yes.

Thos. Turner stated he knew the accused, and at breakfast time he saw someone getting over the counter. He called Murphy's attention to this, and he said it was Jack. He did not see accused take any money. From where he was he could see into the bar.

Constable Wild stated that Murphy complained that his till had been robbed, and upon making enquiries he arrested the accused, who admitted taking the 6d, but considered it was his property.

John McKennick, the accused, being sworn, stated that he had been on the peninsula since 1866 and had never got into any trouble whatever. He was well known and highly respected. He was sorry for the whole affair. Murphy admitted the 6d was in dispute. The other witness said he saw him through two doors, one of which was closed. There was a doubt in the case, and he hoped the Bench would give him the benefit of the doubt. He would leave his case in the hands of the Bench and hoped to be shown leniency.

Murphy, being re-called, said accused was inside the bar.

McKennick was fined £2, and 8s costs, and to remain in custody till the amount is paid.<sup>45</sup>

The newspaper's editorial was headed 'Justice Outraged'. According to the *Te Aroha News* report (now lost), McKennick, a boarder,

came into the bar of the hotel and obtained a drink and asked to have it booked. The host agreed. Later on, the boarder called for another drink, and paid a shilling, but did not receive any change owing to the landlord being busy. After some time, the man returned for his change and, no one being in the room, he reached the 6d from across the bar.

McKennick had 'borne a good character' but had, 'unfortunately for himself, been too good a customer of the drink seller. The publican has the man arrested and cast into prison over a mere trifle, never for a moment taking into account the money this man has paid into his coffers'. It lamented that his mates had not supported McKennick: 'had it not been for the kindly offices of Constable Wild, who offered to

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<sup>45</sup> *Thames Star*, 14 August 1896, p. 2.

see what could be done to find the required money, the poor unfortunate might have remained in gaol for an indefinite period'. It wanted an enquiry into 'a gross outrage upon justice'. There was 'absolutely' no guilty intention, for 'while the accused was in a bemuddled condition' (the newspaper failed to mention that he had had two pints of beer before 7 o'clock in the morning) there had been 'a misunderstanding' about the change. He had only taken 'a paltry 6d' which he considered he was owed. 'Why was it that so severe a fine imposed for the theft of so small a sum, and that, too, without a word being uttered in Court as to any previous convictions? The whole affair is simply scandalous'.<sup>46</sup> (It should be noted that McKennick had no previous convictions, nor would he have any in the future.<sup>47</sup>)

Food was often stolen. In 1883, the *Observer* Man wondered who stole an auctioneer's 'oysters the other night? Next time, they ought not to be planted in a Government building. It was built for another purpose; besides, the door is locked up every night'.<sup>48</sup> A few months later, the O.M. gave a clear hint as to the identity of (the same?) two thieves by asking: 'Can't Harry and Dick go and have a drink without taking the landlord's oysters?'<sup>49</sup>

In 1895, there was a spate of burglaries at Waiorongomai:

The sensation of the week is the picnic of the seven worthies. These seven lads took advantage of the absence of Mrs Goldsworthy from her home to annex two valuable Pekin ducks, which they plucked and cooked along with some potatoes. Having gorged themselves they threw away what they could not eat.

Discovered, they were forced to pay

18d each for their fun, and lucky I think they were to get off so cheap. Another housewife also lost two but got them returned; and I hear a third complaining of fowls disappearing. I hear on the authority of one of these worthies that stealing poultry to sell to butchers is a fruitful source of pocket money to boys in Ponsonby.<sup>50</sup>

Five days later, 'orchard robbing' was 'still in full swing' at Waiorongomai, with some trees being 'broken in the process'.<sup>51</sup> Two weeks later:

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<sup>46</sup> Editorial, *Thames Star*, 14 August 1896, p. 2.

<sup>47</sup> As revealed by searching Paperspast.

<sup>48</sup> 'Te Aroha', *Observer*, 26 May 1883, p. 154.

<sup>49</sup> 'Te Aroha', *Observer*, 8 September 1883, p. 12.

<sup>50</sup> Waiorongomai Correspondent, *Te Aroha News*, 23 January 1895, p. 2.

<sup>51</sup> 'Waiorongomai Jottings', *Te Aroha News*, 28 January 1895, p. 2.

The meanest theft I've heard of for a long time is the robbery of Mrs [Lucy] Hawkins' orchard. She is a poor widow [of John Hawkins]<sup>52</sup> with a large family of young children, dependent on her cows and garden for a living, and with plums at a penny per pound, hers were stolen, and they say a married man was among the snakes [people who stole 'warily']<sup>53</sup>. Mrs [Bridget] Jansen, too, whose husband is in the hospital,<sup>54</sup> had the onion heads she was saving for seed demolished the other night.

The thief's footprints were either those of a man 'or a boy's with an elephantine allowance of hoof. Mrs [Agnes] Samson's plums have also been raided'.<sup>55</sup> (Agnes Samson continued living at Waiorongomai while her husband worked in the Waihi mines.<sup>56</sup>)

Not only boys and men stole food. In 1891, Te Aroha's *Observer* Man asked: 'Who were the two young ladies that entered the fruit gardens when the proprietors were away?'<sup>57</sup> In the following year, the Waiorongomai O.M. noted that 'a number of the Helping Hand Mission spoke at the Sunday School meeting a few weeks ago, on the necessity of bringing up children according to the rules of that society; but the owners of fruit gardens here say that the helping hand folks ought to be sent to Mount Eden' gaol.<sup>58</sup> In 1902, the *Te Aroha News* was 'requested by an old age pensioner to state that if the lady who appropriated a supply of onions from his garden on New Year's Day waits on the owner, he will present her with a packet of seeds, in order that she may grow her own in future'.<sup>59</sup>

In 1898, a man was charged with stealing two turkeys from a farmer at Gordon, upriver from Waiorongomai. His defence was that he was trying to shoot a hare, but when it got amongst the turkeys they were shot instead. Although he was fined, similar

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<sup>52</sup> See last section of paper on women's lives in the Te Aroha district.

<sup>53</sup> Eric Partridge, *A Dictionary of Slang and Unconventional English*, 8. ed., ed. Paul Beale (London, 1984), p. 1100.

<sup>54</sup> For Bridget and Peter Thomas Jansen, see *Te Aroha News*, 21 February 1885, p. 2, 26 June 1886, p. 2; 10 June 1909, p. 2; Piako County Council, *Waikato Times*, 16 April 1889, p. 2; *Thames Advertiser*, 1 October 1894, p. 2; *Auckland Weekly News*, 6 October 1894, p. 10. For their son Richard Thomas, see papers on prospectors' and miners' skills and on private lives in the Te Aroha district.

<sup>55</sup> Waiorongomai Correspondent, *Te Aroha News*, 16 February 1895, p. 2.

<sup>56</sup> See Death Certificate of David Samson, 27 March 1899, 1899/665, BDM; *Te Aroha News*, 22 December 1883, p. 2, 6 February 1887, p. 2, 12 May 1888, p. 2; *Ohinemuri Electoral Roll, 1896*, p. 50.

<sup>57</sup> 'Te Aroha', *Observer*, 17 January 1891, p. 18.

<sup>58</sup> 'Waiorongomai', *Observer*, 20 February 1892, p. 18.

<sup>59</sup> *Te Aroha News*, n.d., cited in *Thames Star*, 8 January 1902, p. 4.

charges against other members of his family were dropped. The policeman told the court that there had been ‘frequent complaints from people about this sort of thing’.<sup>60</sup> In 1910, ‘some despicable thief has been at work at Waiorongomai lifting pigs’.<sup>61</sup>

‘Floreat’ complained in 1889 that ‘in the arcadian region of Waiorongomai’ woodcutters found that their ‘stacks of firewood placed on the roadside, ready for conveyance to market, dwindle at a steady daily, or nightly, dribble’. ‘Floreat’ was uncertain whether the thieves were children; if parents knew their firewood was stolen, the solution was

a healthy application of the proverbial birchwood. If, on the other hand, unscrupulous adults take advantage of the facility for thieving without much fear of detection, then alas, the poor woodcutter has little to do but “grin and bear it;” indulging in the old English wish that, ‘he wot prigs [thieves]<sup>62</sup> wot isn’t hisn, wen he’s cotched must go to pris’n.”<sup>63</sup>

In 1898, four cases of kerosene brought down from a mine were left out overnight on a tramway truck.

Under cover of darkness a few local marauders tapped some cases of “White Rose” special cuvee, bottled it and cleared off with a swag. Constable Hyde after a few enquiries formed an excellent idea as to who was who, then intimated that if the booty was restored further investigation would probably be allowed to drop. Early on the following morning a regiment of bottles, corked with rags and paper might have been seen ranged alongside the scene of the previous night’s crime. The Constable’s sagacity was rewarded.<sup>64</sup>

In 1892, the tramway manager, in defending his performance, stated that ‘I was never in such a place as Waiorongomai for lying and petty thieving. They thieved the tools and even took the grease and oil off the line’.<sup>65</sup> A mine owner complained, eight years later, that trucks of quartz left on the tramway over weekends were ‘at the mercy of depredators’.<sup>66</sup>

Such petty thieving of ore or mining property continued to be a problem, as was illustrated when mining revived at Tui in the 1960s. In 1968, Norpac’s mine manager

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<sup>60</sup> Police Court, *Te Aroha News*, 26 July 1898, p. 2.

<sup>61</sup> *Te Aroha News*, 19 July 1910, p. 2.

<sup>62</sup> Partridge, p. 992.

<sup>63</sup> Letter from ‘Floreat’, *Te Aroha News*, 22 May 1889, p. 2.

<sup>64</sup> *Te Aroha News*, 16 June 1898, p. 2, 18 June 1898, p. 2.

<sup>65</sup> *Waikato Times*, 26 November 1892, p. 2.

<sup>66</sup> *Te Aroha News*, 25 January 1900, p. 2.

was ‘unhappy without some form of watchman at the mine. A good deal of stealing at present and signs of unwanted visitors during the weekends’.<sup>67</sup> Consequently, a notice was issued to all employees: ‘Management is exercised at the large-scale loss of ore samples, specimens of ore and minerals’, and anyone taking ore without permission would ‘be subject to immediate suspension’.<sup>68</sup>

An example of opportunistic thefts occurred in the aftermath of a large fire in Te Aroha’s shopping centre in 1896,<sup>69</sup> when ‘a good many things saved at the fire were afterwards stolen’.<sup>70</sup> In 1910, during a court case over the forfeiture of an old house, the defence lawyer stated that the ‘the dilapidations’ were ‘partly owing to the depredations of dishonest people’.<sup>71</sup>

A particularly ‘daring and determined burglary’ was reported in 1888:

Hitherto Te Aroha has been remarkably exempt from cases of burglary and theft; but on Wednesday night a robbery of a most daring and determined character was effected, whereby the Station Master’s room at Te Aroha station was broken into, the safe abstracted and broken open, and some £7 5s of the contents appropriated. It would appear the Station Master locked-up, leaving all secure there on Wednesday evening about five o’clock, there being £9 odd in cash within the safe. This morning, Geo Lucas, one of the railway employees, who lives in a cottage about one hundred yards from the Station, about half-past six observed from his own house the window of the Station Master’s room open, and on-going across to ascertain why this was, found it propped up and that thieves had been at work. Further investigations revealed the fact that an entrance had been effected by cutting a hole in the windowpane sufficiently large to admit a man’s hand to open the window fastener. The safe was then lifted out through the window, conveyed down a steep decline at the back (and across a deep narrow drain which runs at the bottom by means of a little foot bridge, the thieves evidently being familiar with, or having previously carefully observed the ground surroundings of the station), and into a bare patch amongst the low tea tree, distant about thirty yards from both the station and the road leading to the station. Here the burglars, by means of a sledgehammer, etc, deliberately smashed in by main force the door of the safe, and purloined the contents already stated: but about £2 in silver was found amongst the papers and sawdust (from lining of safe) etc, which had been left behind. The most daring part of the performance is the forcing [open of] the safe by such a noisy method as breaking it open with a sledgehammer, right in the township in fact but a short distance from [the] police station; with occupied houses on two sides near at hand. The exact hour at which the robbery was

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<sup>67</sup> P.J. Carter, Daily Diary, entry for 22 August 1968, Norpac Papers, Union Hill, Waihi [made available by Eric Coppard, of Waihi].

<sup>68</sup> Notice, n.d. [? August 1968], Norpac Papers, Union Hill, Waihi.

<sup>69</sup> See *Ohinemuri Gazette*, 25 January 1896, p. 6.

<sup>70</sup> ‘Te Aroha’, *Observer*, 15 February 1896, p. 21.

<sup>71</sup> *New Zealand Herald*, 27 October 1910, p. 3.

perpetrated is not known, but it would appear to have been between midnight and one o'clock, as shortly before the latter hour one or two residents in the township state they heard for a brief space what sounded like heavy hammering going on, the noise being in the direction of the railway station.... The sledgehammer used for the purpose of breaking open the safe was found close by it and proved to be one taken from [Robert] Cannell's forge<sup>72</sup> which is adjacent. Some bars of iron, evidently for the purpose of being used in forcing open the safe, were also found, and had likewise been taken from this forge. Marks of a cold chisel were also visible on parts of the safe. The safe is a light one ... and measures 2 feet 4 inches high, by 18 inches wide, by 17 inches deep. There must have been two or three concerned in the robbery, and it is sincerely to be hoped the thieves will be speedily brought to light. The culprits were evidently not new chums at this sort of thing.

No trace of the thieves was found.<sup>73</sup>

In at least one case, the reason for committing theft was being unemployed, and the magistrate was sympathetic. In 1888, a 24-year-old cook was arrested for stealing a silver watch valued at £3 10s. After he pleaded guilty and made no defence, Sergeant Emerson explained that the offender 'had been a servant in nearly all the hotels in Te Aroha, but for some months past had been out of employment'. After first withholding judgment, later that day the sympathetic magistrate freed him on a bond of £25 'to come up for judgment whenever called upon'.<sup>74</sup>

One man was accused of stealing a horse at Te Aroha and a saddle and bridle from Waiorongomai. A Te Aroha baker deposed that, soon after returning from Thames,

he missed the saddle and bridle (produced). He remembered seeing prisoner in the bakehouse but did not see him after the saddle and bridle were missed. The witness identified the saddle by its general appearance but said that when he had it one of the knee pads was split up. That had been since repaired.

A Cambridge man deposed that he had bought the horse, saddle and bridle on shortly afterwards. Another Cambridge man, a groom,

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<sup>72</sup> See *New Zealand Gazette*, 13 July 1882, p. 961; Te Aroha Correspondent, *Auckland Weekly News*, 21 May 1892, p. 22; *Ohinemuri Gazette*, 6 August 1892, p. 8.

<sup>73</sup> *Te Aroha News*, 5 May 1888, p. 2.

<sup>74</sup> Armed Constabulary Force, Return of Charges taken at Te Aroha Lock-Up 1880-1903, 28/1888, 'Te Aroha Gold Mining Archive', University of Waikato Library; Magistrate's Court, *Te Aroha News*. 10 October 1888, p. 2.

deposed to the prisoner coming to him and asking him to find a purchaser for the horse. As the prisoner gave conflicting accounts of the horse, witness refused to sell for him. The prisoner sold the horse himself. The witnesses were examined at considerable length, first, as to the identification of the saddle, and next as to the date of the receipt obtained for the purchase money.

The accused claimed that two men could prove that he had obtained the horse lawfully, but although neither appeared in court and the Te Aroha owner of the horse identified it as his property, he was acquitted on both counts.<sup>75</sup> Four years later, ‘a traveller complained to the police’ that he had ‘been eased of £9 at Waiorongomai’, but this charge was ‘wholly discredited in the district, and the investigations of the police go far to prove that the alleged robbery was “imaginary”’.<sup>76</sup>

In 1885, a Te Aroha draper who had a small farm at Waiorongomai, William Wilson,<sup>77</sup> charged a miner and small farmer, Edwin Hadfield,<sup>78</sup> with having a bull at large on Wilson’s farm. When Hadfield denied the charge, the magistrate, Harry Kenrick,<sup>79</sup> commented that either one or the other was lying and fined Hadfield 5s. Wilson also claimed £6, being the value of a cow driven away by Hadfield. A witness described seeing Hadfield driving his bull and one of Wilson’s cows off the latter’s farm. ‘He drove the cow round the paddock with dogs and rushed it through the fence. I told him he’d have to fetch the cow back again. He put it out on the run with the bull’. Wilson deposed that he had written to Hadfield asking him to return the cow, and on meeting him in the township ‘told him I should have to summons him if he did not bring the cow back. He told me to do my d --- n best’. Wilson was awarded the £6, ‘to be reduced to 5s if the cow was returned within 48 hours’.<sup>80</sup>

#### OBTAINING MONEY BY FALSE PRETENCES

In 1896, a prospector was sentenced to one month’s hard labour for ‘imposing upon’ a publican by obtaining goods to the value of 6s by falsely claiming to have

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<sup>75</sup> Supreme Court, *Auckland Weekly News*, 7 April 1883, p. 8.

<sup>76</sup> *Te Aroha News*, 20 June 1888, p. 2.

<sup>77</sup> See *Te Aroha News*, 9 June 1883, p. 2, 15 September 1883, p. 2, 1 March 1884, p. 7, 28 March 1885, p. 7, 2 May 1885, p. 7, 12 September 1885, p. 2; Piako County Council, *Waikato Times*, 17 January 1885, p. 3, 12 February 1885, p. 2.

<sup>78</sup> See paper on the New Find.

<sup>79</sup> See paper on his life.

<sup>80</sup> Magistrate’s Court, *Te Aroha News*, 18 April 1885, p. 2.

money in the bank.<sup>81</sup> Two years later, a Te Aroha draper, James Henry Balcke,<sup>82</sup> obtained £1 8s 6d from a publican by false pretenses as well as giving him a valueless cheque for £1 17s 6d. In court he pleaded guilty and was sentenced to one month's hard labour.<sup>83</sup> Clearly, he was on a downward slope, for in 1902 and 1903 he was imprisoned in Auckland and Napier for 'helpless drunkenness' on two occasions and committing a 'grossly indecent act', presumably urinating, in Queen Street, Auckland.<sup>84</sup> No further offences were reported, perhaps only because he left the colony at an unknown date.<sup>85</sup>

In 1899, a 32-year-old painter tricked a Te Aroha businessman:<sup>86</sup>

News comes to us that Te Aroha just now is on the broad grin because a certain well-known citizen, who is said to be of the hard-headed and close-fisted persuasion, has been taken in and done for by an artless stranger. The well-known citizen was on his way to business the other morning when he fell in with the artless stranger, who reported the fact that he had lost a sum of £13 on the previous night and wanted to get a placard announcing his loss written in big characters and placed in the shop window of the leading business place in the borough. Of course the stranger was received with open arms, and while the business man was writing the placard for him, he was furnished with the additional information that the aforesaid stranger had come to Te Aroha to take charge of a certain mine at Waiorongomai, and had imbibed so much wine in hobnobbing with his friends the previous night that he must have either dropped or mislaid this small matter of £13. After the placard had been duly written and exposed to view in the hard-headed and close-fisted one's office window, the citizen took charge of the stranger, and, arm-in-arm, they proceeded to make inquiries for the missing bullion, and, of course, a little stimulus [alcohol] was required now and again to help them in the search. Finally, the stranger gently touched the citizen for a loan of half a sovereign [10s] before parting to seek his hotel for luncheon. During the afternoon the artless stranger went out in search of

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<sup>81</sup> Armed Constabulary Force, Return of Charges taken at Te Aroha Lock-Up 1880-1903, 15/1896, 'Te Aroha Gold Mining Archive, University of Waikato Library.

<sup>82</sup> For his life at Te Aroha, see 'Thames Tittle Tattle', *Observer*, 3 December 1881, p. 186; *Thames Star*, 24 May 1883, p. 2; *Waikato Times*, 31 May 1883, p. 4; *Te Aroha News*, 30 June 1883, p. 3.

<sup>83</sup> Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-Up 1880-1903, 13/1898, 'Te Aroha Gold Mining Archive', University of Waikato Library; Te Aroha Magistrate's Court, Criminal Record Book 1896-1907, 28/1898, BCDG 11220/1b, ANZ-A.

<sup>84</sup> Police Court, *New Zealand Herald*, 11 January 1902, p. 3; *New Zealand Police Gazette*, 29 January 1902, p. 31, 25 February 1903, p. 56.

<sup>85</sup> Deaths Register, BDM; PapersPast.

<sup>86</sup> Armed Constabulary Force, Return of Charges taken at Te Aroha Lock-Up 1880-1903, 13-15/1899, 'Te Aroha Mining History Archives, University of Waikato Library; Te Aroha Magistrate's Court, Criminal Record Book 1896-1907, 28/1889, BCDG 11220/1b, ANZ-A.

some more sympathizing citizens, and his little story was swallowed so greedily that he raked in quite a good store of half-crown [2s 6d] and five bob [5s] advances, just to keep him going until he took charge of the mine. But the stranger stopped rather a trifle longer at Te Aroha than was discreet for him. The local constable got to hear of the alleged loss and went out in search of the millionaire who could afford to lose £13 in Te Aroha. 'Tis said that Robert at once recognized him as an old offender who was wanted, ran him in, and got him a sentence of three months' hard [labour]. The principal mourner was the hard-headed and close-fisted citizen who was gently touched for that half-sovereign, and who devoted so much of his time and energy to the recovery of that mythical bullion. It is now reported that he repairs to his business now by a new and rather circuitous route in order to avoid the chaffing of his acquaintances. He has had to take in so much chaff lately that his digestion is awfully impaired.<sup>87</sup>

In 1901, 'spurious silver coins' were 'said to be in circulation at Te Aroha',<sup>88</sup> but the culprit was not traced. Five years later, an 18-year-old labourer was accused of forgery by signing another man's name giving authority for a suit of clothes to be delivered to him, but the case was dismissed.<sup>89</sup>

#### DAMAGE TO PROPERTY

In June 1885, a miner was charged with being illegally in the yard of a Te Aroha hotel at night. The accused, 'with others of his class', had been 'travelling around the township' on a Saturday night. 'He was twice found prowling about the yard' of the hotel, 'causing the owner considerable annoyance, and on the second occasion was taken into custody'. He was imprisoned in Thames for seven days, a lenient sentence in the view of a newspaper, which explained the leniency by the absence of any actual damage.<sup>90</sup>

As this case indicated, vandalism was a constant worry. In January 1884, a drunken cook was convicted of 'Malicious injury to private property by breaking 2 panes of glass in a Window' and fined 10s plus the value of the glass, 5s, in default

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<sup>87</sup> *Observer*, 18 November 1899, p. 6.

<sup>88</sup> *Thames Star*, 13 March 1901, p. 2.

<sup>89</sup> New Zealand Constabulary, Charges taken at Te Aroha Lock-Up 1903-1917, 4/1906, BADB 11355/1a, ANZ-A.

<sup>90</sup> Armed Constabulary Force, Charges taken at Te Aroha Lock-Up 1880-1903, 9/1885, 'Te Aroha Mining History Archive', University of Waikato Library; Police Court, *Thames Advertiser*, 2 July 1885, p. 2.

three days' imprisonment.<sup>91</sup> Later that year, the *Te Aroha News* considered that a policeman should be stationed at Waiorongomai because 'some malicious person' had removed the chock from a tramway truck at the top of Fern Spur incline, causing £10-worth of damage.<sup>92</sup> (Attempts to vandalize the tramway are dealt with in the paper on it.)

In 1886, the domain board asked the police to patrol the domain during the evenings 'to prevent wanton destruction of flowers, shrubs, etc'.<sup>93</sup> Vandalism at the domain continued to be a problem, as illustrated by it offering, in 1901, '£5 reward for information as to the perpetrators of the damage to the octagon and drinking fountain'.<sup>94</sup>

Because Te Aroha was 'usually quiet and well-conducted', there was outrage in September 1889 when some 'respectable men and fathers of families' vandalizing the township.<sup>95</sup> Sergeant Emerson, in prosecuting them, said that the town had 'been in an uproar' when the offences took place. In all his 25 years' experience as a policeman, he had never 'had such a peculiar case to deal with. He knew all the defendants as respectable young men'.<sup>96</sup> The *Te Aroha News* reported that early one morning 'several larrikins (men!) did much wanton mischief in Te Aroha, breaking up plank crossings, unhinging gates, and such like'. As there was no doubt who was responsible, it expected that they would be convicted.<sup>97</sup>

They were indeed identified and charged.<sup>98</sup> When the first of the three cases was heard, of removing the gate leading to the back yard of the Palace Hotel, the newspaper referred to the 'disgraceful acts of "larrikinism" committed'. This case 'was dismissed on account of a technical error in the manner in which the information was laid, the third charge being withdrawn by the police'.<sup>99</sup> The defendants then faced charges of breaking the outdoor night lamps of the Family Hotel, removing the gate into its back yard, and removing the steps at the back of the *Te Aroha News* office and overturning its water closet. Emerson in opening the case said that, late in the night of 5 September and early the following morning, 'the defendants were the only persons seen about the

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<sup>91</sup> Armed Constabulary Force, Charges taken at Te Aroha Lock-Up 1880-1903, 8, 9/1884, 'Te Aroha Mining History Archive', University of Waikato Library.

<sup>92</sup> *Te Aroha News*, 9 August 1884, p. 7.

<sup>93</sup> Domain Board, *Te Aroha News*, 9 October 1886, p. 2.

<sup>94</sup> *Auckland Weekly News*, 12 April 1901, p. 26.

<sup>95</sup> *Waikato Times*, 12 September 1889, p. 2.

<sup>96</sup> *Waikato Times*, 19 September 1889, p. 2.

<sup>97</sup> *Te Aroha News*, 7 September 1889, p. 2.

<sup>98</sup> *Te Aroha News*, 14 September 1889, p. 2.

<sup>99</sup> Magistrate's Court, *Te Aroha News*, 18 September 1889, p. 2.

streets'. In the morning, 'nearly all the plank crossings leading from the street on to the footpaths were found torn up, gates had been unhung and carried away, planks placed against people's doors, etc, etc, in fact there was a general outcry for the arrest of the guilty parties'. Evidence was given that around midnight the offenders had tried to obtain drinks at two hotels but had been refused entry. John Medhurst, one of the accused, lifted up the unlatched window of the Family Hotel, 'wanting to force his way in, threatened to throw a dog in because' the father-in-law of the licensee had 'refused to admit him, and called him a b\*\*\*\*\*. He had a lighted candle and candlestick in his hand, which he recognized as having been removed from the lamp over the hotel door'.

John O'Brien, a farmer at Shaftesbury, said he knew all the defendants, and that he was with Nicholas Cleary, one of the defendants, who had been refused a bed at the Family Hotel at 11.30, after which O'Brien returned home. 'Would not swear he left the town by 12 or 1 o'clock'. A boardinghouse keeper, who responded to questions 'in such an unwilling manner' that the magistrate 'remarked it was quite evident he was a hostile witness', said that two of the defendants, Medhurst and Charles Tonge, boarded with him and had been out late. 'The defendants were all examined at considerable length, and each denied being in any way concerned in the mischief done on the night in question, but admitted they were about the streets at a very late hour that night'.

His Worship in delivering judgment said there was no doubt the damage was done on the night in question. No matter whether it was morally certain who did the mischief, if there was a doubt the defendants were entitled to it, it being better that ninety-nine guilty persons escape rather than one innocent person should be punished. He did not consider Cleary gave his evidence in a straightforward manner, there was evidently a something behind. In his mind most suspicion fell on Cleary, and next to him on O'Brien. The reluctant and hesitating manner in which these two gave their evidence was decidedly against them. There could be no doubt the mischief was done by some person or persons of mature age. He hoped the present case would prove a warning; for if convicted he should be inclined to send men of mature age to Mount Eden to there cool for a time, without giving the option of paying a fine. In this case he did not consider the charge had been proved, and the accused would therefore be discharged as not guilty.<sup>100</sup>

Who were these vandals 'of mature age' who were reprovved so harshly, even if they were let off because the charges were not proven? According to the sergeant who prosecuted them, they were 'respectable young men'.<sup>101</sup> Edward Mercer was a carpenter who in 1888 was granted a residence site on the hillside above

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<sup>100</sup> Magistrate's Court, *Te Aroha News*, 21 September 1889, p. 2.

<sup>101</sup> Te Aroha Magistrate's Court, *Waikato Times*, 19 September 1889, p. 2.

Waiorongomai.<sup>102</sup> The occupation of John Medhurst is not known, but he did not seem to be very respectable; in October the previous year, when he was described as ‘late of Cambridge’, he was charged with creating a disturbance in the Palace Hotel by fighting when drunk.<sup>103</sup> As he did not appear in any court records after 1889, he must have abandoned his foolish ways. Charles Tonge, a carpenter and, later, a miner,<sup>104</sup> was then aged 26.<sup>105</sup> In 1876 he along with another small boy was fined for ‘furious riding’ in Thames; ‘the little lads were lifted on to a form in order to bring them within view of the Court’.<sup>106</sup> In 1884, he had been one of four ‘lads’ convicted of causing damage valued at £4 to a Te Aroha shopkeeper’s house on New Year’s morning.<sup>107</sup> When he married in 1887, his bride was four months pregnant.<sup>108</sup> He would be sentenced to two months’ hard labour in 1903 for using obscene language in an Auckland street.<sup>109</sup> In April 1906, he was locked up by the Te Aroha police for being drunk before being ‘convicted, cautioned and discharged having faithfully promised the bench to reform’.<sup>110</sup> One month later, he pleaded guilty to being in a Paeroa hotel after hours.<sup>111</sup> Financially he struggled: in 1898 the council terminated his road contract and he was fined for the value of the work he had left undone.<sup>112</sup> When farming in the early twentieth century, he and his wife were bankrupted several times.<sup>113</sup> By 1910 he was

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<sup>102</sup> See *Tauranga Electoral Roll, 1887*, p. 17; Warden’s Court, *Te Aroha News*, 6 June 1888, p. 2; *Evening Post*, 23 June 1914, p. 8.

<sup>103</sup> *Te Aroha News*, 24 October 1888, p. 2.

<sup>104</sup> See Piako County Council, *Waikato Argus*, 19 June 1897, p. 3, 19 February 1898, p. 4, 26 March 1898, p. 4; *Ohinemuri Gazette*, 1 March 1899, p. 2; *Ohinemuri Electoral Roll, 1899*, p. 114; *Auckland Weekly News*, 3 March 1899, p. 14, 8 December 1910, p. 49.

<sup>105</sup> Birth Certificate of Charles Tonge, 20 October 1862, Ancestry.co.uk; Marriage Certificate of Charles Tonge, 10 February 1887, 1887/2464, BDM.

<sup>106</sup> *Thames Advertiser*, 22 April 1876, p. 3.

<sup>107</sup> Magistrate’s Court, *Te Aroha News*, 12 January 1884, p. 2.

<sup>108</sup> Marriage Certificate of Charles Tonge, 10 February 1887, 1887/2464; Birth Certificate of Julia Eve Tonge, 1 July 1887, 1887/13685, BDM; Paeroa School, Admissions Register 1895-1899, no. 125, Primary School Archives, Paeroa.

<sup>109</sup> Police Court, *New Zealand Herald*, 29 August 1903, p. 7; *New Zealand Police Gazette*, 23 September 1903, p. 243.

<sup>110</sup> New Zealand Constabulary, Charges Taken at Te Aroha Lock-Up 1903-1917, 26/1906, BADB 11355/1a; Te Aroha Magistrate’s Court, Criminal Record Book 1896-1907, 32/1906, BCDG 11220/1b, ANZ-A.

<sup>111</sup> *Ohinemuri Gazette*, 18 May 1906, p. 2.

<sup>112</sup> Piako County Council, *Waikato Times*, 19 February 1898, p. 4, 26 March 1898, p. 4.

<sup>113</sup> Supreme Court, Bankruptcy Register 1914-1921, folios 169, 222, 266, 326, BBAE 5639/3a, ANZ-A.

remembered favourably at Te Aroha, for at the thirtieth anniversary of its founding he presented the gold medal to the winners of the race of the old pioneers. ‘The prizes were handsome trophies, contributed by friends, and included quite a number from the Tonge family’.<sup>114</sup>

Of the three indicted, the most unlikely vandal was Nicholas Cleary. Then aged 39, he had served as a policeman from 1871 to 1882.<sup>115</sup> A member of the police force at Thames, Mackaytown, and Paeroa during the 1870s,<sup>116</sup> he was transferred to Te Aroha to assist with the opening of the goldfield.<sup>117</sup> He found some clues when investigating the murder of Himiona Haira in 1881, and was a popular constable until his retirement late in 1882.<sup>118</sup> In the previous year he had saved the life of a boy being dragged behind a runaway horse.<sup>119</sup> After leaving the force, he remained in Te Aroha to work as a miner, a publican, and, briefly, a sharebroker.<sup>120</sup> The only other time he was in trouble with the law was in 1886, when he was fined for assaulting a farmer in unrecorded circumstances.<sup>121</sup> The last time his activities were reported in the press was in 1891, when he prospected in the Puhipuhi goldfield, near Whangarei.<sup>122</sup>

John O’Brien, who had given evidence in their defence, was a labourer at Shaftesbury, upstream from Waiorongomai.<sup>123</sup> Was he the same man, formerly a cook at one of the hotels, who had drunkenly abused other drinkers and used ‘some filthy language’ before being thrown out of a Te Aroha bar four years previously?<sup>124</sup>

Vandalism continued to be a nuisance, and other examples are given in the paper on larrikins. In 1902, ‘some evil-minded person smashed one of the large plate-glass

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<sup>114</sup> *Auckland Weekly News*, 8 December 1910, p. 49.

<sup>115</sup> Armed Constabulary Force, Description Book, folio 42, no. 1613, folio 57, no. 1967, folio 103, no. 347, Police Department, P 8/1, ANZ-W.

<sup>116</sup> For example, *Thames Advertiser*, 30 March 1875, p. 3, 10 December 1875, 16 March 1877, p. 2, 2 August 1880, p. 2, 19 August 1880, p. 3, 18 September 1880, p. 2.

<sup>117</sup> *Thames Advertiser*, 23 November 1880, p. 3; *Thames Star*, 23 November 1880, p. 2.

<sup>118</sup> *Thames Star*, 12 February 1881, p. 2, 25 February 1881, p. 2, 9 April 1881, p. 2; *Thames Advertiser*, 3 September 1881, p. 3, Te Aroha Correspondent, 3 February 1882, p. 2, 8 November 1882, p. 2.

<sup>119</sup> *Waikato Times*, 10 November 1881, p. 2.

<sup>120</sup> *Thames Advertiser*, Te Aroha Correspondent, 8 October 1886, p. 3, Ohinemuri County Council, 13 October 1887, p. 2; *Te Aroha News*, 25 August 1883, p. 2, 20 October 1883, p. 2, 13 September 1884, p. 2, Licensing Committee, 14 March 1885, p. 2, 7 May 1887, p. 2, Magistrate’s Court, 26 November 1887, p. 3, 8 June 1889, p. 2.

<sup>121</sup> Te Aroha Magistrate’s Court, Criminal Record Book 1881-1896, 46/1886, BCDG 11220/1a, ANZ-A.

<sup>122</sup> *New Zealand Herald*, 23 March 1891, p. 5; *Northern Advocate*, 13 June 1891, p. 3.

<sup>123</sup> Magistrate’s Court, *Te Aroha News*, 21 September 1889, p. 2; *Te Aroha Electoral Roll, 1891*, p. 26.

<sup>124</sup> Magistrate’s Court, *Te Aroha News*, 8 August 1885, p. 2.

windows' in a hairdresser and tobacconist's shop. 'A panel in an inner glass door was also smashed, and a quantity of tobacco was stolen. As a good deal of the smashing was wantonly done, malice, as well as robbery, was probably the motive'.<sup>125</sup> The last example of vandalism, in this case of both public and commercial property, is from 1914: 'Some person unknown placed a piece of barbed wire over the Waihi-Horahora transmission wires and the telephone wire at Waiorongomai on Sunday, This formed a circuit between the two wires, with the result that they fused. It will take several days to repair the damage'.<sup>126</sup>

## ARSON

Arson was of great concern in settlements comprised of wooden houses, stables, and shops all in close proximity. In 1885, a man was charged with 'Threatening to revenge himself on Informant by doing injury to his property and suspicion that the person charged did make an attempt to burn down a stable in the occupation of Informant'.<sup>127</sup> The accused, a 19-year-old draper, was also accused of stealing a buggy, harness, and horse valued at £100, but this charge was dismissed because his 'conduct being Somewhat Strange of late' his brother had 'promised to take him home at once'.<sup>128</sup> The charge of attempting to set fire to the stables at the Hot Spring Hotel was withdrawn, 'it being considered the accused was of unsound mind'.<sup>129</sup> A charge of using threatening language was withdrawn 14 days later because defendant had 'left the country',<sup>130</sup> an indication that 'home' meant England.

In September 1884, a two-roomed Waiorongomai cottage belonging to Edwin Hadfield and 'not of any great value' was destroyed by fire, with no clue as to its cause.<sup>131</sup> When in the late morning Hadfield had gone to his farm to milk, he had found the cottage destroyed. Unoccupied for the past three months, it had contained pig feed and farming equipment. The window was nailed down and the door locked, and he had not lit a fire in it. Situated a quarter of a mile from the main road, he described it as 'a

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<sup>125</sup> Te Aroha Correspondent, *Auckland Weekly News*, 29 May 1902, p. 33.

<sup>126</sup> Te Aroha Correspondent, *Auckland Weekly News*, 23 April 1914, p. 64.

<sup>127</sup> Te Aroha Magistrate's Court, Criminal Record Book 1881-1896, 6/1885, BCDG 11220/1a, ANZ-A.

<sup>128</sup> Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-Up 1880-1903, 1/1885, 'Te Aroha Mining History Archive', University of Waikato Library.

<sup>129</sup> Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-Up 1880-1903, 2/1885, 'Te Aroha Mining History Archive', University of Waikato Library.

<sup>130</sup> Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-Up 1880-1903, 3/1885, 'Te Aroha Mining History Archive', University of Waikato Library.

<sup>131</sup> *Waikato Times*, 13 September 1884, p. 3; *Te Aroha News*, 13 September 1884, p. 2.

large one roomed house – with a shed & lean to – at the back’, which he valued at about £18. As two saddles and some iron tools were missing, he believed it ‘was robbed first and then burnt’.<sup>132</sup>

Early one morning in January 1896, a Waiorongomai miner ‘was awakened by a cry of fire, and upon going outside he was surprised to find the back of his house in flames and a man jumping over the front garden gate and quickly disappearing in the scrub. By dint of hard work, the flames were fortunately subdued’.<sup>133</sup> As the culprit was never identified, the reason for his malicious act was unknown.

Some fires were lit deliberately to claim the insurance, although this was hard to prove. For instance, in September 1886 the Waitoa home of a bankrupt Te Aroha butcher, John Moffat,<sup>134</sup> was completely destroyed by fire.<sup>135</sup> Moffat told the inquest that he had found the kitchen on fire at 12.30 in the morning.

My opinion is that some of [the] hot coals must have fallen out of the stove on to some bags that were laid as carpeting on the kitchen floor. The fire raged most at the side next [to] the tank which stood outside the kitchen and was at the time I think nearly full; it had a tap and held about 1200 gallons. It was unnecessary to go out of the room for water, as there was a pipe from the tank into the kitchen with a tap inside, but I could not get to the tap owing to the great heat.

Once he had got his family outside, the heat was so great that they could not get near the tank, ‘so we all started removing the things out of the house’. Less than half the furniture was saved, along with most of their clothing and a piano. The house was the property of his wife, with only £35 remaining to pay on the mortgage. He had wanted to insure it for £200 but as the agent had refused it was insured for £150. Apart from the piano, the furniture was ‘insured below its value’, which he considered to be £150 but the agent would not allow more than £100. He had bought more ‘things’, unspecified, since the insurance was arranged. The value of the saved furniture was estimated at £80 and the value of the burnt at over £100. ‘I have not had any employment since last May. For two months past I have intended to leave New Zealand’ with an in-law to try his luck on the Kimberley goldfield in Western Australia. ‘I intended to leave my wife and children here. I had not made any effort to sell the place’. He had given up ‘all hope’ of saving the house ‘about five minutes after I

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<sup>132</sup> Coroner’s Inquest into Fire at Waiorongomai, Justice Department, J 46, COR 1884/1843, ANZ-W.

<sup>133</sup> *Thames Advertiser*, 11 January 1896, p. 2.

<sup>134</sup> See *Te Aroha News*, 9 January 1886, p. 2, 27 February 1886, p. 2, 8 May 1886, p. 2, advertisement, 5 June 1886, p. 7, 12 June 1886, p. 2.

<sup>135</sup> *Te Aroha News*, 11 September 1886, p. 2.

discovered it was on fire', and it had taken another five minutes before neighbours arrived to help.

A woman living close by gave evidence that she had 'heard a noise like shifting things about. I looked through my window (it was not very dark) and saw Mr Moffat shifting his things out of his house', helped by his family. 'I was surprised at their moving away at such an hour. In about ten or fifteen minutes whilst still watching, I saw some sparks of fire rise from the back of Moffat's house' and called for her brother to help. She had not heard anyone call out 'Fire!' Her brother said he did not see any buckets available, and Moffat said the fire had 'too great a hold. I helped to remove the things. When I arrived, a man could have gone up the tank with the assistance of the ladder to get water out of the tank. The fire was not too strong at that time to reach the tank if anybody had wished. The house burnt down very slowly'. The jury decided that there was no evidence to show how the fire started but was 'of opinion that Mr Moffat neglected to take ordinary means to extinguish the fire'.<sup>136</sup>

A fire destroyed three shops in October 1898, and 'as a result of investigations by the police' representatives of two insurance companies attended the inquest. The three shopkeepers

were particularly questioned, in order to have some light thrown on the origin of the fire. Although certain suspicious circumstances were brought out, there was no direct evidence on the point. This was emphasized by the coroner in his summing up. He also strongly deprecated the manner in which some of the witnesses gave their evidence. The jury having retired, brought in a verdict to the effect that there was no evidence to show how the fire originated, and, further, that they were strongly of opinion

that the evidence of four named witnesses 'was exceedingly unsatisfactory', citing one whose evidence was 'particularly' dubious.<sup>137</sup>

In June 1907 the general manager of the State Fire Insurance Company asked the magistrate to investigate a fire in a boarding house owned by Laurence Henry Gordon, son of James, formerly a miner at Waiorongomai.<sup>138</sup> The magistrate reported an unsatisfactory outcome:

I have to report, had this inquiry been held before a Coroner's Jury, the verdict regarding the origin of the fire would have most probably been an open one, there being nothing in the evidence to show what caused the fire, but ample evidence to show that it originated in rooms A and B on plan herewith, probably in room B. The occupants of the house, consisting of Mr

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<sup>136</sup> *Te Aroha News*, 18 September 1886, p. 2.

<sup>137</sup> *Te Aroha Correspondent, Auckland Weekly News*, 18 November 1898, p. 28.

<sup>138</sup> See paper on James Gordon.

and Mrs Gordon, their infant, a servant girl and one boarder, all of whom escaped in the clothes they had on at the time the fire took place, viz, 3 a.m. The household retired at about 10.30 p.m. At about 12, Mrs Gordon got up and went to the kitchen to heat up food for infant, with which she returned to the bedroom a few minutes later, and returned to bed. About 3 a.m. she woke her husband telling him the child was choking, he upon striking a match discovered the room to be full of smoke, he got out of bed and went to rouse the servant whom he roused out of bed and placed in the kitchen, he then aroused the boarder and returned to the bedroom where he had left his wife to find that she had left with the child, he was unable to get back again by the door he therefore got out of the window, and upon getting to the road observed the fire in room B, about this time the Fire Brigade arrived which he assisted. According to the statements of the Gordons, everything was lost or destroyed. It seems they were giving up possession being some £80 in arrear with the rent, in liquidation of which Gordon had given a bill of sale to his landlord, it being agreed that he should be permitted to sell his furniture and effects by auction, giving his landlord's agent an authority on the Auctioneer to pay him the amount claimed, he also gave a similar order to the Bailiff of the S[tipendary] M[agistrate's] Court with respect to two Distress Warrants out against him for about £26. This Bill of Sale only applied to so much of the articles in the house as would cover in the opinion of the landlord's agent the rent claim and did not profess to cover anything beyond those enumerated in the schedule. The lease has an inventory of the furniture in the house belonging to the landlord, which of course the Agent knew at the time he made the schedule for the purpose of the Bill of Sale. Your Agent, when inspecting the articles for the purposes of the risk, considered them worth £170, but he of course is not in a position to state that what was pointed out to him was actually owned by Gordon. It seems on the 2nd of May the Gordon household was engaged in collecting all the Gordon property and placing it in rooms A and B, so as to have it more conveniently located for removal to the Auction Mart, and also for the Auctioneer to view. About 6 p.m. the Auctioneer called to look at the articles, in his opinion from what he saw, without going into any particular inspection of each article, he considered they would realize from £90 to £100, but he was unable to say if at the time he was there all the stuff he was to sell had been collected into the two rooms. There may be certain suspicious circumstances in connection with the origin of this fire, and there may be a claim for more than was destroyed, or than was ever in the house, but there is no evidence in my opinion which would convict any person charged with arson. There are a few suspicious circumstances, for instance the fact, if Gordon succeeded in getting the insurance money, he could pay off all his debts and have a few pounds left, and the facts re the remains of the knives, candlesticks, and crockery, and the fact of the four holes in the floor of room B but even these in my opinion are insufficient to prosecute a person on for arson, though they might be sufficient to refuse payment of the insurance money, but if some more definite evidence could be obtained to prove the removal of some of the articles from the premises before the fire, then the position would be somewhat altered, but no such evidence was produced before me....

Great difficulty is experienced in this matter in consequence of the owner of the premises having so much furniture in the house, consisting of articles similar in kind to those claimed for by Gordon.<sup>139</sup>

Leter, the local doctor found a burning torch under the unpopular public hall and disappointed the attempted arsonist by removing it.<sup>140</sup>

The paper on vegetation has examples of many deliberately lit fires ravaging much of the mountainside over many decades.

## VAGRANCY

Vagrancy was dealt with severely. In 1884, a 21-year-old Irishwoman was sentenced to one month in Mount Eden gaol for being unable to pay her £5 fine for obscene language. On a further charge of ‘Having no visible lawful means of support’ she received three months, to be served consecutively.<sup>141</sup> She was the only woman to be charged with vagrancy; did the severe sentence imply that she was believed to be a prostitute? Eight years later, a 38-year-old labourer pleaded guilty to having no visible means of support, and was ‘convicted and discharged with a caution on promising to go to work’.<sup>142</sup> Five years later, a 54-year-old blacksmith was convicted and only cautioned for being drunk, but for being ‘an idle and disorderly person, having no visible means of support’ he was imprisoned for one month with hard labour.<sup>143</sup> In December 1906, a man known by two names was ‘deemed to be an Incurable Rogue and Vagabond & that you have no visible lawful means of support’. After he pleaded

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<sup>139</sup> R.S. Bush (Stipendiary Magistrate) to General Manager, State Fire Insurance Co, Wellington, 21 June 1907, Thames Magistrate’s Court, Letterbook 1905-1909, pp. 335-337, BACL 14458/3a, ANZ-A.

<sup>140</sup> *Burrator Weekly News*, 18 May 1912, printed in Ted Axford, *A Childhood in Te Aroha, 1907-1913* (Wellington, 1992), p. 29.

<sup>141</sup> Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-Up 1880-1903, 38, 39/1884, ‘Te Aroha Mining History Archive’ University of Waikato Library; Te Aroha Magistrate’s Court, Criminal Record Book 1881-1896, 68, 69/1884, BCDG 11220/1a, ANZ-A; *Te Aroha News*, 29 September 1884, p. 2.

<sup>142</sup> Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-Up 1880-1903, 8/1892, ‘Te Aroha Mining History Archive’, University of Waikato Library; Te Aroha Magistrate’s Court, Criminal Record Book 1881-1896, 14/1892, BCDG 11220/1a, ANZ-A.

<sup>143</sup> Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-Up 1880-1903, 23, 24/1897, ‘Te Aroha Mining History Archive’, University of Waikato Library; Te Aroha Magistrate’s Court, Criminal Record Book 1896-1907, 40/1897, BCDG 11220/1b, ANZ-A.

guilty, he was sentenced to three months' hard labour.<sup>144</sup> For the same offence, in the following July he was sentenced to six months' hard labour and in March 1909 to another 12 months.<sup>145</sup> In the following year, a 40-year-old Irish labourer, charged with being idle and disorderly, was 'Discharged on condition to leave the town [on the] 1st train'.<sup>146</sup> In 12913, another man was 'Convicted and ordered to leave the town within 24 hours'.<sup>147</sup>

Begging was severely punished, two cooks aged in their thirties being sentenced to one month's hard labour in 1907 for this offence.<sup>148</sup> In the following year a labourer, aged 36, was treated more leniently, merely being ordered to come up for sentence when called upon.<sup>149</sup>

## VIOLENCE

Abusive language, such as that commonly indulged in by Bernard Montague and Robert Mackie,<sup>150</sup> could provoke both threats of violence or actual violence. An example was reported in Waiorongomai in 1897:

A fracas of no small measure took place in the main street late on Sunday evening last. The air was filled with yelling and screaming, and for about an hour a regular riot ensued. It is not the first of these disturbances, which are a source of great annoyance to those living in the immediate neighbourhood.<sup>151</sup>

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<sup>144</sup> Te Aroha Magistrate's Court, Criminal Record Book 1896-1907, 76/1906, BCDG 11220/1b, ANZ-A.

<sup>145</sup> Te Aroha Magistrate's Court, Criminal Record Book 1896-1907, 5/1907, BCDG 11220/1b; Criminal Record Book 1907-1913, 14/1909, BCDG 11220/2a, ANZ-A.

<sup>146</sup> New Zealand Constabulary, Charges taken at Te Aroha Lock-Up 1903-1917, 136/1910, BADB 11355/1a, ANZ-A.

<sup>147</sup> New Zealand Constabulary, Charges taken at Te Aroha Lock-Up 1903-1917, 11/1913, BADB 11355/1a, ANZ-A.

<sup>148</sup> New Zealand Constabulary, Charges taken at Te Aroha Lock-Up 1903-1917, 64/1907, 66/1907, BADB 11355/1a, ANZ-A.

<sup>149</sup> New Zealand Constabulary, Charges taken at Te Aroha Lock-Up 1903-1917, 80/1908, BADB 11355/1a, ANZ-A.

<sup>150</sup> See papers on their lives.

<sup>151</sup> Waiorongomai Correspondent, *Te Aroha News*, n.d., reprinted in *Thames Advertiser*, 13 February 1897, p. 2.

The outcome was that William George Sheriff Jeffrey, a miner,<sup>152</sup> charged another man with a breach of the peace. After pleading guilty, the offender was cautioned; being a first offender, the charge was dismissed on payment of court costs.<sup>153</sup> There were other reports of threatening behaviour which did not lead to fights. For instance, in 1900 three men were each fined 10s and costs for ‘threatening behaviour with intent to commit a breach of the peace in Whitaker-street’.<sup>154</sup> Ten years later, two men committed the same offence in the same street. One was proved to be the aggressor, his opponent pleading ‘guilty under provocation. He was discharged’.<sup>155</sup>

In 1884, after using ‘threatening and abusive language’ against a publican, Henry Burbridge, a station manager,<sup>156</sup> refused to leave his hotel. Fined 20s for the first offence, for the second he was required to keep the peace for six months with a surety of £25.<sup>157</sup> In January 1889 a 29-year-old commercial traveller was charged with ‘making use of abusive and insulting language in a public place ... with intent to provoke a breach of the peace, and within the hearing of a constable’, as well as with ‘refusing to quit licensed premises ... when requested to do so by the licensee’. The evidence ‘fully proved’ both charges, it being shown that the defendant had given the licensee ‘a great deal of trouble and annoyance both inside the hotel, and after he was ejected’. As there were no previous convictions, he was fined £1 on each count.<sup>158</sup>

Insulting and obscene language, usually caused by drink, usually provoked violence. For instance, in 1904, for obscene language in a main street, carefully recorded (‘I will fuck you, you, you bloody Irish bugger’), the offender, who pleaded guilty, was fined £1 and imprisoned for one week with hard labour.<sup>159</sup> As this was language likely to provoke fighting, it was punished accordingly. Five years later a man who disobeyed a prohibition order and used obscene language in the main street of

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<sup>152</sup> See Mines Department, MD 1, 97/1072, ANZ-W; *Te Aroha News*, 26 September 1885, p. 2, 23 January 1895, p. 2, 6 February 1895, p. 2, 20 February 1895, p. 2.

<sup>153</sup> *Te Aroha Magistrate’s Court*, Criminal Record Book 1896-1907, 4/1897, BCDG 11220/1b, ANZ-A.

<sup>154</sup> Police Court, *Te Aroha News*, 27 January 1900, p. 2.

<sup>155</sup> Police Court, *Te Aroha News*, 24 May 1910, p. 2.

<sup>156</sup> See advertisement, *Waikato Times*, 18 March 1882, p. 3; *Te Aroha News*, 21 July 1883, p. 3, 21 June 1884, p. 2.

<sup>157</sup> *Te Aroha Magistrate’s Court*, Criminal Record Book 1881-1896, 80, 81/1884, BCDG 11220/1a, ANZ-A.

<sup>158</sup> Armed Constabulary Force, Charges taken at Te Aroha Lock-Up 1880-1903, 4, 5/1889, ‘Te Aroha Mining History Archive’, University of Waikato Library; Police Court, *Te Aroha News*, 12 January 1889, p. 2.

<sup>159</sup> *Te Aroha Magistrate’s Court*, Criminal Record Book 1896-1907, 36/1904, BCDG 11220/1b, ANZ-A.

Waiorongomai was fined £1 for the former offence and £2 (in default, three weeks' imprisonment) for the second. The magistrate 'said the language was of a most disgusting nature, and he was determined to put a stop to it'.<sup>160</sup>

Some libellous statements provoked conflict. For instance, in 1882, a Morrinsville publican, Robert Samuel Brown,<sup>161</sup> was forced to publish a statement denying that he had spread derogatory statements about Reuben Parr, a prominent and popular Waitoa farmer.<sup>162</sup> 'I may further state that I have always found Mr Parr honorable and straightforward'.<sup>163</sup> In response, Alexander Bremner, variously a schoolteacher, rates collector, returning officer, and farmer,<sup>164</sup> published a statement that Brown had accused Parr of taking £10 to use his influence to prevent a license being granted to a publican.<sup>165</sup> No violent response by Parr was recorded, but in later years he was involved in several fracas. In 1885, he accused a man of assaulting him but as he did not appear in court the case was struck out.<sup>166</sup> The following year, he accused Charles Gallagher<sup>167</sup> of assaulting him 'by striking him with his fist and pulling his whiskers'. Gallagher was fined 10s and required to pay costs of £3 13s 6d and provide one surety of £25 and two of £10 to keep the peace for six months.<sup>168</sup> At the same hearing, his charge against Nicholas Cleary, of assault was upheld, Cleary being required to pay 10s and costs of £2 4s 6d.<sup>169</sup> For whatever reason, these assaults were not reported in the *Te Aroha* newspaper, but the *Hamilton* one briefly reported, without explanation, that witnesses 'substantiated' the charge against Gallagher and that Cleary's involvement was 'another assault case arising out of the former one'.<sup>170</sup> Parr himself was accused of

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<sup>160</sup> Magistrate's Court, *Te Aroha News*, 27 May 1909, p. 2.

<sup>161</sup> See *Waikato Electoral Roll, 1880*, p. 3; *Auckland Star*, 29 November 1890, p. 4; *Thames Star*, 7 December 1892, p. 2.

<sup>162</sup> See Travelling Reporter, 'The Piako County', *Waikato Times*, 3 May 1881, p. 2; *Te Aroha News*, 8 September 1883, p. 2, 21 May 1887, p. 2, 15 June 1887, p. 2, 15 November 1918, p. 2, 20 June 1919, p. 2, 30 November 1925, p. 1; *Observer*, 29 October 1909, p. 4, 9 January 1926, p. 4, 16 January 1926, p. 4.

<sup>163</sup> Advertisement, *Waikato Times*, 2 November 1882, p. 3.

<sup>164</sup> See *Waipa Electoral Roll, 1881*, p. 119; *Waikato Times*, 8 February 1879, p. 2, 9 March 1882, p. 2, 30 May 1882, p. 2, 5 October 1893, p. 6; *New Zealand Herald*, 17 July 1879, p. 3; *Waikato Argus*, 27 November 1905, p. 2; *Auckland Star*, 21 December 1905, p. 5.

<sup>165</sup> Advertisement, *Waikato Times*, 9 November 1882, p. 2.

<sup>166</sup> *Te Aroha* Magistrate's Court, Criminal Record Book 1881-1896, 9/1885, BCDG 11220/1a, ANZ-A.

<sup>167</sup> See paper on his life.

<sup>168</sup> *Te Aroha* Magistrate's Court, Criminal Record Book 1881-1896, 45/1886, BCDG 11220/1a, ANZ-A.

<sup>169</sup> *Te Aroha* Magistrate's Court, Criminal Record Book 1881-1896, 46/1886, BCDG 11220/1a, ANZ-A.

<sup>170</sup> *Te Aroha* Correspondent, *Waikato Times*, 2 September 1886, p. 2.

assault in 1890; because of incomplete court records, it is not known whether he was found guilty.<sup>171</sup>

Disorderly behaviour was usually associated with being drunk;<sup>172</sup> examples are given in the paper on drink. In mid-1881, there was ‘a public house row’. ‘Orange Brown, as he is called, accused a well-known station manager of stabbing him in the arm. The police, however, discovered that a pane of glass had been broken in the scuffle, which, in their opinion, accounted for the wound’.<sup>173</sup> In 1883, *Te Aroha’s Observer* Man gave a word of advice: ‘Next time, Ted, before you try to chastise a little fellow, make sure you can do it. Lucky job for you the sergeant came, or your ma would not have known you when Waxey had done with you’.<sup>174</sup> An unusually mild penalty was imposed in 1889 on a man who assaulted the proprietor of a Waiorongomai hotel and broke a pane of glass. He was ordered to pay to replace the pane but judgment on the former charge was delayed for nearly three months ‘in order to see how defendant conducted himself meanwhile’.<sup>175</sup> He took the hint and was not punished further.

An assault was ignored by the magistrate, Harry Kenrick, in 1884 because the man assaulted, Thomas Caldwell, a farmer,<sup>176</sup> had provoked the attack. When Robert Allan Wight, a Komata farmer,<sup>177</sup> was driving his wife and daughter to their home they overtook Caldwell

on foot, who demanded a ride, and, on being refused, ran after the buggy cursing and swearing, and using threats and abusing language, until, unfortunately for him, they met two of Mr Wight’s sons. Mr Wight’s eldest son dismounted from his horse and succeeded in convincing Mr Caldwell that he had made a great mistake in molesting his father and mother.

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<sup>171</sup> Te Aroha Magistrate’s Court, Criminal Record Book 1881-1896, 5/1890, BCDG 11220/1a, ANZ-A.

<sup>172</sup> For example, during the Te Aroha rushes: Armed Constabulary Force, Charges taken at Te Aroha Lock-Up 1880-1903, 2/1880, 6, 8, 10, 11, 14/1881, ‘Te Aroha Mining History Archive’, University of Waikato Library.

<sup>173</sup> Te Aroha Correspondent, *Thames Advertiser*, 29 June 1881, p. 3.

<sup>174</sup> ‘Te Aroha’, *Observer*, 26 May 1883, p. 154.

<sup>175</sup> Magistrate’s Court, *Te Aroha News*, 4 September 1889, p. 2.

<sup>176</sup> See *Thames Advertiser*, 7 May 1881, p. 3, District Court, 5 May 1884, p. 3; *Thames Star*, 23 January 1884, p. 3; Magistrate’s Court, *Waikato Times*, 17 December 1881, p. 2.

<sup>177</sup> See *A Return of the Freeholders of New Zealand ...* (Wellington, 1884), p. W 46; ‘Thames to Ohinemuri by Coach’, *Auckland Weekly News*, 2 January 1886, p. 6.

In fining Caldwell £5, Kenrick said he would have fined him more 'had the offender not already suffered severe punishment from Mr Wight's eldest son'.<sup>178</sup> (Caldwell's mood cannot have been improved by his having been forced into bankruptcy at the start of that year.<sup>179</sup>)

In 1890, 'a severe "strike" took place' one evening 'between Labour and Capital, on the bridge alongside the Hot Springs Hotel, which resulted in an easy win for Labour, after a short struggle'.<sup>180</sup> In the following year, the *Observer* Man asked: 'Who were the partners engaged in the fight in Whitaker-street on Monday night? The exhibition was grand. The elderly gentleman, though a bit fleshy, shaped well, and evidently had the best of it'.<sup>181</sup> In another mock-innocent query, the O.M. asked, in 1896: 'Who were the parties engaged in the free fight in Bridge-street on Monday evening?'<sup>182</sup>

An odd case of violence was recorded in 1890, when 'an old resident' was reported to be intending 'to prosecute another old resident for stripping him to the skin in a public place. There was a lady present who picked up the remains of the clothes'.<sup>183</sup> Unfortunately for those enthralled by the hope of learning scandalous details, this case did not end up in court.

Sometimes, neighbours were willing to intervene when domestic violence occurred, as in 1910:

One of those distressing cases in which whiskey plays a prominent part, sadly disturbed the peace of Saturday night in a certain corner of Te Aroha. A drink-sodden husband came home after spending most of his wages at the bar and started knocking his children about. The mother interfered, and the maddened wretch attacked her with the ferocity of a wild beast. The unfortunate woman's screams brought neighbours to her assistance and found the poor creature rolling on the floor in a fit. She was confined to her bed the next day, but we understand is recovering.<sup>184</sup>

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<sup>178</sup> Paeroa Magistrate's Court, *Thames Advertiser*, 5 April 1884, p. 3.

<sup>179</sup> *Thames Star*, 5 February 1884, p. 2, 3 March 1884, p. 2.

<sup>180</sup> 'Te Aroha', *Observer*, 20 September 1890, p. 17.

<sup>181</sup> 'Te Aroha', *Observer*, 7 March 1891, p. 18.

<sup>182</sup> 'Te Aroha', *Observer*, 8 February 1896, p. 21.

<sup>183</sup> *Observer*, 11 January 1890, p. 11.

<sup>184</sup> *Te Aroha News*, 12 April 1910, p. 2.

The 'wild beast' was not taken to court. In 1901, Joseph Wilson, a labourer overfond of strong drink,<sup>185</sup> had an 'ungrateful guest', an 'elderly man' named John Smith (whose life cannot be traced for obvious reasons).<sup>186</sup> After drinking together at a hotel, Wilson had invited Smith to stay at his house,

as he seemed to be homeless. On arrival there, Smith began to pull the things about and behave in such a peculiar manner that his host asked him to leave. On his refusal to do so, Wilson pushed him out, and started to leave himself, as he did not like to stay with such a strange character about. As he was going, he noticed Smith behind him with the spade raised above his head, about to strike. He turned round, and, putting up his left arm to guard, he received the blow on the arm, making a contused wound, triangular shape, 2 1/2in long, laying the muscles bare. The doctor had put five stitches in, and he would be unable to work for over a month or six weeks.<sup>187</sup>

Wilson told the court that he and Smith had had only 'one drink each together' and that Smith was 'just inside the door' when he attacked him. In response to Smith's cross-examination, he stated that Smith was not drunk. 'You did not lie down on the bed. You began to knock things about as soon as you got in the house. I did not fall with you when I put you out. You did not give me time to go to the police. When I returned with the police you were in my bed ... with your clothes on'. A doctor described the wound as 'more painful than serious'. Constable Wild had received a complaint from Wilson at about 11.15 p.m., and when he arrived at his one-roomed hut had found Smith in Wilson's bed. 'I told him he was charged with assaulting Wilson & cutting his arm very badly. He sd he knew nothing about it. The spade was picked up a chain and a half away. There were stains of blood on it'. Smith 'had been drinking a little. He was not drunk'. The judge noted that Smith 'declines to give evidence & calls no witnesses'.<sup>188</sup> Smith told the jury that 'he got drunk and remembered absolutely nothing about the affair'.<sup>189</sup> After the judge's summing up, which took five minutes, the jury took ten minutes to find Smith guilty of 'assault causing actual bodily harm'.<sup>190</sup>

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<sup>185</sup> For example, Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-Up 1880-1903, 16/1888, 'Te Aroha Mining History Archive', University of Waikato Library; Te Aroha Magistrate's Court, Criminal Record Book 1880-1896, 22, 23/1888, BCDG 11220/1a, ANZ-A.

<sup>186</sup> Supreme Court, *New Zealand Herald*, 19 November 1901, p. 7.

<sup>187</sup> Te Aroha Correspondent, *Auckland Weekly News*, 3 October 1901, p. 33.

<sup>188</sup> Supreme Court, Judges' Notebooks, Conolly J, Criminal 1901, pp. 242-244, BBAE A304/130, ANZ-A.

<sup>189</sup> Supreme Court, *New Zealand Herald*, 19 November 1901, p. 7.

<sup>190</sup> Supreme Court, Judges' Notebooks, Conolly J, Criminal 1901, p. 244, BBAE A304/130, ANZ-A.

When asked if he had anything to say why sentence should not be passed, prisoner said it was only right that he should explain that he was under “electric influence.” He did not think it was right that his senses should be taken away from him in the street. He knew all this was going to happen. This explanation did not assist His Honor very much, and Chief Detective Grace was called. He said prisoner had been convicted of different offences 20 times since April 1896. His Honor called Wilson and enlightened him as to the man he had been entertaining. It has been said that in entertaining strangers, people might be entertaining angels unaware, but, remarked His Honor, this was a very different case.

The judge did not think Smith was drunk, believed he had struck Wilson in order to rob him, and sentenced him to three years.<sup>191</sup>

#### DISORDERS AT WAIORONGOMAI IN 1889

On a Sunday morning in February 1889, William Curnow and Edward Hoskin fought in a Waiorongomai street. Curnow was a miner and a prominent drunkard;<sup>192</sup> Hoskin was ‘respectably connected, but very much addicted to drink’, and in 1885 and 1886, when he was in Thames, he had been imprisoned for stealing whilst drunk.<sup>193</sup> David McLean Wallace, a blacksmith,<sup>194</sup> was the first to give evidence at their trial:

On Sunday last about 10 a.m., Curnow and his wife were fighting, as usual, and Hoskin went up to Curnow’s fence, when he (Curnow) asked Hoskin what did he want to come there and interfere for, and then made a blow at Hoskin and struck him over the eye. Hoskin tried to return the blow but missed, when Curnow ran out of his yard and knocked Hoskin down and kicked him. When he told Hoskin to get up he refused, Curnow then tried to forcibly drag Hoskin off the ground which he failed to do, Curnow then went away and Hoskin got up from the ground.

Another witness, who did not think that Curnow’s blow had connected, described him as being ‘a little excited through drink, but could not say whether Hoskin was drunk or sober’. Hoskin stated that he was attacked after asking Curnow to settle a small debt. ‘He did not know that Curnow and his wife had been quarrelling or would not have gone near the house. Did not go to interfere with Curnow and his wife, merely to get the account settled, as he knew Curnow had been paid the day before’. The case

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<sup>191</sup> Supreme Court, *New Zealand Herald*, 19 November 1901, p. 7.

<sup>192</sup> See paper on the drink problem in the Te Aroha district.

<sup>193</sup> *Thames Star*, 26 September 1885, p. 2, 15 October 1886, p. 2.

<sup>194</sup> See paper on his life.

against Hoskin was dismissed, Curnow was fined £1 and his wife was imprisoned until the rising of the court for yet again ‘making use of very bad language to her husband, and both had prohibition orders imposed on them.’<sup>195</sup>

This normally ‘orderly mining township’, as it was described in 1889,<sup>196</sup> had a drink-provoked riot in November that year after a performance of ‘Begone Dull Care’ and ‘The Magic Statue’ given by a visiting mimic and ventriloquist named Maccabe, assisted by ‘Mdlle. Minnie’.<sup>197</sup> What happened was not mentioned in the *Te Aroha News*, apart from a reference to a slight disturbance when a person unable to get a seat at the back of the hall took possession of one at the front, ‘a proceeding objected to by the Manager. The “breeze” [‘row, quarrel’],<sup>198</sup> however, blew over without causing inconvenience to any one present’.<sup>199</sup> Nor did the Waiorongomai correspondent of the *Waikato Times* mention this ‘breeze’ and its aftermath, but its Te Aroha correspondent was very willing to fill the gap and in so doing to criticize his colleague:

UNSEEMLY ROW.- It is not often that exception can be made to the general remarks of your correspondent at Waiorongomai, but his silence in the matter of a row which took place on Saturday night in that orderly mining township (which will be most faithfully recorded by the correspondent of the “Sydney Bulletin”) is somewhat reprehensible. On the grounds that a newspaper correspondent in a country township, as a rule, holds as much sway in the community (if he is an exemplary man) as a policeman, the omission of the printed record of this Waiorongomai event is to be regretted. Without further premise, the facts, as given to your correspondent, are these:- Mr Maccabe was giving one of his popular entertainments on Saturday evening at Waiorongomai, at the commencement of which one of the audience came to the agent and demanded back 2s because he was not allowed the privilege of sitting on a vacant chair, cost 3s. Reimbursed, the dissatisfied one went outside the hall and vowed vengeance against the agent, and immediately after the play, whilst Mr Buller [the agent] was going around [Samuel Tozer] Smardon’s hotel corner,<sup>200</sup> he was tripped up and his pants got torn somehow. The agent, of course, got angry, spoke big of pistols and whips, and soon was congregated a faction, and that, too, mostly of the Irish element. The fun grew fast and the fight looked serious, and was being keenly watched from Smardon’s balcony by Mr and Mrs Maccabe, when, with pretty generalship, Mrs Maccabe stepped down into the arena armed with the mellowing factor of a bottle of whisky and water, which she freely dispensed amongst the would-be combatants, and with tender words of home and wives and little

<sup>195</sup> Police Court, *Te Aroha News*, 16 February 1889, pp. 2, 7.

<sup>196</sup> As described by Te Aroha Correspondent, *Waikato Times*, 28 November 1889, p. 2.

<sup>197</sup> *Te Aroha News*, advertisement, 13 November 1889, p. 7, 23 November 1889, p. 2.

<sup>198</sup> Partridge, p. 133.

<sup>199</sup> *Te Aroha News*, 27 November 1889, p. 2.

<sup>200</sup> See section on publicans in paper on the drink problem in the Te Aroha district.

ones, the crowd gradually dispersed, and the place resumed its usual quietude. At one stage of the fracas it looked as if it was to develop into a good-sized Irish free fight, and Maccabe was heard to say afterwards he would not have missed this unrehearsed entertainment for £1000. It is well that Waiorongomai can produce such valuable plays without even one broken head.<sup>201</sup>

Although the fame of this non-riot did not reach the readers of the Sydney *Bulletin*, the *Observer* reprinted this report under the heading ‘An Irish Fight Quelled’, introducing the story as ‘a bit of “The Magic Statue” and a good deal of “Begone Dull Care” about an unrehearsed comedietta which was produced lately at Waiorongomai’. It also added a postscript: ‘Anyone who has had the privilege of tasting the beautiful O.P. whisky that Maccabe carries with him on his travels will agree that a better peacemaker could not have been found. If the Irish at Home had a proper supply of this, they would not clamour for Home Rule’.<sup>202</sup> The *Observer* also published two cartoons, ‘Maccabe gets material for a new Comedietta’ and ‘“Blessed are the Peacemakers.” A bottle of Irish whisky quells an Irish row at Waiorongomai’.<sup>203</sup>

#### RESISTING POLICE AND BAILIFFS

Occasionally police were assaulted when offenders resisted arrest, a serious offence. For example, in 1889 a miner admitted being drunk inside the Anglican church, for which he was fined 10s or in default 48 hours imprisonment. Pleading guilty to ‘creating a disturbance in the congregation’, he was fined £1 or in default seven days. He pleaded not guilty to resisting arrest, but when Sergeant Emerson stated that he had ‘created a great disturbance by his conduct and gave the police a great deal of trouble’, he was fined another £1 or 14 days with hard labour. As he did not pay these fines, he was imprisoned.<sup>204</sup> In 1909 a drunken labourer was fined 10s for being drunk and sentenced to one month of hard labour for resisting arrest.<sup>205</sup>

When more than one offender had to be arrested, a solitary policeman might need assistance, as illustrated by a ‘disturbance’ in 1897:

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<sup>201</sup> Te Aroha Correspondent, *Waikato Times*, 28 November 1889, p. 2.

<sup>202</sup> *Observer*, 7 December 1889, p. 17.

<sup>203</sup> Cartoons, *Observer*, 7 December 1889, p. 16 [reproduced in Appendix].

<sup>204</sup> Armed Constabulary Force, Charges taken at Te Aroha Lock-Up 1880-1903, 29-31/1889, ‘Te Aroha Mining History Archive, University of Waikato Library; Magistrate’s Court, *Te Aroha News*, 30 October 1889, p. 2.

<sup>205</sup> New Zealand Constabulary, Charges taken at Te Aroha Lock-Up 1903-1907, 120, 121/1909, BADB 11355/1a, ANZ-A.

On Saturday afternoon a disturbance took place at the Palace Hotel, Te Aroha, the originators being three roughs from Sydney, who had been visiting the various goldfield centres. They arrived at Te Aroha on Saturday and called at the hotel for drinks. One of them becoming disorderly Mr Smardon, the licensee, put him out. His mate objected, and in course of the altercation struck Mr Smardon on the face, knocking him down. The boots of the hotel [a lowly servant] thereupon interfered in his employer's behalf, as did also Mr Smardon's son. By this time the three Sydney visitors were all fighting, and Constable Wild putting in an appearance, [he] was very roughly handled in attempting to arrest them. So persistently did they resist that the constable had to call on the spectators to assist him, which they readily did, and after a good deal of rough and tumble work, he managed to get his prisoners to the lock-up.<sup>206</sup>

All three offenders, all bushmen aged 25, 32, and 33, were sentenced to three months' hard labour.<sup>207</sup>

For those who did not resist the police, their punishment could be lessened. For instance, a 30-year-old bushman was arrested in 1889 for being drunk and disorderly.<sup>208</sup> In court, after his guilty plea, the police stated that 'defendant gave no trouble and there were no previous convictions against him. Defendant begged to be let off this time and promised not to offend in like manner again. Discharged with a caution'.<sup>209</sup>

Bailiffs were also in danger of assault. Adam Menzies, a former policeman who was the bailiff at Te Aroha for seven years,<sup>210</sup> in 1888 charged Elizabeth Reid with assaulting him 'in the execution of his duty'.<sup>211</sup> In court, Menzies 'stated the defendant struck him on the arm and on the forehead and attempted to push him out of the house'. He had got into the house by sending a registered letter.

Defendant:- You knocked my mother down and left her almost lifeless on the ground.

This plaintiff denied, but admitted defendant did ask him three times to help defendant's mother to rise, but he refused to do so and did not assist her.

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<sup>206</sup> *Thames Advertiser*, 4 March 1897, p. 2.

<sup>207</sup> Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-Up 1880-1903, 5-10/1897, 'Te Aroha Mining History Archive', University of Waikato Library.

<sup>208</sup> Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-Up 1880-1903, 10/1889, 'Te Aroha Mining History Archive', University of Waikato Library.

<sup>209</sup> Magistrate's Court, *Te Aroha News*, 6 March 1889, p. 2.

<sup>210</sup> See *Thames Advertiser*, 1 September 1879, p. 3, 24 September 1880, p. 3, 2 March 1881, p. 2, 8 November 1881, p. 3, 17 March 1882, p. 2, 10 September 1891, p. 2, 5 December 1892, p. 2; *Te Aroha News*, n.d., cited in *Thames Star*, 9 February 1891, p. 2.

<sup>211</sup> Te Aroha Magistrate's Court, Criminal Record Book 1880-1896, 4/1888, BCDG 11220/1a, ANZ-A.

Defendant:- That's what I assaulted you for, because of the manner in which you treated my mother. I promised you to go out of the house on Monday, and because I was unable to obtain a house by that time and do so, you called me a liar.

E. Reid (sworn), stated: I did not assault plaintiff, I only acted in self defence.

In reply to the plaintiff:- On entering my house I did strike you with a boot but did so in self defence of my mother. I do not recollect myself and mother trying to push you out of the door.

His Worship: It is a very serious thing to assault a bailiff (or a constable), in the execution of his duty, He has to carry out his duties, and no one has a right to interfere with him in the performance thereof. Fine £1 ... or in default, seven days' imprisonment.<sup>212</sup>

A more serious assault on a bailiff, by Joseph Read, a miner and labourer,<sup>213</sup> occurred in 1883. The plaintiff, J.H. Smith,<sup>214</sup> told the court that he was appointed a bailiff for the first and last time by a landlord 'for the purpose of making a distress on defendant's premises' and had made an inventory, a copy of which he gave to Read's wife Emma, her husband not being at home. Read invited him to his house a week later and asked whether the landlord would take half the amount due but was told the full amount must be paid. Asked 'why he annoyed his wife', Smith 'said he had not annoyed her', and 'without anything further' Read 'jumped up and knocked witness off the chair on to the floor and when there kicked him on the back. After that he hemmed witness up in a corner and kept striking him repeatedly and hit or kicked him in the ribs'. Smith 'managed to escape but he was too excited to remember how, as his face was covered with blood as he was greatly injured'.

Under cross-examination, Smith admitted that he had not given Emma Read a copy of the warrant, not knowing that this was necessary. 'Mrs Read would not allow him to take an inventory, but he did so in one room against her wishes. He did not give her a signed copy'. The Reads claimed that the landlord, being bankrupt, had no right to receive the rent.

The first assault was a blow to the jaw, and witness thought he kicked him, witness did not try to hit defendant. He could not do so for he was pinned up. He could not have broken his ribs by bending over the sofa. He had had lumbago recently, but no fall that could have fractured his ribs. He did not believe Read had any ill will but committed the assault in the heat of passion.

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<sup>212</sup> Magistrate's Court, *Te Aroha News*, 25 February 1888, p. 2.

<sup>213</sup> See *Te Aroha News*, 18 October 1884, p. 7, 10 December 1887, p. 2, 13 July 1909, p. 2.

<sup>214</sup> Not identified.

A doctor described the bruises and lacerations and a fractured rib and nose that meant that Smith ‘would not be fit for work for about 30 days. There would be a permanent displacement of the nose’. The defence was that, as the bailiff had no right to take possession, Read ‘in turning him out jammed him against the sofa, whereby any injuries sustained had been occasioned’. Read did not believe that Smith was a real bailiff,

and in the excitement jumped up from the seat, seized Smith by the scruff of the neck and rushed him up in the corner of the wall, his nose coming in contact with the wall and causing it to bleed. He then opened the door and pushed Smith out, but he could not say whether he used more force or not than was required, but he had no intention of either maiming or disfiguring complainant.

Magistrate Kenrick determined that, ‘without the slightest provocation, a very severe assault was committed through defendant losing his temper’. Smith ‘had acted most civilly throughout’, and Kenrick ‘read defendant a severe lecture on the temper he had displayed and the brutality he had shown’. As Read was liable for ‘a prolonged term of imprisonment’ he would impose the highest fine permitted, £10, half of which was to go to Smith.<sup>215</sup> This behaviour by Read was unique; the only other criminal offence for which he was convicted at Te Aroha was to have an unregistered dog.<sup>216</sup>

## SUICIDE

Several suicides are noted in the papers on women and on some notable residents.<sup>217</sup> In 1888, a painter and glazier,<sup>218</sup> William Lincoln, aged 50, jumped off the railway bridge with a bag of stones around his neck and drowned. A Londoner, he had come to New Zealand in 1868 and settled at Te Aroha ‘prior to its proclamation as a goldfield’. He was a well-known resident, commonly known as ‘Little Billy’. No reason was known for his suicide;<sup>219</sup> perhaps his fondness for drink may have been relevant.<sup>220</sup> Just over a month later, Lancelot Newton,<sup>221</sup> proprietor of a coffee and fruit shop

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<sup>215</sup> Magistrate’s Court, *Te Aroha News*, 23 June 1883, p. 2.

<sup>216</sup> Te Aroha Magistrate’s Court, Criminal Record Book 1881-1896, 25/1889, BCDG 11220/1a, ANZ-A.

<sup>217</sup> For example, papers on Charles Gallagher and George Stewart O’Halloran.

<sup>218</sup> For example, *Observer*, 17 December 1881, p. 222.

<sup>219</sup> *Te Aroha News*, 28 November 1888, p. 2, 29 November 1888, p. 2.

<sup>220</sup> *Thames Advertiser*, 14 December 1875, p. 3, 11 December 1877, p. 3, 17 April 1879, p. 2.

<sup>221</sup> See Death Certificate of Lancelot Newton, 1901/5853, BDM; *Waikato Argus*, 25 November 1901, p.

opposite the domain, made a 'determined attempt at suicide' by jumping from the same bridge. In the early evening, a man crossing it 'was surprised to see a man's coat and helmet laid on the side of the bridge, and on going a little further observed Newton out on one of the stringers, about the middle of the bridge; and saw him drop from thence into the river'. Within two minutes, a boat reached Newton.

His rescuers found him with his head above the water, but the rest of his body submerged, his legs being imbedded in the mud and sand at the bottom of the river, which at this particular spot is only about five feet deep. Having brought him ashore his rescuers handed Newton over to the police, who by this time had arrived, and who took him to the "lock-up," got him a change of clothes, nourishment, etc, and otherwise took care of him. When asked by the police what induced him to jump into the river, he is stated to have replied "I must have been mad to have done such a thing" ....

Newton is a single man and has no relatives in the colony. He is about fifty-five years of age, and of a most obliging and inoffensive disposition; and for some time past has been doing a nice little trade at his shop, but has, it is stated, given way a great deal to drink during the holidays, and there can be little doubt it was drink incited him to attempt the rash act. Newton has held some responsible positions, having been landing waiter in H.M. Customs at the Cape [Capetown] for some 12 years, and has in possession a number of very excellent testimonials. His friends are greatly astonished at his foolish action.<sup>222</sup>

As attempted suicide was a criminal offence, he was brought before the magistrate. After pleading guilty, he was treated kindly, the magistrate advising him 'not to go bathing in his clothes again' and binding him over to keep the peace for 12 months.<sup>223</sup> This was a typical sentence; when a young miner attempted to commit suicide, using the same method, in 1910, he was convicted and discharged to come up for sentence 'if called upon'.<sup>224</sup>

## CRUELTY TO ANIMALS

In 1900, the local newspaper reported a threat to both man and beast:

A dastardly act, and one that might have been attended with serious consequences if not loss of life, was perpetrated on New Year's Eve by some ruffianly blackguard or gang of villainous curs. A young man crossing the railway bridge in the early morning of the 1st inst, had his horse, a

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<sup>222</sup> *Te Aroha News*, 5 January 1889, p. 2.

<sup>223</sup> Magistrate's Court, *Te Aroha News*, 9 January 1889, p. 2.

<sup>224</sup> New Zealand Constabulary, Charges taken at Te Aroha Lock-Up 1903-1917, 135/1910, BADB 11355/1a, ANZ-A.

restive one, suddenly stick him up, and by snorting, pawing and general restiveness, evinced its objection to proceed, notwithstanding all its rider's endeavours to make it do so. The young man alighted and began to examine into the cause of this objection to proceed, and found, to his consternation, that the bridge had been barricaded with barbed wire. One wire was stretched low down on the rails, another about the height of a pony's chest, and the third about the height of a man's breast. It is an easy matter to conceive what might have happened had the horse and rider run into this trap, at the least, it would have meant serious maiming for man and beast, and probably death to the former. The position of an unfortunate man tangled in wire and mixed up with a struggling, terrified beast on such a place as the railway bridge is something awful to contemplate. It is to be hoped that the proper authorities will take this matter up, and that the contemptible scoundrel or scoundrels be properly death it.<sup>225</sup>

(Nobody was brought to account.)

There were a couple of cases where men were prosecuted for cruelty to animals. In 1891, a miner was fined 20s after pleading guilty to cruelly treating a horse.<sup>226</sup> The following year, another miner pleaded guilty to making a mare pull a cart when it had a sore on its back; as it was a first offence, he was only fined 10s.<sup>227</sup> In 1910, a farmer offered a £10 reward for information leading to the conviction of those who had mortally wounded his horse;<sup>228</sup> his offer did not lead to the unmasking of those responsible. Earlier, a man had offered to buy this 'victim to the larrikin push' for 160 guineas.<sup>229</sup>

The worst case of cruelty was reported in 1885:

A few days ago, an unfortunate dog was guilty of the great offence of causing the death of a fowl. For this breach of good behaviour it was taken by a certain young man and thrown over Diamond Gully falls [at the highest point of the upper track at Waiorongomai]. The poor animal's back was broken by the act, but it was not killed, and the offender<sup>230</sup> took no trouble to end its sufferings, but coolly walked away, and so the wretched animal howled in agony for several days unable to crawl further than a few yards, until a kind-hearted miner heard its cries, with difficulty descended to the place where it lay, and put an end to its sufferings. The party guilty of this gross cruelty is known and ought certainly to be punished for his inhuman conduct.

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<sup>225</sup> *Te Aroha News*, 6 January 1900, p. 2.

<sup>226</sup> *Te Aroha Magistrate's Court, Criminal Record Book 1880-1896*, 5/1891, BCDG 11220/1a, ANZ-A.

<sup>227</sup> *Te Aroha Magistrate's Court, Criminal Record Book 1880-1896*, 19/1892, BCDG 11220/1a, ANZ-A.

<sup>228</sup> Advertisement, *Te Aroha News*, 1 September 1900, p. 2.

<sup>229</sup> *Te Aroha News*, 20 September 1910, p. 2.

<sup>230</sup> 'Sufferer' in the original.

Although the man responsible was known and this report concluded by asking the police to investigate,<sup>231</sup> nobody was prosecuted. The only other reported case involving a dog was the poisoning of one in 1909.<sup>232</sup>

The following case may not have been an example of cruelty, but it was certainly illegal. In 1889, John Frederick Cocks, a draper, upholsterer, and for a time an auctioneer,<sup>233</sup> was charged with ‘Unlawfully using dynamite in a public fishery to wit the Waihou River at Te Aroha ... to catch or destroy fish’. After pleading guilty, Cocks was discharged with a caution.<sup>234</sup>

### SOME CONSEQUENCES OF EXCESSIVE DRINKING

As indicated in the paper on drink, it was quite common for drunks to be so intoxicated that they became ‘incapable’.<sup>235</sup> Another associated offence was indecent exposure. For example, a drunken labourer was convicted and discharged for also ‘wilfully exposing his person in public place’, an apparently mild reprimand; but, as he had just been sentenced to four months’ imprisonment for stealing four bottles of brandy from a hotel cellar,<sup>236</sup> the magistrate presumably did not think it necessary to treat this offence severely.

On occasions an offender did not have the ‘excuse’ of being drunk. In 1886, a 42-year-old platelayer, charged with ‘Wilfully and obscenely exposing his person in a public place to whit Rolleston Street’, refused to plead and was sentenced to ten days’ imprisonment.<sup>237</sup> For the same offence committed by a labourer in an adjacent street in 1911, the penalty was two months’ hard labour.<sup>238</sup>

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<sup>231</sup> *Te Aroha News*, 4 July 1885, p. 2.

<sup>232</sup> *Te Aroha News*, 29 April 1909, p. 2.

<sup>233</sup> See *Waikato Times*, 8 January 1881, p. 3, advertisement, 8 February 1881, p. 4; *Thames Star*, 24 January 1883, p. 2; *Te Aroha News*, 16 June 1883, p. 3, 23 June 1883, p. 3, 6 October 1883, p. 4, 25 April 1885, p. 2, 5 June 1886, p. 2, 13 July 1889, p. 2.

<sup>234</sup> Te Aroha Magistrate’s Court, Criminal Record Book 1881-1896, 10/1889, BCDG 11220/1a, ANZ-A.

<sup>235</sup> For example, Te Aroha Magistrate’s Court, Criminal Record Book 1881-1896, 2, 3/1881, BCDG 11220/1a, ANZ-A.

<sup>236</sup> Armed Constabulary Force, Return of Charges taken at Te Aroha Lock-Up 1880-1903, 10-12/1888, ‘Te Aroha Mining History Archive’, University of Waikato Library.

<sup>237</sup> Armed Constabulary Force, Return of Charges taken at Te Aroha Lock-Up 1880-1903, 47/1886, ‘Te Aroha Mining History Archive’, University of Waikato Library; Te Aroha Magistrate’s Court, Criminal Record Book 1880-1896, 65/1886, BCDG 11220/1a, ANZ-A.

<sup>238</sup> New Zealand Constabulary, Charges taken at Te Aroha Lock-Up 1903-1917, 26/1911, BADB 11355/1a, ANZ-A.

In 1912, another labourer who committed ‘a Grossly Indecent Act within the View of Passersby’ in Rewi Street received six months’ hard labour.<sup>239</sup> Had he urinated? In the previous year, yet another labourer ‘in the Public bar of the Grand Hotel Te Aroha Did Commit Grossly Indecent act by taking out his Person and making Water in the bar within view of Persons therein’, for which he was sentenced to nine months of hard labour.<sup>240</sup> In contrast, a drunken miner who urinated in public in 1906 was merely fined 10s for being drunk and was cautioned for his inappropriate urination.<sup>241</sup>

## SEXUAL OFFENCES

In December 1881, Maurice Heffernan, a 46-year-old carpenter,<sup>242</sup> was accused of indecently assaulting Prudence Morrison, who was nine years old.

Constable Cleary deposed that he had arrested the prisoner at Te Aroha on Tuesday on the present charge. He did not make any reply when told of the nature of the charge, and witness locked him up. He appeared to be sober but looked as if recovering from the effects of drink. While in witness’s custody prisoner had stated that he had a few words with the father and grandfather of the child, who had accused him of the offence. The house where complainant lived was situate about a mile from the township of Te Aroha, the nearest other house being about 50 yards distant.

Prudence deposed that she knew the accused, who had come to her house ‘about 8 o’clock’ in the evening when she was alone with her cousin, Prudence Holden. ‘He asked for her parents and grandfather and was informed that they had gone away to fetch her grandmother’. When given a light, ‘he stepped into the house and threw the light on the floor. (Witness here illustrated the gestures of accused.)’ The girls ‘ran upstairs and stayed there about five minutes. When they came down again accused was sitting at the door with his clothes still disarranged’ and repeated his earlier gestures.

Prudence Holden then went out with witness’s infant brother, with the idea of putting the latter to sleep in a smaller house outside, as they were afraid accused would catch him, as he could not run away. In doing this she had to

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<sup>239</sup> New Zealand Constabulary, Charges taken at Te Aroha Lock-Up 1903-1917, 122/1912, BADB 11355/1a, ANZ-A.

<sup>240</sup> New Zealand Constabulary, Charges taken at Te Aroha Lock-Up 1903-1917, 12/1911, BADB 11355/1a, ANZ-A.

<sup>241</sup> New Zealand Constabulary, Charges taken at Te Aroha Lock-Up 1903-1917, 10, 11/1906, BADB 11355/1a, ANZ-A.

<sup>242</sup> *Waikato Times*, 7 January 1882, p. 2.

run past the door at which accused was sitting. She attempted to rush past, when she fell to the ground, and accused caught her. He pulled her towards him, but Prudence rushed forward and pulled her away. Both of them then ran upstairs screaming. Her father and mother then came in and found Maurice still at the door. A few minutes later accused went away, and she informed her mother of his conduct.

After Heffernan refused to cross-examine her, her cousin corroborated her evidence, and her mother described the children screaming when she arrived home. ‘The children informed her that they had screamed as prisoner was running after them. She asked the prisoner what business he had in the house. He replied that the children were frightened, and he had remained to keep them company’. Heffernan, whom they had known for about four weeks, ‘stated that the charge was a complete fabrication – a falsehood’. The magistrate ‘said there were some trivial discrepancies of detail in the evidence, but the facts in the main agreed. It was clear that some assault had been committed, coupled with gross acts of indecency’ (which the newspaper had not clarified, apart from mentioning Heffernan’s ‘disarranged’ clothes and ‘gestures’). Accordingly, Heffernan was committed for trial.<sup>243</sup>

The evidence presented at his trial ‘excited the greatest disgust, owing to the character of the conversation’, once again not given, ‘stated to have been addressed’ to the girls, ‘and also on account of the tender age and intelligence of the two children’. It was revealed that some younger children had been in bed that evening and that Heffernan ‘had some time previously’ been employed by their father.

He was apparently the worse of drink. He asked the children for something to drink. They gave him two tins of milk and a slice of plum pudding. He took the little girl (Morrison) between his legs and asked her a number of questions. (The child described the nature of the questions put by the prisoner and his behaviour.) She got away from him, and both children ran into the lobby, and the other into a bedroom, but they were chased by the prisoner. A very large proportion of the examination and cross-examination was adopted to test the memory of each of these young children, who only partially understood the nature of an oath.

When Prudence Holden, aged 13 ‘but of very diminutive size’, gave her evidence, ‘there were some discrepancies relating to matters of importance’. Mr Justice Gillies, in his summing up, ‘drew attention to the contradictory accounts of what took place. These were very important discrepancies, and the age of the children being considered, the jury would say what value was to be set upon their testimony’. Thus advised, the

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<sup>243</sup> Police Court, *Thames Advertiser*, 30 December 1881, p. 3.

jury took only a short time to return a verdict of not guilty.<sup>244</sup> Heffernan may have acted under the influence of drink: in 1867 he had been convicted for being drunk.<sup>245</sup>

In 1886, Michael Stevenson, a 29-year-old labourer, was arrested for being drunk and trespassing in a house and refusing to leave.<sup>246</sup> A Thames newspaper reported this ‘extraordinary case’:

It appears that when the informant [a cook, Charles Smith]<sup>247</sup> entered his children’s bedroom on Tuesday morning, he found the accused lying undressed in the bed occupied by his two girls, aged 13 and 11 respectively. When awakened, Stevenson either was, or pretended to be, in a state of drunken stupidity, and, in reply to the father’s queries, had him betake himself to a torrid clime. Sergt. Emerson was sent for, and arrested the offender, who offered violent resistance, and could not be conveyed to the station until the handcuffs were placed upon his wrists. It appeared that the children had suffered no injury at the fellow’s hands, so that he could only be charged with the minor offence of trespass. When brought before the Court, Stevenson stated in defence that he was drunk, and knew nothing about the occurrence, but the evidence showed that it was extremely improbable that he could have reached the place without his action had been premeditated.

The magistrate said ‘the whole circumstances led to the suspicion that a much more serious offence might have been committed. He recommended that the children should be examined by a medical man, to make doubly sure’.<sup>248</sup> As nothing further was reported, this suspicion must have been disproved.

In 1904, a ‘young man’ who made no plea to a charge of indecently assaulting a girl was sent to the Supreme Court,<sup>249</sup> where he pleaded not guilty.

The little girl, who gave her age as 10 years, described the offence, which had occurred while she was on her way to school, and identified the prisoner as the person who had committed the same. The child’s teacher (female) deposed to the little girl’s late arrival at school and the explanation given to the effect that “she had been taken into the tea-

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<sup>244</sup> Supreme Court, *Auckland Weekly News*, 14 January 1882, p. 19.

<sup>245</sup> Police Court, *New Zealand Herald*, 26 March 1867, p. 5.

<sup>246</sup> Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-Up 1880-1903, 7, 8/1886, ‘Te Aroha Mining History Archive’, University of Waikato Library.

<sup>247</sup> Armed Constabulary Force, Report of Charges taken at Te Aroha Lock-Up 1880-1903, 13, 37/1886, ‘Te Aroha Mining History Archive’, University of Waikato Library.

<sup>248</sup> *Thames Advertiser*, 4 March 1886, p. 3.

<sup>249</sup> Te Aroha Magistrate’s Court, Criminal Record Book 1896-1907, 17/1904, BCDG 11220/1b, ANZ-A.

tree by a drunken old man, who had promised her 1s to buy chocolates, and would not let her go.”

The defence was that the accused had been wrongly identified and that he had been talking to two others at the time. After the judge noted that neither of these potential witnesses had been called for the defence, the jury found him guilty.

In passing sentence, Judge Edwards said he considered prisoner had been justly convicted of a disgraceful offence, such as he almost thought it impossible for a human being to be guilty of. Fortunately for him, he had not done the child any great amount of harm; had he done so, the sentence of the Court would have been a much heavier one. His Honor then sentenced Murray to two years’ imprisonment with hard labour.<sup>250</sup>

At a court sitting in April 1884, Thomas Hinton, then a licensed victualler aged 24,<sup>251</sup> was accused by two women of fathering their illegitimate children and refusing to provide for their support. After one of the complainants withdrew her charge,<sup>252</sup> the other one was ‘Dismissed on merits’,<sup>253</sup> but not before much evidence was given about the sex life of the accuser:

Jane Ann Innes, on being sworn, stated she was 21 years of age. Knew defendant Thomas Hinton for about two years. I have a child born on the 16th of April, a boy;<sup>254</sup> Thos. Hinton is the father. At the time the intercourse took place I was living at Mrs Allwood’s, Te Aroha, as servant. Went to Mrs Allwood’s on the 12th or 13th of July 1883. Thos. Hinton was living in the house. He first had intercourse with me a few days after I went there, never before. I have not spoken to him since the child was born, or seen him, nor asked him to support it. The child was born at Morrinsville. I left Mrs Allwood’s about a month before the child was born. I never had any conversation with Hinton about my being with child. Never told defendant the child was his, or that I was by child by him. After July 1883, defendant had no intercourse with me. Nobody but Hinton had intercourse with me, and he only in July, not afterwards.<sup>255</sup>

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<sup>250</sup> Supreme Court, *New Zealand Herald*, 17 May 1904, p. 3.

<sup>251</sup> *Thames Advertiser*, 27 March 1884, p. 2, 22 May 1884, p. 2.

<sup>252</sup> Birth Certificate of Archibald George Caundle, 11 December 1883, 1884/321, BDM; Te Aroha Magistrate’s Court, Criminal Record Book 1881-1896, 42/1884, BCDG 11220/1a, ANZ-A.

<sup>253</sup> Te Aroha Magistrate’s Court, Criminal Record Book 1881-1896, 40/1884, BCDG 11220/1a, ANZ-A.

<sup>254</sup> Birth Certificate of Oscar Innes, 16 April 1884, 1884/9099, BDM.

<sup>255</sup> Magistrate’s Court, *Te Aroha News*, 17 May 1884, p. 2.

(Sarah Ann Allwood was the wife of John, a publican,<sup>256</sup> and Hinton's sister.)

The complainant was then cross-examined:

I know a man named Thos. [Blanchet] Thompson. Am aware he is subpoenaed as a witness. I have had another child, not by Hinton.<sup>257</sup> I went to Allwood's in July to take the place of my sister Maggie for a fortnight whilst she was away on a holiday. The intercourse took place in my bedroom about one o'clock in the morning. Little Jimmy Allwood used to sleep with me. I was at Allwood's a fortnight altogether, and the intercourse took place in about four or five days, or perhaps a week, after I arrived there. He came into my room without saying anything to me previously. I did not cry out or make any alarm. I did not struggle. He surprised me. I was not willing for him to thus act. I never said anything about it to him the next day, or afterwards. I left Allwood's at the end of the fortnight but returned again some months afterwards to take my sister's place, who left to get married; I was there the second time for about six weeks. I was then heavy in the family way. No one ever spoke to me about it nor I to them. I did not speak to my mother about it until after I returned from Allwood's the second time, when my mother spoke to me about it. My mother did not speak to me about it before [I] went there, though I was then shewing that I was in the family way. Had no quarrel with Mrs Allwood. Know a person named Dan Gainey. He used to come and see me. I was going to be married to him but am not now. I never told anyone this child was Dan's. I was engaged to be married to Dan before I went to Allwood's the first time. Don't recall being caught in the fern with him. I used to walk out with him. We used to sit down when out together. I never said the child was his, and he never said anything to me about it. I had a candle burning in my room when Hinton came in. Was not gone to bed. Hinton was acting as barman in the house. He had a conversation with me. The house was not shut up but was just about closing.

(Nothing is known about Daniel Gainey apart from his being fined in 1907 'for being drunk in charge of a horse'.<sup>258</sup>) Her mother then gave evidence that Jane had named Hinton as the prospective father and that her husband had written to him about a month before the baby was born. Asked about Thomas Thompson, she said she had asked him whether he had anything to say about her daughter's character and he replied, 'Nothing whatever'. Her daughter had told her that Hinton 'went into her room at night, caught hold of her, and threw her down on her bed. I was not aware that she was engaged to be married to a man named Gainey, he used often come to see us. My daughter never told me he was the father of her child. I never told my other daughter Mrs Gordon that Gainey was the father of the child'.

As Thompson was not called to give evidence, Hinton was the last witness:

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<sup>256</sup> See section on publicans in paper on the drink problem in the Te Aroha district.

<sup>257</sup> Birth Certificate of Renira Jessie Innes, 1882/2136, BDM.

<sup>258</sup> *Manawatu Standard*, 6 May 1907, p. 8.

It is not true what the girl says about my going into her room. I never had intercourse with the girl at any time. I have been in the girl's room at night because my sister's little boy slept there and I had occasionally to carry him in. I don't think the girl was ever in the room when I carried him in. I went away to the Thames the morning after she arrived at the hotel and was away for about a week. I went away about the 12th of July and returned on the 19th. I swear positively I never at any time had intercourse with the girl, and I heard nothing whatever about the affair until a short time ago. She never spoke to me at all about the matter. Her father first spoke to me on the subject about a month before I was summonsed. I told the father the girl had no claim on me in any way, and I would go to prison before I would pay anything. Her father said I was quite right if the child was not mine, and said he was surprised to hear I was charged with being its father. The girl's father told me that Dan had "shouted" a bottle of brandy on the strength of the birth of the child. I never received a letter from Innes. The girl's father told me he did not believe I was the father of the child, and that if I was, I would not refuse to support it.

Case dismissed with costs. The Magistrate stated there was no evidence whatever produced whereby the paternity of the child could be fastened upon defendant, and that there was not a tittle of evidence to support the girl's statement. All who heard the case tried must have coincided with the judgment given in this case, as from beginning to end the girl's statement was most improbable, and without satisfactory corroboration as is evident from the evidence. The result was greeted with applause by those in Court, which was immediately suppressed.<sup>259</sup>

It seems that this was an attempt at blackmail. There was a happy outcome for Jane Ann Innes: despite her two illegitimate children she married Thomas Blanchet Thompson, a Morrinsville butcher, two months later, when she was 21;<sup>260</sup> was he the father of her first child if not her second? Hinton's other accuser, Sarah Caundle, did not marry, at least not in New Zealand; nor did Dan Gainey.<sup>261</sup> Jane and her husband were never reported in the press in the future, because at an unknown date they left the colony.<sup>262</sup>

In the previous year, when the 'manager more than barman' of his brother-in-law's hotel, Hinton had been fined 20s for unjustifiable assault when removing a drunk man from the bar.<sup>263</sup> The month after he was acquitted of fathering an illegitimate child, he was accused, along with two other young men, of breaking into a bath house on the

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<sup>259</sup> Magistrate's Court, *Te Aroha News*, 17 May 1884, p. 2.

<sup>260</sup> Marriage Certificate of Jane Ann Innes, 1 July 1884, 1884/2976, BSM.

<sup>261</sup> Index of Marriages, BDM.

<sup>262</sup> Indexes of Births and Deaths, BDM; PapersPast.

<sup>263</sup> Magistrate's Court, *Te Aroha News*, 27 October 1883, p. 2.

domain; but as no damage was done, the case was dismissed.<sup>264</sup> The following year, he was married in Hamilton, when aged 25, and would go on to have 11 children.<sup>265</sup> Whatever his previous behaviour with women had been (and it may have been impeccable), his first child was born a respectable period after his wedding.<sup>266</sup> He became a pillar of the community as a prominent farmer and rugby player, a member of the Waikato County Council for 24 years, and chairman of the Waikato Central Electric Power Board since its inception until retiring after a similar period in office.<sup>267</sup> After his first wife's death in 1923, at the age of 75 he remarried.<sup>268</sup>

According to Chris Brickell, in his history of gay New Zealand, 'female prostitutes worked the goldfields and some of the rural towns, but they were not available everywhere, and frontiersmen made the best of what was on offer. Many farm labourers, gumfield workers, sawmillers and miners had sex with other men, even when that was not their first choice'.<sup>269</sup> He accepts that, 'given the chance, many male settlers would have preferred sexual relationships with women, but some of them resorted to sex with men for want of anything better'. He explicitly mentions men in 'mining towns' seeking sex with acquaintances or strangers, and is certain that, 'within certain limits', unspecified, 'sex between men was a distinct possibility'.<sup>270</sup> Stevan Eldred-Grigg agreed that homosexual acts probably occurred on goldfields.<sup>271</sup>

In the Te Aroha district, there is no evidence that men saw sex with other men as 'a distinct possibility'; those about whom some details of their sex lives are known were thoroughly, sometimes over-enthusiastically, heterosexual. As noted in the paper

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<sup>264</sup> Te Aroha Correspondent, *Waikato Times*, 21 June 1884, p. 3; Magistrate's Court, *Te Aroha News*, 28 June 1884, p. 2.

<sup>265</sup> Marriage Certificate of Thomas Hinton, 11 August 1885, 1885/2893; Death Certificate of Thomas Hinton, 1 November 1944, 1944/28085, BDM; *Waikato Times*, 22 August 1885, p. 2; Probate of Ellen Elizabeth Hinton, Hamilton Probates, BCDG 4420/1738, ANZ-A.

<sup>266</sup> Birth Certificate of Florence Mabel Clara Hinton, 8 June 1886, 1886/9962, BDM.

<sup>267</sup> *Auckland Star*, 27 July 1935, p. 6, 11 March 1944, p. 3; *Te Aroha News*, 11 October 1884, p. 2, 15 June 1907, p. 2, recollection of Charlie Garlick, 7 April 1937, p. 5, Diamond Jubilee Supplement, 9 June 1943, p. 5, 3 November 1944, p. 1; *Auckland Weekly News*, 12 February 1903, p. 33, 28 May 1903, p. 32, 3 April 1913, p. 48; *Observer*, 21 May 1936, p. 8; *Waikato Times*, 1 November 1944, p. 2.

<sup>268</sup> Death Certificates of Ellen Elizabeth Hinton, 2 May 1923, 1923/4295; Thomas Hinton, 1 November 1944, 1944/28085, BDM.

<sup>269</sup> Chris Brickell, *Mates and Lovers: A history of gay New Zealand* (Auckland, 2008), p. 34.

<sup>270</sup> Brickell, pp. 76-77.

<sup>271</sup> Stevan Eldred-Grigg, *Diggers Hatters and Whores: The story of the New Zealand gold rushes* (Auckland, 2008), pp. 279, 282, 284, 293.

about women's lives, no prostitutes can be shown to have 'worked' at Te Aroha, and certainly no women were charged with this offence. As the district had plenty of female residents and female visitors such releases of sexual tension were not necessary. Brickell also states that, 'in a society often strongly divided along gender lines, male couples could probably live together with little difficulty'.<sup>272</sup> The most obvious example of such a 'couple' was Henry Ernest Whitaker and Charles Stanislaus Stafford; although the latter would marry, eventually, Whitaker never did, and his sexual preferences are uncertain.<sup>273</sup>

Brickell uses court records as one basis for his interpretations.<sup>274</sup> In Te Aroha, there was only one case of possible homosexuality. In 1883, a bushman, a Frenchman aged 65, was charged with 'Attempting to Commit an unnatural offence upon a boy of 13 years of age'. The case was dismissed by two justices of the peace, one of them Stafford.<sup>275</sup> A newspaper report explained that the man, a new arrival in Te Aroha, had enticed the boy into his whare 'and attempted an assault with indecent intent. The lad, however, struggled and managed to escape from the hands of the brute, and reported the matter to his father'. Because of 'insufficient proof of the man's purpose', the case was dismissed. 'The facts have, however, caused such feeling in the district that the offender is said to have taken the earliest opportunity of seeking fresh fields and pastures new'.<sup>276</sup> The local newspaper forbore to give details of the case, again described as an 'unnatural offence', and said the accused 'cleared out of the district without loss of time'.<sup>277</sup> Clearly there was little local sympathy for this variety of sexuality.

#### A VARIETY OF RELATIVELY MINOR OFFENCES

In 1885, a correspondent complained about 'the shameful manner in which certain parties, whose names are well known, indulge in wild pigeon shooting during the close season'.<sup>278</sup> Suitably prompted, the police took a man to court on the charge of having two native pigeons without lawful excuse; he was fined 1s.<sup>279</sup> In 1905, a correspondent informed a Thames newspaper that 'a considerable amount of poaching

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<sup>272</sup> Brickell, p. 76.

<sup>273</sup> See paper on Harry and Charles: Henry Ernest Whitaker and Charles Stanislaus Stafford.

<sup>274</sup> Brickell, pp. 31, 34-35, 56, 60, 69, 76-77.

<sup>275</sup> Armed Constabulary Force, Return of Charges taken at Te Aroha Lock-Up 1880-1903, 11/1883, 'Te Aroha Mining History Archive', University of Waikato Library.

<sup>276</sup> Te Aroha Correspondent, *Thames Advertiser*, 31 October 1883, p. 3.

<sup>277</sup> *Te Aroha News*, 3 November 1883, p. 2.

<sup>278</sup> *Te Aroha News*, 21 February 1885, p. 2.

<sup>279</sup> Te Aroha Magistrate's Court, Criminal Record Book 1880-1896, 7/1885, BCDG 11220/1a, ANZ-A.

is being done amongst the trout in and about Te Aroha', and predicted prosecutions of those not holding fishing licenses.<sup>280</sup> In 1904, a man was fined 1s for throwing the carcass of a pig into the river.<sup>281</sup>

In 1902, a 'dastardly act' at Waiorongomai may have been an example of ill feeling against George Robert Beeson, a prominent resident,<sup>282</sup> who leased a small farm there. 'He fenced about 15 chains with barbed wire at no small outlay. The appearance of the fence was evidently an eyesore to miscreants for one morning Mr Beeson found each wire cut through between the posts for the whole length of the fence, while several posts were shifted'.<sup>283</sup>

An 1886 case of perjury did not lead to any punishment. George Manney Burke, a butcher,<sup>284</sup> was sued for £1 for unpaid wages. Burke cited John Moffat, formerly a Waihou publican but now a Te Aroha butcher,<sup>285</sup> in his evidence.

His Worship, on inquiry, finding Mr Moffat was in Te Aroha, adjourned the case for a quarter of an hour, and had him sent for. On the case being resumed Mr Moffat swore he never told defendant he had engaged plaintiff a week or so prior to his leaving defendant; in fact, he had not fully decided to start butchering in Te Aroha till a day or two prior to opening a shop. His Worship gave judgment for the amount sued for and costs; and administered a rebuke to defendant for the manner in which he had given his evidence, and said he (defendant) had made a statement on oath for which there was not the slightest grounds; giving Moffat as a witness, who on being brought up denied on oath having said any such thing as was ascribed to him by defendant.<sup>286</sup>

Despite this severe reproof, his perjury was not punished; nor were any other perjurers punished, apart from them being exposed as such and losing their cases.

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<sup>280</sup> *Thames Star*, 1 February 1905, p. 4.

<sup>281</sup> Te Aroha Magistrate's Court, Criminal Record Book 1896-1907, 18/1904, BCDG 11220/1b, ANZ-A.

<sup>282</sup> See *Te Aroha News*, 7 July 1883, p. 2, 20 October 1883, p. 2, 16 February 1884, p. 2, 17 January 1885, p. 2, 31 January 1885, p. 7, 1 May 1886, p. 2, 21 August 1886, pp. 2, 3, 4 September 1886, p. 2, 5 May 1887, pp. 2, 3, 25 June 1887, p. 2, 19 May 1888, p. 2, 16 January 1889, p. 2, 30 March 1909, p. 2, 27 May 1909, p. 2.

<sup>283</sup> Te Aroha Correspondent, *Thames Star*, 7 March 1902, p. 4.

<sup>284</sup> See *Te Aroha News*, 22 August 1885, p. 2, 29 August 1885, p. 2.

<sup>285</sup> See *Te Aroha News*, 11 August 1883, p. 2, 23 February 1884, p. 2, 21 March 1885, p. 7, 9 January 1886, p. 2, 27 February 1886, p. 2, 8 May 1886, p. 2, 12 June 1886, p. 2.

<sup>286</sup> Magistrate's Court, *Te Aroha News*, 20 March 1886, p. 2.

Timothy Donovan, a hard-working labourer, contractor, and farmer,<sup>287</sup> who had been involved with Waiorongomai mining in the early 1880s,<sup>288</sup> was sufficiently respected to be elected to the school committee there several times.<sup>289</sup> But he was before the court for a variety of offences over the years. In 1893, he was accused of assault, but the case was dismissed.<sup>290</sup> Four years later, Richard Leonard Hill, a coach proprietor,<sup>291</sup> accused him of ‘common assault’.

Plaintiff said that on alighting from Smardon’s coach on Saturday night at Waiorongomai the accused assaulted him in a cowardly manner and without giving him notice.

The cause of the assault appeared to be that plaintiff, while riding in the coach, had insulted Mrs [Alice] Donovan. Evidence proved that she smacked his face several times for the offence and called him a blackguard. However, it is alleged he still persisted in misbehaving. Arriving at home, Mr Donovan asked his wife her reason for striking Hill, and she explained. Mr Donovan, immediately on hearing this, ran out of the house and, meeting Hill, struck him.

There was considerable cross evidence as to whether accused challenged the plaintiff.

The Bench dismissed the case and stated that no man had any right to take the law into his own hands, but in this case, there appeared to be some ground for provocation. No costs were given on either side.<sup>292</sup>

In 1915, Donovan was fined 10s for having an unregistered dog.<sup>293</sup> In 1921, 1923, and 1924 he was fined again for having animals at large both on the railway line near his Waihou farm and on two roads, notably a cow wandering through the main street of Te Aroha.<sup>294</sup> In 1925, when ‘well advanced in years’, being aged 71,<sup>295</sup> he was charged

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<sup>287</sup> See *Te Aroha News*, 10 April 1886, p. 2, 5 March 1887, p. 2, Magistrate’s Court, 8 August 1888, p. 2, 6 March 1895, p. 2, Magistrate’s Court, Court, 5 May 1895, p. 2, 19 June 1895, p. 2, 21 September 1917, p. 2, 16 November 1938, p. 5.

<sup>288</sup> Te Aroha Warden’s Court, Register of Licensed Holdings 1881-1887, folios 28, 118, 132, 172, 173, BBAV 11500/9a, ANZ-A.

<sup>289</sup> *Auckland Weekly News*, 5 May 1899, p. 36, 4 May 1900, p. 16, 4 May 1905, p. 20.

<sup>290</sup> Te Aroha Magistrate’s Court, Criminal Record Book 1881-1896, 29/1893, BCDG 11220/1a, ANZ-A.

<sup>291</sup> See *Ohinemuri Electoral Roll, 1897*, p. 28.

<sup>292</sup> *Thames Advertiser*, 27 September 1897, p. 3.

<sup>293</sup> Te Aroha Magistrate’s Court, Criminal Record Book 1913-1919, 107/1915, BCDG 11220/2b, ANZ-A.

<sup>294</sup> Te Aroha Magistrate’s Court, Criminal Record Book 1919-1921, hearing of 9 July 1921, BCDG 11220/3a; Criminal Record Book 1921-1924, hearing of 15 June 1923, BCDG 11220/4a; Criminal Record Book 1924-1926, hearing of 23 October 1924, BCDG 11220/5a, ANZ-A.

with stealing a sack of maize and two sacks of pollard, valued at £2 10s. He admitted his guilt and was placed on probation for three years on condition the value of the goods was paid, and he provided a recognisance of £100 plus two sureties of £100.<sup>296</sup> At the same hearing he pleaded guilty to stealing 24 pounds of tea and two of the seven tins of biscuits and was required to make restitution.<sup>297</sup>

A newspaper report of this case revealed that Donovan was not alone in these thefts, all from the Waihou railway station:

For some years past complaints have been launched from time to time by the railway authorities from various settlers in the surrounding district anent the mysterious disappearance of goods from the Waihou Station. Consignments of bran, pollard, maize, and other sundries such as tins of biscuits, tea and other goods have been subject to the depredations of nocturnal marauders. Investigations have been made from time to time but long without avail. As most of the stolen goods were largely of a nature as to make identification difficult, the only thing seemed to be to catch the thief, or thieves, red handed. While possessed with the best intentions and the greatest zeal, it was manifestly impossible for the police to keep a constant watch over the shed. Moreover, they were tolerably well known, and their presence in the district is sufficient to deter the rural Sykes for the duration of their visit. Under the existing scheme of things, a benevolent railway department has given every opportunity to the avaricious to indulge in this passion for the promiscuous collection of such souvenirs. Goods which arrive at the station are left upon the platform, or else placed in an open shed, to which all and sundry have access. Should the consignee not call for them on the day of delivery there's nothing whatever to prevent anybody from pilfering with perfect immunity. So long has this been going on that special efforts were made by the police to put a stop to this despicable practice. Following the mysterious disappearance of sundry tins of biscuits, a chest of tea, and some sacks of pollard and a sack of maize, suspicion attached to one Timothy Donovan, an elderly labourer who resided not far from the station. A watch was kept and Donovan was arrested and a search made in his house, where several of the missing articles were identified.

Donovan's lawyer described him as being

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<sup>295</sup> Marriage Certificate of Timothy Donovan, 9 March 1884, 1884/249; Death Certificate of Timothy Donovan, 16 January 1929, 1929/8843, BDM; *Te Aroha News*, 11 September 1925, p. 4, 25 September 1925, p. 5.

<sup>296</sup> Te Aroha Magistrate's Court, Criminal Record Book 1924-1926, hearings of 8 September 1925, 23 September 1925, BCDG 1220/5a, ANZ-A; *Te Aroha News*, 11 September 1925, p. 4.

<sup>297</sup> Te Aroha Magistrate's Court, Criminal Record Book 1924-1926, hearings of 8 September 1925, 23 September 1925, BCDG 11220/5a, ANZ-A.

an old settler who had hitherto borne an excellent character in the district. Although 71 years of age he was still an energetic worker. He was quite convinced that accused was fully awake to the gravity of this offence and that his conduct would be exemplary in the future. The goods were exposed upon the station and were a strong temptation to the weak-minded. He had reared a big family, most of whom were grown up and residing in the district and were all respectable. Accused had always paid his way, and he could be relied upon to behave in the future.

Because of Donovan's age and previous good character, the magistrate decided to 'stretch the Probation Act a little and admit him to probation' but refused a request for name suppression.<sup>298</sup> That Donovan blamed drink rather than being 'weak-minded' for his lapse was indicated by his successful application, immediately after conviction, for a prohibition order against himself.<sup>299</sup>

## CONCLUSION

Most of the offences recorded were of a relatively minor nature. Nobody was murdered apart from Himiona Haira at the height of the first gold rush, and nobody was severely injured in the occasional cases of violence. Some of the sexual offences were serious for the girls and young women affected, with those who gave birth to illegitimate children being burdened with these for the rest of their lives and would often have been seen as being unworthy marriage partners. So, in general, the boast of the district being relatively crime free was correct.

### *Appendix*

*Figure 1:* Two sketches from 'Things in General: 'Maccabe gets material for a new Commedietta' and ' "Blessed are the Peacemakers." A bottle of Irish whisky quells an Irish row at Waiorongomai', *Observer*, 7 December 1889, p. 16.

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<sup>298</sup> *Te Aroha News*, 25 September 1925, p. 5.

<sup>299</sup> Te Aroha Magistrate's Court, Criminal Record Book 1924-1926, hearing of 25 September 1925, BCDG 11220/5a, ANZ-A.



*Maccabe gets material for a new Comedietta.*



*"Blessed are the Peacemakers." A bottle of Irish whiskey quells an Irish row at Waiorongomai.*