Discipline and Defence
The Military Influence on Policing and Imprisonment, c.1870-1913

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# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tables</td>
<td>ii</td>
</tr>
<tr>
<td>Abbreviations</td>
<td>iii</td>
</tr>
<tr>
<td>Acknowledgements</td>
<td>iv</td>
</tr>
<tr>
<td>Abstract</td>
<td>v</td>
</tr>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>Chapter One: Military Gentlemen</td>
<td>17</td>
</tr>
<tr>
<td>Chapter Two: The Road to Parihaka</td>
<td>33</td>
</tr>
<tr>
<td>Chapter Three: Drink and the Disreputable Soldier</td>
<td>45</td>
</tr>
<tr>
<td>Chapter Four: Britannia’s Son in South Africa</td>
<td>59</td>
</tr>
<tr>
<td>Chapter Five: 1913 – Militarism versus Militancy</td>
<td>75</td>
</tr>
<tr>
<td>Conclusion</td>
<td>91</td>
</tr>
<tr>
<td>Bibliography</td>
<td>95</td>
</tr>
</tbody>
</table>
Tables

Table 1: Reported Crime Rate, 1878-1920  

Table 2: Heads of the Armed Constabulary and New Zealand Constabulary, 1867-1897  

Table 3: Previous Service Records of Recruits to the New Zealand Police Force, November 1901 – December 1910.  

Table 4: Persons Prosecuted Under the Defence Act
## Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AJHR</td>
<td>Appendices to the Journals of the House of Representatives</td>
</tr>
<tr>
<td>ATL</td>
<td>Alexander Turnbull Library</td>
</tr>
<tr>
<td>NA</td>
<td>National Archives</td>
</tr>
<tr>
<td>NZPD</td>
<td>New Zealand Parliamentary Debates</td>
</tr>
</tbody>
</table>
Acknowledgements

This thesis grew out of an earlier Honours project, on prisons and lunatic asylums, that I completed under John Stenhouse at the University of Otago. That project left me wondering about the impact of soldiers who fought in the Anglo-Boer War and later served as prison guards and police in New Zealand. My supervisors at the Victoria University of Wellington, Richard Hill and James Belich, allowed me to turn this vague idea into a much richer, deeper narrative, and I am indebted to the suggestions and criticisms they have offered over the course of my research, which I feel is really an elaboration on one of the many themes in Dr. Hill’s expansive history of our police.

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Abstract

Discipline and Defence follows the influence of military discipline, tactics and personnel through New Zealand’s police and prisons from the end of the New Zealand Wars until the eve of the Great War. At the beginning of this era, constables and prison guards were recruited almost entirely from the ranks of soldiers, and were used to “settle” Maori resistance to the growing Pakeha state by constructing infrastructure as well as wielding coercive force. As colonial society became increasingly settled by the 1890s, criticism of soldiers’ drunken indiscipline coincided with an increasing separation between the police and military, although prisons remained under a military hand. However, the popularity of the Anglo-Boer War recreated the soldier as the epitome of virtuous manhood, and administrators once more sought former soldiers to fill the ranks of the police and prison service. Rising industrial strikes and labour’s opposition to such popular militarism by 1913 brought an open conflict between these partially re-militarised institutions and strikers. Throughout the entire period, arguments over the correct form of discipline for New Zealand’s men intersected with practical necessities to influence the ongoing role of the military in domestic policing and punishment.
Introduction

The separation of military power and parliamentary government, and the authority of parliament and the judiciary over the military, are defining hallmarks of the liberal democratic state. In the English-speaking world, the defenders of this separation often quote Lord Blackstone’s insistence that the English Common Law knew “no such state as that of a professional soldier,” relying instead on the citizen who “makes himself for a while a soldier” in his community’s time of need.1 Since the world wars, the menace of mechanised warfare and nuclear armageddon have reinforced the separation, ensuring that modern states can no longer consider a summer’s campaign against their competitors as part of normal political-economic practice. Yet the ideal of separation between war and civil society has managed to coexist with the military’s ongoing involvement in domestic policing and punishment. Blackstone’s commentaries were published while the army fired on English crowds to put down London’s 1768 Wilkes and Liberty riots. Today the military continue to play a role in those aspects of the relationship between a state and its citizens that involve physical coercion: policing and imprisonment.

New Zealand in particular prides itself on its limited use of armed force, on its relatively low rate of spending on defence, and its reluctance to take part in combat unless asked by the United Nations. Despite such limits on militarism, our armed forces continue to participate in domestic policing duties, usually without provoking any significant outcry. On the afternoon of Friday, 8 May 2009, the army drove two light armoured vehicles (LAVs) through Napier to park outside the house of gunman Jan Molenaar, shielding police from his fire as they retrieved the body of a slain constable.2 The LAVs, whose use was approved by Defence Minister Wayne Mapp, carried no ammunition and the Defence Force personnel who manned them were unarmed.3 According to Mapp, the operation of firearms and tear gas was left to the police due to uncertainty over the legality of using the Defence Force for more than transport and protection.4 Consequently, the military’s role in this policing operation was largely uncontroversial. In August of the same year, Police Commissioner Howard Broad visited three New Zealand Police officers stationed with the Defence Force in Bamyan Province, Afghanistan, again highlighting the ongoing relationship between our police and military forces.5 Two months later, the army helped rescue “hundreds of motorists trapped in their vehicles” by heavy snow on State Highway 2 between Napier and Taupo.6

Governments have used military force for law enforcement since the Imperial troops and Armed Police Forces of the 1840s. Following the abolition of the provinces, in 1877 the various provincial police forces were amalgamated with the paramilitary Armed

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4 New Zealand Herald, 12 June 2009, p.A2
Constabulary to form a New Zealand Constabulary, divided into Civil and Field forces. The Police Force Act 1886 further separated these two forces, but required the police to recruit only from the Permanent Militia, while the Defence Act of the same year allowed the Governor to order this Permanent Militia to act “in aid of or as a Police Force” whenever “any sudden or extraordinary disturbance of the peace” occurred or was “immediately apprehended,” as well as “for the fresh pursuit of offenders” and “conveyance of prisoners”. Governments have used these powers in disputes with Maori and trade unions, most notably against the Federation of Labour in 1913 and at Maungapohatu in 1916. The Defence Act 1990 allows the Armed Forces to “perform any public service” or “provide assistance to the civil power in time of emergency” with the authority of the Prime Minister, provided that there is an emergency present or imminent which threatens to cause death, serious injury or “the destruction of or serious damage to any property,” and which “cannot be dealt with by the Police without the assistance of members of the Armed Forces exercising powers that are available to constables.” After fourteen days, this authority must be renewed by either the House of Representatives or, if Parliament has been dissolved or expired, the Governor General. Since the threat of injury or serious damage to property is a condition so wide it could potentially apply to any act of assault or vandalism, the only real restriction on the use of armed forces for domestic policing is the requirement that the Prime Minister must be satisfied that the police cannot cope on their own, a condition clearly met in the Molenaar case.

Public discussion in New Zealand has largely accepted military actions in aid of the police, while the news media have lauded war heroes such as Willy Apiata and come down hard on those who threaten to damage war medals or the image of Anzac Day. These same publications and broadcasters have however criticised Government proposals to give police greater access to armed force, and National’s support for “boot camps” for juvenile offenders run by or styled on the army has attracted loud opposition from some Opposition politicians and academics. By far the most controversial example of perceived militarism in contemporary New Zealand are 2007’s “terror raids”: armed police arrested a number of activists accused of participating in “quasi military style” training camps, while those arrested countered that police had acted in a paramilitary fashion with excessive force – both sides to the controversy competed to portray their enemy as unacceptably militaristic.

Using the military as police, the police as an armed force, and the military as punishment all demonstrate the ongoing role of armed forces within a liberal democracy. While New Zealand’s laws have always acknowledged this practice, the United States of America has long sought to prohibit it. The romantic history of the War of Independence, where patriotic volunteers defeated the standing army of the British state, paints military policing as un-American. After successive presidents faced insurrections they could not put

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8 Defence Act 1990, s 9.
down without calling on militia forces from outside the state in rebellion, the Insurrection Act 1807 allowed federal authorities to use such force, but only when requested by the government of the state involved, and only to deal with insurrection.\textsuperscript{11} The Reconstruction era reversed this separation, when federal troops occupied the South under a President who had been General-in-Chief of the Union Army; but after Democrat criticism of the military’s role in 1877’s elections, the separation was reinforced by the Posse Comitatus Act 1878. This Act strictly prohibited federal armed forces from acting in a law enforcement capacity outside of the Insurrection Act, although no court has enforced the penalties for breaching either Act.\textsuperscript{12} During this same era, America’s police forces were founded in an intentionally decentralised fashion, so that the country now has thousands of separate, often competing local forces, many with elected heads whose accountability to their community has been described by police historians as a form of “delegated vigilantism.”\textsuperscript{13}

By founding the Federal Bureau of Investigation in 1908, the US Government began to seriously reverse this trend, and in the 1960s found the army often more effective against urban riots than the National Guard.\textsuperscript{14} Following the use of troops in the aftermath of Hurricane Katrina, the Defense Authorization Act 2007 widened military powers allowing the President to deploy troops for domestic law enforcement and disaster relief. This major revision of the Insurrection Act provoked vocal outcry: Naomi Wolf described the redeployment of troops from Iraq to Georgia (as an on-call response force) as tantamount to a military coup, and the new powers were repealed the following year.\textsuperscript{15}

American anti-militarism was formulated in opposition to the British army, with the Declaration of Independence criticising King George III for affecting “to render the Military independent of and superior to the Civil Power.” Yet this American tradition is ultimately a British tradition, promoted by Whig parliamentarians in opposition to the spectres of James II and Oliver Cromwell. This British tradition was embodied in the Bill of Rights in 1689, which outlawed the King from “raising or keeping a standing army within the Kingdome in time of peace, unless it be with the consent of parliament,” a consent that was given in the Mutiny Act but had to be renewed each year. Although Lord Blackstone grudgingly accepted

\textsuperscript{15} Naomi Wolf, “Thousands of Troops Are Deployed on U.S. Streets Ready to Carry Out “Crowd Control,” URL: http://www.alternet.org/rights/101958/thousands_of_troops_are_deployed_on_u.s._streets_ready_to_carry_out_%22crowd_control%22/, retrieved 26/7/2010
armies as “temporary excrescences” in wartime, anti-standing army arguments were kept alive in the Victorian era by Liberal politicians like Macaulay and Trevelyan.\(^\text{16}\)

The eighteenth century British army was small by Continental standards, with fewer than 20,000 men garrisoned in Britain (as opposed to over 100,000 each in France and Austria), and billeted in pubs and private residences to keep it in touch with the populace, often to the disgust of homeowners – but it never entirely disbanded, and served domestically to put down riots, catch smugglers, escort prisoners and guard public executions. Under the Riot Act 1715, magistrates had the authority to call on soldiers to suppress disorder, leading many Englishmen to believe soldiers could do so only after a magistrate had read the Act. During the Gordon Riots in 1780, anti-Catholic mobs burned much of London and emptied its prisons while soldiers remained inactive, believing they lacked the legal authority to respond. Eventually, the riots ended after the King ordered troops to fire on the crowds without waiting for magistrates’ orders, and the Lord Chief Justice later argued that since all citizens were not only permitted but required “as an act of duty” to suppress rebellion, soldiers did not need to wait for the Riot Act – although he added that the military performed such duties “not as soldiers, but as citizens.”\(^\text{17}\) Although such a statement seems absurd given the obvious fact that soldiers suppressed disorder with the aid of military organisation and equipment, it reflects the British public’s demand to retain a civil-military divide, even in times of domestic chaos.

New Zealand’s lack of concern over domestic use of the Defence Force reflects the relatively minor role our military plays in both domestic and international politics, when compared with the British and United States’ armed forces: we worry less about our military as there is less to worry about. Yet I suggest that the majority acceptance of our military’s role in establishing our prison system, and in suppressing strike and protest action, also reflects the very different way we have drawn on British anti-militarism in comparison with the USA. State-controlled armed forces were used to “pacify” the North Island in the 1860s and establish major towns (such as Hamilton); in the next decade the Central Government’s armed forces were used on major public works programmes, and in 1876-7 all armed forces were consolidated under the sole authority of the central Parliament. As our population became settled and urbanised, political opposition to soldiers acting as police began to appear, centring around allegations that the military training required of all constables tainted them with bad drinking habits. Yet this opposition was almost wiped away by enthusiasm for the Anglo-Boer War and the public belief that veterans from this campaign must have been the best men for the police, so that when major industrial action erupted in 1912, the Government drew on both a police force containing significant numbers of former troopers, as well as the support of Artillery forces armed with machine guns. A year later, New


Zealand entered the Great War with broad cross-party support and public enthusiasm, whereas the United States waited through years of public debate and opposition before joining the fray.

To understand how New Zealand has applied the tradition of British anti-militarism, we must first look at how this tradition was undermined in eighteenth century Britain, leading to the creation of professional state-controlled policing and prison services out of the military. Tracing that development from the Glorious Revolution to nineteenth century New Zealand is attempted in the rest of this introduction. Subsequent chapters will examine the major aspects of the military’s role in policing and imprisonment in New Zealand from the end of the 1860s: first, the importance of military officer-gentlemen in establishing the state and its forces of law and order; second, the use of both armed forces and prisoners on public works programmes in the 1870s and ‘80s; third, complaints beginning in the 1880s and reaching their peak in the late 1890s that military training made police officers and prison guards drunk and brutal; fourth, the effect of the Anglo-Boer War of 1899 to 1902 in minimising such complaints by reconstructing the military as a moral force; and fifth, the subsequent use of military force against industrial unions in the period immediately preceding the Great War. In my conclusion, I will briefly look at how this war cemented the military’s involvement in policing and imprisonment. The story I tell suggests that this military involvement did not decline in a relatively steady trajectory, but rather declined very slowly to the 1890s, until it was reinforced from the turn of the century with the military and civil authorities growing more entwined in the immediate pre-war period. I will argue that this swing back towards militarism was much stronger than our major histories of the police and prisons tend to claim. Thus while our subsequent involvement in the Great War would be described as a fight for the forces of liberty, the British myth of liberty from military rule is a problematic – at least – description of the New Zealand of 1914. Yet the apparent liberation of our methods for maintaining domestic order from a reliance on military coercion is vital to the idea of ‘civilisation’ that most New Zealanders hold.

Norbert Elias wrote in 1939 that confining military rule to the barracks was part of the civilising process of industrial Europe: as modern states have grown more powerful, their subjects’ codes of conduct have shamed violence, encouraging order by embarrassing the disobedient. Criminologist Pieter Spierenburg has used Elias’ description of the shaming of violence to explain the substitution of imprisonment for public torture. Like Elias, J. K. Galbraith argued that the modern capitalist economy depends upon conditioned power – the ability of those in power to persuade others that their power is right and just – to a much greater degree than on the use of force. Galbraith also suggested that the military, despite its capability for embarrassing violence, has adapted to our largely conditioned power structures: the military through “its management and control of information” has become “the most comprehensive and successful exponent of conditioned power.”

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Elias noted that the shame of civilisation has hidden rather than destroyed violence. A state’s domestic passivity is fragile as the civilising process is not a teleological progression and liable, as Elias saw first-hand during the rise of Fascism, to re-embrace violence. Furthermore, Franz Fanon argued that the peaceful order of civilised metropoles depends on their increased use of violence to exploit imperial peripheries. We should not mistake the useful concept of a real desire to impose civilised restraints with the attainment of civilisation free from disorder. The legal reformers of late-eighteenth and early-nineteenth century Europe may have advocated police and prisons as means to “cure” society of crime, but while their reforms were largely carried out, crime has not declined in a linear fashion. In Britain, the rate of recorded crimes per capita boomed during the early-nineteenth century, declined rapidly towards the end of the century and increased thereafter. V.A.C. Gatrell has argued that although such figures reflect changing perceptions of acceptable behaviour and the ability of police to make arrests, they can be taken as some indication of the real number of crimes committed, thus demonstrating a real fluctuation, not a linear civilising trend.

Such long-term fluctuations of order undermine claims that policing and imprisonment necessarily reduce the quantity of ‘crime’ – crime is, after all, a categorisation of phenomena, rather than a concrete physical thing – but Michel Foucault has convincingly argued that this is not the primary function of such institutions. Rather than reducing crime, disciplinary institutions redistribute crime and criminals via the classification and surveillance of offenders. Prison, school and work timetables organise time while prison-yard exercises, military drill, organised sports, and the policeman’s beat map space. The fact that crime may rise or fall is less important than the fact that crimes can now be seen, analysed and understood, as this gaze is what constitutes order and, in turn, civilisation. Such a definition of civilised discipline as the reordering of transgressions does not require us to swallow the premise – mistakenly attributed to Foucault by critics – that the disciplinary society is already disciplined, but rather that discipline is a significant and productive process performed throughout the social body. This insight is connected to Foucault’s description of power as a creative rather than merely repressive force: policing and imprisonment create certain behaviours – not necessarily the behaviours intended by administrators – more than they repress crimes. In a lecture following Discipline and Punish, Foucault asked his students “are military and war-related institutions… immediately or remotely, directly or indirectly, the nucleus of political institutions?” Foucault’s question asks to what extent the power of civilised disciplinary institutions to create behaviour is modelled upon techniques...

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created for producing disciplined warriors, and furthermore, what exactly this tells us about our civilisation. What, then, are the military roots of the institutions for producing discipline? Since we are here concerned with Britain’s colony in New Zealand, we must trace these roots back to Britain.

At the beginning of the eighteenth century, British public opinion was antipathetic to military and policing institutions, seeing them as emblems of French tyranny. The French state policed the capital with a military guard of some 3,000 former soldiers, while the maréchaussée, also largely recruited from retired soldiers, policed provincial roads, “charged with protecting the rural population from the ravages of the royal army.” France’s police were openly militaristic, and focussed to a great degree on policing the military. Recruitment into the army was itself a traditional punishment in both France and Britain, and modern prisons, like police, have their roots in methods of discipline created to enforce order during war. In Britain, this evolution cannot be constructed into a straight teleological narrative even with the benefit of hindsight, as it was interrupted by experiments with the transportation of convicts and slaves.

In the 1650s, Oliver Cromwell’s army rounded up thousands of Irish paupers and transported them to the tobacco and sugar plantations of Virginia and the West Indies. This practice was formally extended to British convicts under the Transportation Act 1718. What began as a way to dispose of Irish prisoners of war soon became part of the much larger slave economy: the 50,000 British convicts sent to the Americas before Independence were taken on the same ships and in the same irons used to transport hundreds of thousands of black slaves over the same period. The transportation of both human cargoes was contracted out to the same private entrepreneurs, and their charges auctioned off to similar plantations – the one major difference being that white convicts could potentially live past the expiry of their sentence. During this period, the British prison was “more a place of confinement for debtors” and those awaiting trial or transportation, but the system was put under strain by the crime waves following mass demobilisation at the end of the War of the Austrian Succession and again after the Seven Years War. A similar wave after the War of American Independence was coupled with the end of transportation to America, and it is no coincidence that John Howard’s campaign for penal reform, the first Penitentiary Act and Jeremy Bentham’s plan for a Panopticon all date from this era. Initially, the state relied upon the navy to imprison the excess convict population in hulks – essentially transportation ships kept in harbour – but unbearable conditions forced attempts to follow Howard and Bentham’s reforms.

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27 Childs, p.113.
31 Ibid, p.82.
Warfare began penal transportation, brought it into crisis, and forced the creation of a prison system. Although Britain found a new penal colony in Australia, by the time transportation ended in the mid-nineteenth century imprisonment was well established as society’s normal mode of punishment. The Napoleonic Wars, like previous conflicts, brought increased crime and poverty – but on a much larger scale. Traditional military policing was stretched, with the need for troops to fight overseas conflicting with disorder arising from domestic poverty. In response to the Luddite riots, 12,000 troops occupied the hundred miles between Leicester and York in the summer of 1812; five years later, the Yeomanry created the ‘Peterloo’ outrage when they bloodily attacked a political meeting outside Manchester, and the state responded by occupying the area with 11,000 troops, one third of the entire home army. In a victory for efficient control of dissent over traditional anti-militarism, the Government finally built barracks to house these troops, as well as prisons to house those they arrested. The number of English people committed to trial more than doubled from 30,000 in 1810-14, to 65,000 in 1820-4, and this massive increase in arrestees had to be held, at least temporarily, in the nation’s gaols, sparking efforts to expand and regulate imprisonment, eventually culminating in central state authority over all local prisons in 1877.

Michael Ignatieff has narrated the British state’s increased reliance on imprisonment to answer the problem of wartime and post-war vagrancy as one cog in the industrial revolution: prisons were simply the most coercive workhouses, largely unsuccessful in turning a profit, but intended more to enforce disciplined work habits on inmates. The Poor Law of 1834, which established workhouse confinement in place of traditional parish relief, and the 1835 House of Lords Special Committee on Prisons, which established the “separate and silent” system of prison management, together epitomised the post-Reform Bill order of industrial society. Ignatieff also remarked upon the recruitment of demobilised officers and NCOs to staff the new prisons, as the men best trained in habits of discipline. Foucault similarly suggested that methods of prison and factory discipline via the organisation and direction of prisoners’ bodies grew out of military discipline. Although the prison reformers Howard and Bentham had stressed the spiritually and mentally curative aims of their reforms, such humane intentions dwindled as imprisonment became the norm. The 1853 Jebb Report and 1865 Carnarvon Committee on British prisons stressed the need for hard labour and harsh conditions inside prisons to deter those outside from entering a life of crime. The Government subsequently entrusted the running of this system to a former military officer, Sir Edmund Du Cane. Du Cane, who had served in the Royal Engineers and as Superintendent of convict works in Western Australia, held the chair of the Directors of Prisons from 1869 to 1895 besides his role as Inspector-General of Military Prisons, answering to the Ministry of Defence. Leon Radzinowicz and Roger Hood claimed that Du Cane saw the military prisons as the most important part of his job; he intentionally sought

32 Palmer, p.181-2, 189.
33 Ignatieff, p.154.
out soldiers to run his institutions, as he believed them the best men to cure the “disease” of crime.\textsuperscript{36}

The strong military element in a system described in medical language as a cure was not a great source of controversy, as it enforced military discipline on men already condemned by society – military service had after all long been used as a punishment. Subsequently, the military aspects of prison have not engendered much historical debate. The new police forces, which were imposed on Britain during the same period, shared similar military roots, but here the military element was highly controversial, and has subsequently been the subject of historiographical intrigue. The traditional narrative of British police history begins with Henry Fielding’s small experiment to prevent crime by patrolling out of Bow Street from 1748, followed by the expansion of this experiment to seven London offices in 1792. The narrative also encompasses Prime Minister Pitt’s attempt to create a London police in 1785, defeated by the City’s resistance to state encroachment on local autonomy, and ends with Robert Peel’s successful creation of a Metropolitan Police in 1829, which avoided controversy by leaving the City out of its plan, and established preventative patrolling on the ‘beat’ system. In a postscript, preventative police were extended to other towns under the Municipal Corporations Act 1835, to counties under the Rural Constabulary Acts 1839 and 1840, and finally – after the Metropolitan force proved their worth during London’s Great Exhibition – made compulsory throughout the realm with the County and Borough Police Act 1856. This latter Act nevertheless reaffirmed local autonomy by placing rural police under the command of local magistrates and town police under elected borough committees, with only the Metropolitan force directly responsible to the Home Secretary.

The first major historian of the British police, Charles Reith, argued that “the failure of the military arm to enforce the law” during London’s riots “was the reason why the new police were created”, and that the latter’s success relied “almost wholly” on “public approval” rather than their ability to wield coercive force.\textsuperscript{37} The police were “wholly justified” by Britain’s lack of a standing army to fix “the breakdown of English law” and “uncontrollable crime and mob violence” around the time of the Napoleonic wars. Reith suggested the police solution would come to be regarded as “the beginnings of a significant and continuous process of world history and progress.”\textsuperscript{38} Reith’s successors argued that British police wield “prestige rather than power” and that those who opposed their formation were “dangerously unrepentant sinners” blind to the needs of order.\textsuperscript{39} In the 1970s, Robert Storch critiqued the idea that British police operated mainly by preventing crime with the community’s consent. Instead, Storch placed the creation of the new police in the context of a “deep rupture in class relations” – what Reith had seen as a massive increase in crime and

disorder, Storch saw as an increased perception of disorder in the eyes of the upper and middle classes due to urbanisation’s destruction of tradition hierarchical structures. Consequently, the Government created a new “bureaucracy of official morality” to impose “new disciplines of both work and leisure”, such as stricter regulation of drunkenness, and Storch went on to detail labourers’ violent resistance to such disciplines.⁴⁰

Storch paved the way for a wave of “revisionist” police history, and subsequent commentators have characterised a divide between Reith’s “whiggish” view of police as an inevitable response to a real crime problem, whose power was founded on cooperation with the community, and Storch’s “revisionist” view of police as a tool of the “bourgeois” in “conflict” with the lower orders.⁴¹ Stanley Palmer pointed out that characterising the police history debate as a divide between consensual and conflict accounts is “not wholly accurate”, as Reith in particular acknowledged violent opposition to the police: he did not deny opposition, but took the police’s side.⁴² Rather than demonstrating an uncomplicated whiggish belief in the march of progress, this attitude places Reith closer to the “Tory” interpretation of Anthony Babington, who argued that the civil power has and must continue to rely upon military force to crush domestic “terrorism”.⁴³ What is particularly relevant for the purposes of my thesis is that Reith, Storch, and Babington – as well as subsequent historians who place themselves ‘between schools’ – have all acknowledged the central and ongoing role of the military in creating the British police: this observation does not belong to either a Whig, Tory or Labour school of history.

Reith traced the career of Lt-Col. Charles Rowan, one of the Metropolitan Police’s two founding Commissioners, to his service in the Napoleonic Wars under Sir John Moore. He argued that it was here Rowan learned the “principle of preventing crime” which distinguished the new police, as Moore had sought to replace punitive flogging with “moral drill” as the best method for creating disciplined soldiers. Although Reith portrays the Metropolitan Police’s preventative surveillance via unarmed, solitary marches along regular ‘beats’ as a step away from punitive policing-via-military coercion, he nevertheless detailed the development of this system out of military discipline.⁴⁴ Subsequent historians have demonstrated that the Commissioners preferred to recruit former soldiers, although they were only able to obtain some twelve per cent of their constables from the military.⁴⁵ Given the strength of British anti-militarism, Peel was “stubborn to the point of obsession” that this military influence remain hidden, and clothed his force in blue coats and top hats precisely

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⁴² Palmer, p.8.
⁴³ Babington, p.205-6.
for this reason.\textsuperscript{46} This did not fool those who resented police intrusions: working class critics described Peel’s men as “really soldiers” no matter “whether they were clothed in blue or red”.\textsuperscript{47} In fact, soldiers often joined in attacks on police, although they were also called in to defend police from hostile crowds – demonstrating that police were not necessarily more effective than soldiers in riot-control.\textsuperscript{48}

Stanley Palmer revolutionised the telling of British police history when he showed that every innovation in England was first tried out in Ireland.\textsuperscript{49} In 1786, a year after local opposition forced Pitt to abandon his plan for a London police, he imposed much the same plan on Dublin: a force of 400 officers “primarily composed of discharged or invalid soldiers.”\textsuperscript{50} Peel modelled his London force on the Peace Preservation Police he had created in Ireland in 1814. Palmer’s argument that police reform was always tested in Ireland before it was applied to the “mainland” reinforces Fanon’s point that public opposition to military intervention as “uncivilised” is heeded in the metropole but ignored at the imperial periphery. The police had to be tested in occupied territory because they were ultimately based on military models, and only once such models were accepted at the periphery could they be domesticated with the help of intensive public relations campaigns.

Ultimately, both the police and prisons have largely been accepted within Britain and her settler colonies as the correct and un-military methods for enforcing order and discipline. But their clear evolution out of the military and in response to the pressures of war complicates any supposed dividing line between civil and military spheres. This story lends weight to Charles Tilly’s claim that “preparation for war” has been the primary driver of state-formation, and therefore “war made states, and vice versa.”\textsuperscript{51} John Brewer used eighteenth century Britain – a supposedly anti-militarist, small-state nation – to appraise Tilly’s claim, and concluded that Britain was “a fiscal-military state” just like her Continental competitors, and that war, as “an economic as well as military activity” which required the financing of a national debt as well as the organisation of manpower, was indeed the primary factor in the rise of state power.\textsuperscript{52} War has been described by Carl von Clausewitz as “a continuation of political commerce, a carrying out of the same by other means” and by Georges Bataille as a release of excess energy from a system of commerce, rather than an interruption imposed upon normal commerce from outside.\textsuperscript{53} Instead of regarding warfare as an exception to a normal non-military state of affairs, I would suggest that the foundational role of the military in our domestic disciplinary institutions reminds us that warfare and

\textsuperscript{47} Storch, “A Plague of Blue Locusts”, p.66.
\textsuperscript{48} Ibid, p.73-3; Palmer, 446-7; Reith, \textit{A New Study of Police History}, p.149.
\textsuperscript{49} Palmer, p.27-34.
\textsuperscript{50} Ibid, p.120.
military preparation for warfare are inseparable from normal social organisation. Bataille’s warning against attempting to understand economic practices outside of the economy’s involvement in war can thus be rephrased to warn civilians not to think of the military as something apart from their everyday lives.

Having outlined the foundational role of the military in prison and policing institutions, we must now look at the ongoing involvement of the military in these institutions in New Zealand. Until 1897, all of the country’s Police Commissioners were military officers; until 1909 the Inspector of Prisons was a military officer; and between 1877 and 1896 all policemen were recruited from the military. While these end-dates suggest a real decline in military influence, I will argue in chapters four and five that popular militarism in the 1900s saw a resurgence of the military’s importance in policing. Furthermore, single policemen lived in military-style barracks and had access to firearms throughout this entire period, and while the military’s role in policing was a source of controversy, it was not contested in the realm of the prison – just as in Britain. Furthermore, this significant military role has been obscured by New Zealand’s tradition of minimising the violence and conflict of our history.

In 1958, American anthropologist David Ausubel wrote that he was disturbed by New Zealand’s “almost universal and uncritical” belief that having better race-relations than America, Australia or South Africa meant we had no racial problems whatsoever: he described this as “the reluctance of New Zealanders to look unpalatable facts in the face.” A year earlier, Keith Sinclair attempted to address this silence in _The Origins of the Maori War_, where he argued that Pakeha injustice towards Maori had created the Taranaki War – yet he ultimately felt the war was “a necessary prelude to the growth of a new nation which embraces two races”, a view he took to extremes a decade later. By the early 1970s, Sinclair’s tentative efforts to document racism in New Zealand’s history were expanded by Judith Binney and Alan Ward, while Erik Olssen began a serious attempt to measure both class mobility and class conflict in New Zealand. At the same time, student radicals finally began reading Archibald Baxter’s _We Will Not Cease_ and John Mulgan’s _Man Alone_, both of which documented a great degree of conflict within Pakeha society, but were rarely available before 1960s reprints. Dick Scott’s _Ask That Mountain_ in 1975 took criticisms of New Zealand’s racial conflict much further than Sinclair, Ward or Binney, while Joan Metge and Patricia Kinloch’s _Talking Past Each Other_ demonstrated ongoing, often “hidden” aspects of racism, and _Broadsheet’s_ arrival in 1972 brought criticism of gender inequality. Following such popular texts, academic historians finally began to question New Zealand’s passive historical narrative.

In 1979 Bill Oliver argued that the Liberal Government’s 1890s social reforms, taken as evidence of simple “humanism” by Sinclair, could “more aptly be called ‘paternalism’ the

characteristics of which may be discussed in terms of control, discipline and efficiency.” Margaret Tennant detailed the “economy, order and discipline” administrators aimed for while organising the treatment of “social undesirables.” These studies raised questions about the rise of a supposedly humanitarian welfare state at a time when state intervention was coming under increased criticism from economists, and suggested that the disciplinary traditions of New Zealand’s state institutions demanded further analysis. During the 1980s, the two Women in History volumes edited by Barbara Brookes, Charlotte Macdonald and Margaret Tennant led the critique of disciplinary institutions, detailing distinctions between “deserving” and “undeserving” recipients of welfare, and even raising aspects of military order in the administration of homes for “fallen” women. Jock Phillips and Miles Fairburn extended the use of gender as a historical lens in their narratives of early colonial New Zealand’s transient male population, and Fairburn’s narrative provoked debate about class consciousness in early New Zealand. But it was race rather than class which dominated New Zealand historiography from this point – James Belich’s argument that Maori resisting the Crown did not comprehensively lose the New Zealand Wars and Ranginui Walker’s passionate narrative of ongoing resistance appeared alongside efforts to rethink the Treaty of Waitangi.

Meanwhile, Richard Hill and John Pratt’s institutional histories of police and prisons, published in the 1980s and 1990s, demonstrated the very central role that race and class conflict played in the state’s engagement with citizens. Both policemen and prisons used coercive force in the “taming” of New Zealand’s colonial frontier, and Hill and Pratt drew on the contemporary rethinking of New Zealand history to finally get to grips with state coercion in the country’s history. Pratt’s account of nineteenth-century prisons makes three broad arguments about imprisonment in the colony: first, that ongoing captivity was a punishment frighteningly alien to Maori society; second, that prison life in New Zealand was centred around public works labour (to an extent impossible in Britain where the public saw chain-gangs as indecent), due to economic necessity and less “sensitivity” to punishment (provided it was useful); third, although a “deterrent” policy under military-trained Inspector Hume initially coincided with a decline in crime and prisoner numbers, a subsequent resurgence in these figures coincided with increasing sensitivity to punishment and demands for reform. Despite histories of New Zealand’s prisons by R.I.M. Burnett on the pre-1870 period and by Greg Newbold on the twentieth century, Pratt’s account remains largely unchallenged, particularly for the era under Inspector Hume with which I am concerned.

Similarly, apart from debate over police tactics in the 1913 strike (discussed in chapter five below), Richard Hill’s account of New Zealand’s police up to the Great War has not been supplemented by any major subsequent works. The titles of Hill’s three volumes,

Policing the Colonial Frontier, The Colonial Frontier Tamed and The Iron Hand in the Velvet Glove suggest a narrative of increasing sensitivity to public coercion that matches Pratt’s account of prisons. The first volume significantly challenges any notion that New Zealand’s police have been a consistently unarmed force, and demonstrates in great detail the use of armed police against Maori in arguments over land and, to a lesser extent, working-class Pakeha during industrial disputes. But at the end of volume two, Hill claimed that by the mid-1880s, “the emphasis” of policing was “inexorably” moving towards “milder forms” of coercion, a process he titles “demilitarisation”. The significant decline in crime during the 1880s (Table 1), from over thirty recorded offences per 100,000 people to below twenty, backs up this narrative, although it was likely influenced by a significant drop in the numbers of police per population due to depression-era retrenchment. But the slow upward trend from the end of the century to the Great War, with rates settling in the mid-twenties before temporarily declining during the war, suggests an increase in social tension. While my thesis broadly supports the trend towards settled society that both Hill and Pratt mention, I place greater emphasis on rising class tensions in the pre-war period, and attempt to place such tensions in the context of a boom in popular militarism following the Anglo-Boer War. The popularity of this war meant that demilitarisation was not entirely inexorable, even though military influence on police and prisons would never be as strong as it was when the heads of the institutions were all military officers and constables were all former soldiers. I have also tried to make a greater use of the “gender” lens to supplement the thorough account of racial and class aspects of discipline already established by Hill.

The taming of New Zealand’s colonial frontier was largely carried out by armed forces of single men who, as I will argue in chapter two, were at least as important in building roads and towns as they were in wielding armed force in open racial conflict: it was by constructing the country’s infrastructure that armed forces settled New Zealand’s race and class order. While the use of military force in racial conflict is significant in chapters one and two, and class conflict in chapter five, one theme that runs throughout this entire thesis is the way soldiers symbolised certain types of masculinity – the officer gentleman, the drunken brute of the ranks, and finally, the virtuous colonial warrior. New Zealand’s troop of police and prison guards, like the force of soldiers from which they were recruited, were all-male, predominantly white and working class. In tracing the history of coercive force, we must remember that such force was strictly gendered, and to what extent its men were gentlemen was a driving issue in debates over military influence in late-nineteenth and early-twentieth century New Zealand.

Table 1: Reported Crime Rate, 1878-1920

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<th>Year</th>
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<td>1879</td>
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Source: AJHR 1930, H-16, p.5
Military Gentlemen

The men in charge of New Zealand’s police and prisons in the late nineteenth century were almost all former British military officers. These men perpetuated the “officer gentlemen tradition” that had dominated the imperial army: although the purchase of commissions came under fire during the Crimean War and was abolished in the Cardwell reforms, the officer ranks of the army remained the preserve of men “prepared to serve the State in a manner which accorded with the customs and values of the English ruling class” and who often supplemented their commissions with roles as head gaolers or chiefs of police.¹ Such officer gentlemen came into New Zealand from two main backgrounds: from the constabulary forces in Ireland and Australia, with experience policing white populations; and from the military in India, the Crimea and South Africa, with experience policing non-white populations. The officers and their men reached the colony via three main streams: retirees who took up farming in New Zealand; goldfields police who left Victoria for Otago; and those who left the imperial regiments stationed in the North Island. These streams were concentrated in the 1860s with the outbreak of war in the North and discovery of gold in the South. This chapter follows these officers to trace their military influence on policing and imprisonment; at its conclusion, I will turn to the anti-militarist critiques of these services by southern politicians – but in doing so, I demonstrate that these critiques were also led by men with strong military records, emphasising the significance of the ‘military gentleman’ in nineteenth century New Zealand.

The first Pakeha to police New Zealand were resident magistrates Thomas Kendall and John Butler of the Church Missionary Society, missionaries largely restricted to “moral” policing.² In 1823 Butler was succeeded by Rev. Henry Williams, who had served in the Royal Navy during the Napoleonic Wars, beginning a period of naval influence in New Zealand policing.³ The first two Governors, William Hobson and Robert FitzRoy, were both Royal Navy officers; when Hobson arrived in 1840, he brought a “ceremonial bodyguard” of mounted police from New South Wales, although they returned to Sydney after two years.⁴ Policing was subsequently run by half a dozen non-military police magistrates spread around the various European settlements.⁵

By late 1846, opposition to British rule by Te Rangihaeata in the South and Hone Heke in the North had led the new Governor, George Grey – formerly an officer in the 83rd Foot Regiment in Ireland – to introduce not only a regiment of imperial troops, the 58th, but

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also militarised Armed Police Forces who superseded the police magistrates. But when the “insurrections” appeared to be “decisively crushed” within a year, the Armed Police Forces were progressively reduced and demilitarised, with only Auckland retaining a drill instructor. From 1853, the Provincial Councils progressively replaced Grey’s coercive armed forces with less overtly coercive provincial forces of their own, and largely rejected Grey’s attempts to incorporate Maori into the police, most settlers finding idea of non-white policemen unbearable. The central government abolished public hangings in 1858 and public flogging in 1867, and moved the management of gaols from sheriffs to the gaolers themselves, making the colony’s prisons – still uniformly small, dilapidated, and not intended for long-term confinement – largely self-regulating. John Pratt has argued that attempts by some politicians to modernise the prisons by keeping prisoners separate and silent for their moral improvement were largely ignored due to economic constraints: the prisons remained mere holding cells for inmates employed on outside labour. Nevertheless, in both policing and imprisonment the 1850s showed a clear move away from military coercion to civil administration.

This apparently linear demilitarisation was disrupted in 1860, when the outbreak of war in Taranaki and discovery of a substantial goldfield in Otago forced both northern and southern provincial governments to accept the need for paramilitarised policing, with forces such as Gustavus von Tempsky’s famous “soldier policemen” in the Forest Rangers acting alongside imperial troops. In both Auckland and Taranaki, war brought not only more overtly coercive policing of Maori, but also hard-drinking imperial army regiments who in turn had to be policed with more force than the civilian population. Grey also resurrected his attempts to enrol Maori police to keep order in areas away from the conflict, via iwi-based runanga police. But while settlers might support the presence of rowdy troops, runanga and coercive policing during a time of crisis, peace inevitably brought calls for demilitarisation: Richard Hill has observed of this trend that “the paramilitarisation of a force was succeeded by a long, often confused and never total regression to less overt modes of policing as the perceived social ‘emergency’ began to dissipate.”

In 1867, with the land wars apparently over and the imperial regiments returning home, Defence Minister Col. Haultain established an Armed Constabulary to replace the Colonial Defence Force as a mobile force to pacify Maori. A faction of Southern Members in the House of Representatives opposed the establishment of this force: MacAndrew (Clutha) believed “the time had come when the Middle Island should take its stand, and protest against being compelled not only to support its own police but to support the police of

9 Pratt, p.69, 76-7, 84, 89, 121.
the Northern Island also.” Burns (Caversham) even argued that the existence of a “standing army” in the North was responsible for keeping the war going and perpetuating the number of atrocities. But their opposition was outvoted by both Northern and Southern Members committed to the new force; although it was intended as a paramilitary policing service, the appearance of Titokowaru and Te Kooti the next year soon forced the Government to deploy it as a more properly military force.13

Of the eight men who commanded this force (and its successors) for the next thirty years, six had served in the British Army; the two exceptions were both veterans of the New Zealand Wars (the military careers of all eight are summarised briefly in Table 2). The first head of the Armed Constabulary, Thomas McDonnell, had four years experience in the colonial militia but no British Army service, and was replaced after less than a year by George Stoddart Whitmore, who had served with his regiment in South Africa and the Crimea. As second head of the Constabulary, Col. Whitmore received the title Commandant whereas McDonnell had had to settle for the less imposing Inspector (all subsequent heads would be called Commissioner). Walter Gudgeon, the only other head with no imperial service record, later claimed he had been removed by an imperial “clique” (including fellow Commissioners Whitmore, Lyon and Hume) that ruled with “airs of insolent superiority”, and he supported Seddon’s Liberal Party in order to “break up the rule of the Ex Imperial.”14 Colonial and imperial soldiers both created similar feelings among police officers with civilian backgrounds: Auckland Police Inspector Broham complained that by giving the Commissionership to Hume after Gudgeon, Whitmore and Reader the Government was undermining the police, as these military leaders “knew nothing of the work” their men had to perform.15

Col. Whitmore epitomised, more than any other figure, the role of the imperial military gentleman in colonial New Zealand. During his early service in South Africa, under Cape Colony Governor Sir Harry Smith, Whitmore fought in the War of the Axe against Xhosa chief Sandile, and later against the prophet Mlangeni, who fuelled a Xhosa uprising by convincing his followers they were impervious to bullets. Whitmore also fought in Smith’s victory over the Boers, and acted as his escort while Smith pacified Kaffraria by planting military settlers among local villages to simultaneously break in the land and quell disturbance.16 In the Crimea, Whitmore served as Aide-de-Camp to the superintendent of British bases at Scutari and commanded Turkish irregular cavalry. He also served at his regimental depot in Ireland and as Aide-de-Camp to Gov. Eyre in Canada, graduated at the top of his class from Aldershot, and had two horses shot out from underneath him in battle.

15 Broham to Hall, 21 June 1890 (ATL: MS-Papers-1784-165).
Besides Whitmore, Commissioners Lyon, Moule and Reader served with their regiments in the Crimea. Reader and Moule both served in the cavalry, and Moule’s regiment, the 6th Inniskilling Dragoons, took part in the Charge of the Heavy Brigade during the Battle of Balaclava. Following the end of this war, Reader and Moule were both transferred to India as part of Britain’s efforts to suppress the “Mutiny”. Lyon had already served on the sub-continent a decade earlier, pursuing the Sikh army across the Indus to its surrender, and another future Commissioner, Arthur Hume, was commissioned Ensign to serve in India in 1859, rising to lieutenant before returning to England in the early 1870s.

In Victorian Britain, military service confirmed a man’s social status and aptitude for leadership because it was a “traditional and highly regarded career for many landed families”, because it demonstrated an appreciation of discipline and regulation, and because it invoked images of the heroic cavalry charge. Barbara Tuchman has described the common belief among British aristocrats that they were “born booted and spurred to ride”, the “élite of war” who “looked at life from the saddle”, and the tactical disaster this belief created when the Light Brigade charged at Balaclava did nothing to prevent the charge from becoming another poetic image in the horseman’s pantheon.

In New Zealand, too, politicians demonstrated their heroic virtue by reference to such feats. Wairau MHR Frederick Weld had resigned his seat during the Crimean War in an attempt to see battle, but arrived in England after the conflict was over and returned to colonial politics. In November 1864 he formed the ‘self-reliant ministry’ to place control of the Waikato and Taranaki campaigns in the hands of settler militias and governance. When it was too late to volunteer for overseas duty, at least one could quote Tennyson: in 1877, Dunstan MHR Vincent Pyke argued that reductions in the pay of Otago policemen were a “cruel injustice” as among the affected men “was one of that glorious band of heroes, one of the immortal Brigade” who “Boldly rode and well/Into the jaws of death,/Into the mouth of hell.”

But political manipulation of cavalry heroism also provided fodder for satirists. When Native Minister John Bryce famously led the invasion of Parihaka in November 1881 mounted on a “white charger”, the Canterbury poet Jessie Mackay turned Tennyson’s verse into ‘The Charge of Parihaka’: instead of the jaws of death or the mouth of hell the Minister “plunged into potato fields” with not cannons but children to the left and right of him. Col. Reader’s obituary praised the Commissioner’s modesty in declining to wear his war medals. By the 1880s, mounted police were being “increasingly phased out.” The Otago provincial police always had a strong mounted component, but although the Armed

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17 Spiers, p.8; Hamer, p.14-5.
20 NZPD vol.25, 30 August 1877, p.139-40.
22 Evening Post, 29 September 1885, p.2.
Constabulary had initially been planned as a predominantly mounted force, the realities of bush terrain immediately meant this plan was impossible, and the development of railways made horses an unnecessary expense. Cavalry heroism was important to colonial New Zealand’s leaders, but so were modesty and practicality.

Col. Whitmore’s ongoing leadership in the Legislative Council through to the end of the century is evidence that the military gentleman continued to command respect, as is the fact that governments reinstated him as head of the Constabulary during its two great transitions. He was given control in 1877, when the abolition of the provincial governments was followed by the amalgamation of all provincial police forces into the re-christened New Zealand Constabulary, which was in turn divided into civil and reserve branches; and again in 1885-7, when the reserve branch was separated to become the Permanent Militia and the force as a whole was retrenched as a result of the ongoing economic depression. Yet the impractical ideal of cavalry heroes had to be supplemented in practice by a rank and file drawn from another stream: service in the Royal Irish Constabulary and Australian goldfields.

Whitmore’s initial successor as Armed Constabulary head, St. John Branigan, had also begun a British Army career at the Cape Colony, but transferred to the police seeking better opportunities for advancement. In 1854 he entered the Victorian police following his emigration to the goldfields and failed foray into storekeeping the previous year. Richard Hill has described the Victorian police as an “army of occupation” due to the hostile attitude of the gold miners: their officers were trained as a military elite akin to the gentlemen officers of the British army, although they also adopted the beat system of patrolling from the London Metropolitan Police in Melbourne. While the Victorian police received a great deal of praise for controlling the unruly frontier, they were also criticised for “wanton cruelty” in suppressing a rebellion of miners at Eureka Stockade in December 1854, which had been occasioned by supposed over-policing of licence fees, for which officers received a commission.

When the Otago goldfields opened in 1860, the Provincial Council first borrowed a hundred men from the 70th Regiment, but found them useless for enforcing justice, and employed them instead in road building before quickly sending them back up north to fight. In July 1861 the Council recruited Branigan as Commissioner along with twenty volunteers from the Victorian provincial mounted police to bring their force into line with the Victorian model, their major requirement being to escort the regular gold carriage almost two hundred miles – past the Rock and Pillar Range and the Styx Inn – to Dunedin, in a six-horse coach with mounted troopers. The Otago Government allowed Branigan to bring with him several contingents of Victorian men, often with similar military backgrounds to his own; yet the

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Government decided not to follow Victoria in allowing goldfields police to collect licence fees or rewards, encouraging them to be less confrontational than their Victorian counterparts.27 Otago had never been a penal colony, and its leaders felt this meant they could avoid the level of coercion used in Australia even while following its policing model.

The influx of Australian men into the Otago goldfields was supplemented by their dominance of the Waikato military settlements. In November 1863, Premier Alfred Domett and Governor George Grey legislated for the confiscation of land in the Waikato and Taranaki with the New Zealand Settlements Act, and by the end of the next winter, military settlers were in place on the banks of the Waikato.28 Grey had previously experienced the tactic during his tenure as Cape Governor from 1853-60, where he oversaw those left by Sir Harry Smith in British Kaffraria but failed in his own attempts to expand the scheme.29 The four regiments of the Waikato Militia, under Colonels Pitt, Haultain, Lyon and Moule, were recruited predominantly from Australia: of the 540 men who made up the 4th Regiment, 346 were from Australia, of whom 202 came from Victoria.30

When they reached their destination, each settler was allotted one acre in town and a farm section of varying size (from 50 acres for a private up to 300 acres for a captain), plus rations for a year after taking possession of their land. Settlers were not allowed to be absent for more than one month a year, until receiving freehold title after three years.31 The Government rushed most of the settlers onto their land to get them off the pay roll, and after finding themselves in occupation of swampy, marginal sections, many had left by the time titles were awarded in 1867.32 Yet the military settlements were ultimately successful in creating towns to control occupied land. In Hamilton, Col. Moule was made a Justice of the Peace and led Sunday church parades in prayers, becoming the supreme civil and religious as well as military authority; the militia also started the town’s first school.33 In November 1867 the militia were disbanded, Moule and Lyon became commanders of Armed Constabulary units recruited from Auckland but augmented with men from Australia, and Haultain, already a Member of Parliament, soon became Minister of Defence.34

The rank and file constables who came from Australia and in particular Victoria included a disproportionately large number of Irishmen, although not when compared with other nineteenth century goldrushes: Irishmen made up a large bulk of the goldfields populations, police forces and army throughout the British Empire and North America.35

32 Gibbons, p.44-6; Norris, p.71, 119.
33 Gibbons, p.47; Norris, p.79.
34 Gibbons, p.51; Norris, p.160.
While Donald Akenson has noted that Irish Catholics were proportionally overrepresented in criminal statistics, particularly those relating to drunkenness, Irish Catholics were also overrepresented among the enforcers of the law. The 1898 Police Commission revealed that four of seven Inspectors were Catholic, along with 41.6 per cent of the entire force – compared to the 14 per cent of the colony’s total Pakeha population who adhered to that faith. Such figures were not unusual in British police and military forces: in 1830 more than 40 per cent of all non-commissioned officers and men in the British Army were Irish, “a figure far out of proportion to their numbers in the United Kingdom”, which Peter Karsten has attributed to economic distress and a lack of alternative avenues for advancement.

Irish dominance of police forces throughout the Empire is linked to the Royal Irish Constabulary’s reputation as the finest paramilitary force in the world. Irish recruits to the New Zealand Police largely came via Australia, and by 1898 all seven Inspectors in the police had served in either the RIC or Victorian police (at least three had served in both). Such dominance created a backlash among those with anti-Catholic feelings: Commissioner Gudgeon fumed that his replacement Arthur Hume, a “Holy Roman” as well as an imperial officer, was “one of that class of Irishmen who often attain the top of the tree by political crawling”. The 1898 Police Commission investigated claims that Irish Catholics had formed a political clique within the force to further the advancement of their own above others, primarily by taking command of stations. Although the Commission entirely dismissed this claim, it noted that a “large proportion” of the older members, in charge of stations, “had been members of the Irish Constabulary, who in process of time have become senior members of the force”. A predominance of Irish Catholics among the rank and file simply represented the military origins of most recruits, while the number of Irish Catholic superior officers reflected the success of promotion from the ranks.

Between 1880 and 1909, New Zealand’s prison system was run by a man both Irish and military, Arthur Hume. Prison guards, like police, were largely recruited from the military: John Pratt notes that of eight head gaolers mentioned in the *Cyclopedia of New Zealand*, “six had served in the police or armed forces.” Two Irish-born New Zealand head gaolers had served in the Royal Irish Constabulary: P. S. Harvey served in Ireland for seven years before emigrating in 1874; he began his colonial career as a clerk at Lyttelton and

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36 Akenson, p.81-2.

37 AJHR 1898, H-2, p.viii; *Census of the Colony of New Zealand, 1896*, p.85.


39 See for example NZPD vol.106, 4 July 1899, p.221.


42 AJHR 1898, H-2, p.viii.

43 Pratt, *Punishment in a Perfect Society*, p.139.
Mount Cook gaols, rising to head gaoler at Mount Cook in 1884. Matthew Michael Cleary served in the Irish Constabulary during the 1850s and the Victoria Mounted Police from 1857 to 1861, before his appointment as sergeant in Branigan’s Otago force. Cleary subsequently served as head gaoler at Hokitika, Mt Eden and Lyttelton gaols from 1867.

Gaolers O’Brien and Phillips had both served as officers in the British military before joining the colonial prison service. Irish-born Bartholomew Lloyd O’Brien was commissioned Ensign in the 4th Royal Lancashire Militia in 1856, rising to Captain in 1862 before retiring three years later; he served as head gaoler in Auckland, Lyttelton, Hokitika and New Plymouth gaols. Englishman Samuel Charles Phillips fought in the Crimea from 1853 (in the Osmanli Horse Artillery) and India from 1857, before serving as a gaoler for the convict prison service in Gibraltar; he transferred to Pentonville in 1875 and Lyttelton in 1876, where as head gaoler he supervised prisoners building the new gaol. In 1882 he transferred to Dunedin to replace James Caldwell, who had fallen out with Inspector Hume.

Recruitment from the military was less pronounced among subordinate prison officers: of the five appointed in 1891, only one was a soldier and one more a police constable; the remaining three were a shoemaker, a tailor, and a baker. Yet the head of the prison system, Arthur Hume, believed gaol officers should have been recruited from the military: in his inaugural report as Inspector of Prisons, Hume stated his intention to replace aging gaolers with “retired naval and military officers” who possessed the “service experience of discipline” from having “served their country faithfully”. A decade later, Hume stated that “prison officers as a rule are selected from men serving in the Permanent Militia,” although judging from the 1891 return, this was not always possible. Hume also advocated the military system of transferring officers regularly between gaols, along with the flogging of prisoners, a practice with which he would have been familiar from his time in the army in India.

Indeed, much of Captain – and later Colonel – Hume’s outlook on the proper administration of prisons can be traced back to his career in the army. Like Moule and
Reader, he had served as an adjutant during his time with the 79th Cameron Highlanders in India, administering the organisational aspects of his regiment. Returning to England in 1874, he became deputy governor of Millbank prison under Sir Edmund Du Cane.\footnote{The Dominion, 4 February 1918; Lt-Col. H. G. Hart, The New Annual Army List, and Militia List, for 1868 (London: John Murray, 1868), p.362.} Millbank, although based on the Panopticon model, had served as a barracks for soldiers during the Chartists riots of 1848, a “fortress” where, according to social commentators Henry Mayhew and John Binney, prisoners were subject to drill-like discipline, forced to “quick march” to and from their cells.\footnote{Henry Mayhew and John Binney, The Criminal Prisons of London and Scenes of Prison Life (London: Frank Cass and Co., 1862/1868), p.234, 245, 248.} This military tradition fitted in with Du Cane’s belief that soldiers like Hume were the best men to manage prisoners: Hume was thus not only schooled in the traditions of the military, but in the practice of applying military discipline in the prisons of London.

Capt. Hume’s career as Inspector of Prisons (from 1880 to 1909) and Commissioner of Police (from 1890 to 1897) in New Zealand did not end his military service. He also served as Inspector of Volunteers from 1888 to 1891, and as acting Under-Secretary for Defence from then until 1895, New Zealand’s highest-ranking non-elected Defence Department official, albeit during a period without major military activity.\footnote{The Dominion, 4 February 1918.} In 1898, a Royal Commission of Inquiry would criticise Hume’s leadership of the police for overly rigid military discipline, but his three decades in charge of the nation’s prisons, along with the brief period in which he was entrusted with the police and volunteers, demonstrate just how important his military record was in the eyes of the New Zealand’s political leaders, a fact reinforced by the popularity of military volunteering.\footnote{AJHR 1898, H-2, p.vii-viii.}

In 1878, Colonial Secretary Col. Whitmore wrote that “the excitement caused by the disturbed state of European affairs” – in other words, the fear of a Russian attack – “has had the effect of stimulating the Volunteer movement in the colony.”\footnote{AJHR 1878, H-20, p.1.} The addition of anticipated racial conflict in Taranaki led Volunteer numbers to peak at 8,458 (with an additional 2,811 cadets) by the end of March 1880.\footnote{AJHR 1880, H-10A, p.13.} That year the Inspector of Volunteers for the South Island, Major-General Davidson, was moved to report that this large number was “not efficient for the purposes for which a military force is maintained” and that it would “be wiser, and in every respect better, to have a smaller force”.\footnote{Ibid, p.3.} Volunteer numbers were thus reduced to 7,133 (and 1,848 cadets) by the end of April 1881, but the actual outbreak of conflict in Taranaki at the end of the year saw them rise slightly, to 7,264 a year later.\footnote{AJHR 1881, H-23, p.2; AJHR 1882, H-22, p.2.} At this time, the Government undertook a major report on the reorganisation of the Volunteer Force, deciding not only that numbers had to be reduced, but that “the general administration of the Volunteer Force in conjunction with the Armed Constabulary is not satisfactory” –
advice taken up by the Defence Act 1886, which absorbed the Constabulary’s field force into a Permanent Militia. Vol ume numbers subsequently fell to 4,242 (and 1,491 cadets) by April 1883, but another Russian scare in 1885 brought them back up to 8,253 (and 1,667 cadets) by April 1886.

Instead of repeating claims that such a large force was inefficient, Col. Whitmore (now Commander of Colonial Forces) claimed the Volunteers had made “great progress” in learning “military tactics, as applied to any civilised warfare conceivable in this country.” Glynn Barratt has described Whitmore as possessing a “pragmatic Russophobia” that allowed him to use the scares of 1878 and 1885 to achieve the increases in defence spending he felt necessary to ensure the colony’s security. Ian Mc Gibbon, noting Whitmore’s experience fighting Russians in the Crimea, similarly described him as “an ardent Russophobe and a long-standing advocate of putting New Zealand’s defences in order.” Economy meant the Volunteers formed the basis for such defences, yet the public’s interest in volunteering fell off after each war scare, and a lack of organisation reduced their effectiveness. Furthermore, appointing Hume to replace Whitmore in command of the volunteers compounded this problem, due to his other commitments. Whatever volunteering’s practical deficiencies, the Volunteers and the officers who led them remained the symbol of a military tradition, and it is perhaps this symbolism that is most important in explaining the ongoing military influence in politics, policing and imprisonment.

Problems with the Volunteers and the decline of mounted patrolling by the New Zealand Constabulary coincided with their becoming community administrators, a moral rather than overtly military force representing, in Gudgeon’s words, “the majesty of the awful policeman guardian of the law.” Right through the nineteenth century, policemen in rural New Zealand often functioned as the sole government agent in their area. Besides administering the gaols and courts they collected census and immigration information and tax, while frontier paramilitary sections of the force were frequently engaged in road works. In 1879 North Island Superintendent Shearman complained that their duties as “gaolers, bailiffs, clerks to the Bench, poundkeepers, dog registrars, rent collectors for Immigration Department, immigration officers, distributors of charitable aid, and inspectors of nuisance” were “subverting the discipline of the service.” By 1881 police duties still included the collection of the census and agricultural statistics as well as court attendance; reporting on

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60 Ian Mc Gibbon, *The Path to Gallipoli: Defending New Zealand 1840-1915* (Wellington: GP Books, 1991), p.85; AJHR 1882, H-10, p.3; Their use of the term “Armed Constabulary” was in fact a misnomer, as the Constabulary had by this time already amalgamated with the provincial police forces to become the New Zealand Constabulary.

61 AJHR 1886, H-13, p.5.

62 AJHR 1887, H-12, p.2.


64 Mc Gibbon, p.29.


charitable aid, lunatics, and industrial schools; enforcing the Dog Nuisance and Trespass of Cattle Acts; and acting as Inspectors of Weights and Measures.  

In 1888, Commissioner Gudgeon singled out this last duty as exceptionally time-consuming, with the result that “at least four men… are of very little use to their department,” while also arguing that it was unnecessary for police to attend sittings of the civil Court. When Hume succeeded Gudgeon he refrained from criticising the duties placed on his men “outside of what is understood as strictly constabulary work,” even though they were “increasing considerably” as such tasks brought the Police “in closer touch with the people” so that they felt “entitled” to call upon the community “for support and assistance”. While this statement suggests Hume’s support for a “like policing like” style of community law enforcement, it contrasts with his advocacy of the periodical transfer of all ranks of the force from station to station as producing a more impartial force, suggesting Hume supported “stranger policing stranger” methods. By the end of his commissionership, Hume was complaining that political lobbying by officers not wishing to move meant it was “easier to move any other officer of the public service than a constable” and that he was personally “by no means of the opinion that the members of the Force should become too closely identified with the local community among whom they may be stationed.” This contrast within Hume’s own thought shows the Commissioner attempting to balance the benefits of local knowledge and community involvement with political impartiality within a rapidly civilianising force.

While the amalgamation of the provincial forces brought men who had been in the Armed Constabulary under greater civilian regulation, “all candidates” for the civil police were required to first enrol in the Reserve, “for the purpose of being trained in the use of arms and in habits of discipline.” This meant that the relatively domesticated forces of the southern provinces, which until that point had recruited from civilian life, were injected with ex-military recruits; and, suggesting the Government prioritised frontier control over civil policing, authority over the police now rested in the hands of the Native Minister. From 1886, once the final separation between the military reserve and civilian police had been made, the police were still recruited exclusively from the Permanent Artillery, with Commissioner W. E. Gudgeon arguing that this practice enabled the police “to obtain the services of men of tried character, and who have already acquired habits of discipline.” However, three years later he would complain that “many most desirable men are lost to us owing to this regulation, since the applicants are for the most part married men, and for that reason could not afford to join the artillery on the pay of a third-class gunner, and await their turn for the police.”

69 Police attendance was required under the Resident Magistrates Act 1867: AJHR 1888, H-6, p.2. 
72 AJHR 1881, H-18, p.1. 
73 Dr. Pollen, “who had also the title of Defense Minister.” NZPD vol.24, July 24 1877, p.28. 
74 AJHR 1887, H-5, p.1; New Zealand Gazette 12 January 1887. 
75 AJHR 1890, H-3, p.1.
Military discipline was seen as excellent training for police work, but was beginning to interfere with the need for a properly civilian force to police a settled society. Yet on taking control of the force Hume wrote that recruiting from the military alone “works well” because it gave recruits “a good knowledge of discipline.” He commended military recruits as “intelligent, zealous and reliable” men who “quickly pick up the duties of a constable” and whose “habits and temperaments” were already known to commanders due to their military training. They had been “trained to discipline and subordination” through gun-drill, and Hume saw “no reason” why these recruits could not annually return to the Artillery for a fortnight’s gun-drill while Artillery men were placed on the streets to carry out their duties. This scheme, which involved the permanent military force of New Zealand in civilian policing, ensured that the police were kept in a state of military discipline, and trained as an auxiliary force to supplement the military-proper in times of crisis.

The system of Artillery recruitment and drill training forced a much more military police on South Island communities than their leaders desired. During the amalgamation debate in 1877, Capt. Thomas Fraser of Otago in the Legislative Council denounced any moves towards militarising the southern police. Fraser “had for many years desired to see the police of New Zealand converted into a colonial police, but he never anticipated that they were to be militarized into an Armed Constabulary.” He found the idea of arming Otago policemen with rifled carbines absurd, given that the local population “were as harmless as their own sheep!”

In the House, William Reynolds (Port Chalmers) said the people of Otago “did not want an Armed Constabulary Force” as they preferred “a civil police force”, while Robert Stout (Dunedin City) thought that “placing the police under military rulers was a great mistake.” Edmund Barff (Hokitika) agreed that “they did not want any Armed Constabulary at any rate in the Middle Island”, for in order to “prevent crime and arrest criminals” police should not “be made soldiers of”. Amalgamation meant that the previously higher wages of the Otago force had been reduced to come into line with the rest of the force, and Vincent Pyke (Dunstan) continually complained about this reduction, calling it a “grave injustice” and part of a Government attempt “to try and convert the police into a semi-military force. Military police were not wanted in the Middle Island”. In the Legislative Council, Col. De Renzie James Brett of Canterbury also warned of the dangers of pay reduction. Although he dissented from his colleague Capt. Fraser in supporting the trial of police by Court-martial, Brett did believe the Constabulary were “a civil force, and should not, by any means, be made a military one.”

77 AJHR 1892, H-21, p.1; 1893, H-26, p.1; 1895, H-28, p.1
79 NZPD vol.26, 16 October 1877, p.320-1.
81 NZPD vol.24, 24 July 1877, p.25-6; vol.11, 2 November 1871, p.743.
Both Capt. Fraser and Col. Brett were men with long military service records: both were born in Britain in 1809 and entered the military service of the East India Company in 1825. Fraser served with the 7th Bengal Cavalry until 1842, and suffered “two or three shipwrecks” including as the sole survivor of a wreck off the coast of France. He retired to a sheep station at Shag Point in Otago in the late 1850s, sat in the House of Representatives for Waikouaiti from 1860 to 1870, then in the Legislative Council until his death in 1891.\[82\] Brett served with the 31st Madras Light Infantry until 1853 when he took command of the 35th Madras Native Infantry in Burma. In the Crimean War he served like Whitmore in an organisational role in Turkey, raising Albanian troops for the War Office. In India after the “mutiny” Brett saw the end of the sieges of Delhi and Lucknow. He retired in 1863 to the 1000-acre farm Kirwee in Canterbury, named after a fort he had taken in India, with trees laid out to recreate the position of troops in the fight. Elected to the Legislative Council in 1871, Brett successfully fought to fund a number of irrigation projects until his death in 1889.\[83\]

Together Col. Brett and Capt. Fraser were regarded as the “military element of the Council” and castigated their peers over the nation’s lack of harbour defences to prevent Russian attacks. They were also vehemently critical of the colony’s Volunteers, particularly in their own island. Capt. Fraser called such men “ridiculous holiday soldiers” fit only “to flaunt their brilliant plumage before the eyes of their females.”\[84\] Col. Brett warned the colony should “not be dependent on a useless set of men who merely wear a jacket to strut up and down the streets to the admiration of young ladies,” who should be disbanded and replaced by a smaller Permanent Artillery.\[85\] Their attacks on the Volunteers were so vicious that fellow Members accused them of using their military records to intimidate the rest of the Council; meanwhile other members of the “military element”, Col. Whitmore and Col. Kenny, took it upon themselves to argue that the colony was not, in fact, in any danger of a Russian attack.\[86\]

The fact that Capt. Fraser and Col. Brett led both opposition to militarism in the police and prisons \textit{and} support for strong harbour defences says much about critiques of militarism in the justice system. The strongest critiques within Parliament were not coming from opponents of militarism per se, but from loyal military men who believed mixing the civilian and military spheres degraded discipline in both spheres – although they nevertheless felt that military men made excellent statesmen. Their concern was not that the military was a negative influence, but that military matters should be handled properly. As Col. Brett put it, “War, Sir, now is a science; it is not child’s play. It is not to be looked upon with contempt, –

\[84\] NZPD vol.16, 13 Aug 1874, p.587.
\[85\] Ibid, 21 August 1874, p.808-9; vol. 21, 22 August 1876, p.490-1.
\[86\] NZPD vol.16, 13 August 1874, p.588; vol.21, 22 August 1876, p.492-5.
it is to be looked upon with fear and dread; and we should use all exertions in our power to prevent such a calamity befalling a country desolate and isolated like this.”

Police officers and prison guards in nineteenth century New Zealand were recruited largely from the military, and officered by men who embodied the ideal of the British military gentlemen. While the idea of the heroic cavalry charge could be a source of mockery, the strongest critics of militarism ultimately had to draw on their own military service in order to make such criticisms heard.

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87 NZPD vol.16, 21 August 1874, p.808.
Table 2: Heads of the Armed Constabulary and New Zealand Constabulary, 1867-1897

<table>
<thead>
<tr>
<th>Name</th>
<th>Term as Head of Constabulary</th>
<th>Career prior to term as Head of Constabulary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thomas McDonnell, Jr.</td>
<td>October 1867 – March 1868</td>
<td>(Son of a Napoleonic War veteran/Additional British Resident in NZ) Gold miner and gold escort, Australia. Sheep farmer and resident magistrate, NZ. Sub-inspector, Colonial Defence Force, NZ, 1863. Promoted Capt. 1864; Maj. 1866; Lt-Col. 1867. Served in Taranaki and East Coast campaigns, commanding Kupapa and settler troops. ¹</td>
</tr>
<tr>
<td>William Lyon</td>
<td>1875 – 1876</td>
<td>Ensign, 92nd (Highland) Regiment of Foot, 1841. Promoted Lt. 1843; Capt. 1848. Served in the Crimean War 1855-6. Retired to NZ to farm, 1858 (after losing an arm in sporting accident). Maj. and Adjutant, Volunteer battalion, NZ, 1863. Lt-Col., 3rd Waikato Militia, 1863. Armed Constabulary, 1868. ⁵</td>
</tr>
<tr>
<td>Henry Elmhirst Reader</td>
<td>October 1879 – September 1885</td>
<td>Ensign, 12th (Prince of Wales’s) Royal Regiment of Lancers, 1843. Promoted Lt. 1845; Capt. 1854. Served in the Punjab 1848-9; Crimean War 1855-6; India 1856-60. Commander, Canterbury Militia and Volunteers, NZ, 1863. Commander, Volunteers, 1868-76. ⁶</td>
</tr>
</tbody>
</table>
| **Walter Gudgeon**  
(Acting Commissioner and Under-Secretary for Defence)  
June – September 1885  
(Commissioner)  
Promoted Lt. 1866.  
Commander, Native Contingent, 1868.  
Armed Constabulary, 1869-78.  
Resident Magistrate, Poverty Bay, 1879-80.  
Armed Constabulary, 1880-5.  
Maj., Permanent Artillery, 1885.  
|
The Road to Parihaka

Public works programmes occupied gangs of Armed Constabulary, Artillerymen and prisoners in great numbers throughout late-nineteenth century New Zealand. Prisoners provided a cheap source of labour that could be made to work in uncomfortable and unsafe circumstances, and armed constables could protect road-works through the frontier, using the road in turn to consolidate Crown control: according to Sir George Bowen, the spade and the pickaxe were “the true weapons of conquest”.\(^1\) This chapter explains how such public works linked prisoners, soldiers and police in the promotion of hard work, punishment of idleness and surveillance of wilderness.

As he rested in an Armed Constabulary camp late on 6 November 1881, one day after marching into Parihaka to arrest Te Whiti o Ronongai and Tohu Kakahi, Lt-Col. Stuart Newall wrote in his diary that the chiefs had been justly punished as they “work little yet eat much” having therefore “no further interest in the lands adjoined to Parihaka than that it supplies them with the food which they eat but have not grown.” Such idleness irked Newall, as it held back “the light which follows the clearing of a way through the forest, the macadamized road instead of the tortuous and rugged track, in other words the Queen’s highway from which the traveller may hear the ring of the woodsman’s axe and his eyes brighten as it surveys on either side green pastures and happy homesteads.”\(^2\)

Walter Gudgeon, who was with Newall in the invading party, wrote in his autobiography that Conservatives in Parliament had brought war upon themselves by enforcing the confiscation of Taranaki land which for years they had paid to lease and assured its occupants would not be taken. He railed against “the vacillating and contemptible policy of Sir Donald McLean”, the greed of land sharks and the courts for deceiving Maori into giving up their land, and believed that Te Whiti and Tohu’s preaching of “peace and goodwill to their turbulent followers” had kept the peace in Taranaki for many years. Yet Gudgeon nevertheless thought that the Maori were so idle in cultivating their land that he was “convinced that the Maori will never be a useful settler until he has lost nine tenths of his land and has only enough left to force him to be industrious.”\(^3\)

Gudgeon and Newall’s service in the Armed Constabulary included the construction of roads through dense bush: in the 1870s Newall helped cut a path to the Ohinemuri goldfields while Gudgeon was employed on the “great northern road from Taupo to Napier.” Just as these men looked down on Maori idleness, so Gudgeon approved when the Government “made us earn our pay by wholesome work.”\(^4\) Similarly, followers of Te Whiti and Tohu arrested for tearing up survey lines and obstructing the Armed Constabulary’s road works were put to work in Dunedin

\(^1\) AJHR 1872, A-1, p.86.
\(^3\) Gudgeon, *Autobiography*, p.10, 25, 31
Gaol performing hard labour, a sign from the Government that their desire to obstruct progress would be cured by enforced habits of productivity. A decade earlier, another group of Taranaki Maori imprisoned in Dunedin – 74 followers of Titokowaru – had slept in caves while building a harbour wall along Andersons Bay Road; eighteen passed away during their time in prison. At the same time as these men were giving their lives to build Dunedin’s roads, government agent Robert Parris told the gathering at Parihaka on 17 March 1870 that they should voluntarily build roads on their own land to prove their desire for peace. Te Whiti sarcastically replied that such roads would lead his people to drink and ruin among the Pakeha.

In 1879, former Premier and New Zealand Company agent Sir William Fox wrote, as West Coast Commissioner inquiring into the resistance to land confiscation, to his friend the Colonial Treasurer Harry Atkinson, that the Government should “do nothing in the way of selling or settling” the area around Parihaka until more rail and roads had been constructed “to penetrate the block. When that is done the Natives will be outflanked and more easy to deal with.” John Bryce, the Native Minister who broke up Parihaka, complained that the reserves Fox had marked out for those remaining on the site were too generous, as their abundance would “keep these Natives in a state of idleness in perpetuity.”

The punishment of the people of Parihaka illustrates the fact that policing, imprisonment and military action were all predicated on the need to make land productive and people useful. Even as the Legislative Council rang with the southern faction’s calls to separate civil police from the military and humanise punishment, the various arms of law enforcement were still joined by their function in producing profit – sentencing those who stopped soldiers from producing infrastructure to hard labour on public works. Richard Hill has argued that Armed Constabulary Commissioner William Moule and Defence Minister Donald McLean both saw public works as a better focus for the Armed Constabulary than patrol, as it kept men in a state of physical preparedness and prevented idle habits. Like Moule and McLean, Inspector of Prisons Capt. Arthur Hume believed public works effected “the inculcation of habits of industry” in prisoners, and were thus more beneficial than educational programmes. Profitable labour represented the colonial ideal of masculinity – embodied by soldiers, enforced on prisoners. The practice of making policing and punishment profitable was contested, particularly by those concerned at seeing drunken soldiers or criminal gangs at work in public, but it remained in practice in the 1890s when prisoners built roads under the endless rain and mud of isolated

6 Scott, p.44; Riseborough, p.50.
8 AJHR 1883, A-8, p.3.
Milford Sound and the Permanent Artillery cut gun batteries into urban hillsides to defend harbours from the Russians.

Construction thus both symbolised and effected the pacification of New Zealand. James Belich argued that “war was an ally of the progress industry” in that both war and the creation of infrastructure “opened up” the land, “injecting large amounts of people and money into particular regions and leaving a residue after they had served their initial purpose.”11 Much of the fighting of the 1860s was conducted via the construction of roads and telegraph lines, often by men who then settled on the occupied land; from then until the end of the century, construction became the main front on which the state’s military forces wrestled control. Describing the Colonial Government’s attempt to use the Armed Constabulary to merge Parihaka into a road, Hazel Riseborough reminded us that “roads had been symbolic of the dominance of a conquering power” ever since the Roman Empire.12

The pacification of New Zealand’s ‘rebel’ hinterland and the progression of public works through these same areas fed into one another. Bryce proclaimed the Armed Constabulary-built road by Parihaka would “serve a double purpose” promoting both “the settlement of the country” and “the movements of the Constabulary.”13 The land had to be pacified for progress to go ahead, and only via the progression of transport and communication lines could the land be pacified: progress made pacification just as pacification made progress.

An ideological focus on productivity and balancing the state’s budget are key to understanding New Zealand’s policing and penal system from the 1860s to ‘90s, the period in which subsequent ministries gradually removed the administration of justice from military control. This ideology was present in both the initial New Zealand Company settlements and in the confiscation of Maori land. In England and America, Edward Gibbon Wakefield bemoaned the easy availability of fertile land in both Australia and America, because when every labourer could support his family off toil on his own land, he would not hire out his labour to others, thwarting investors’ attempts to profit from the colonies: hence some colonies with “a superabundance of good land without slavery” had “perished entirely, and some remain in a deplorable condition.”14 To solve this problem he believed the Government should restrict the ownership of land, and sell at an artificially inflated price “raised, so as to prevent those labourers from becoming independent land-owners” until they laboured for a wage an indeterminate number of years.15 Karl Marx would attack Wakefield’s scheme as an “artificial means to ensure the poverty of the people.”16

12 Riseborough, p.227.
13 NZPD vol.41, 26 May 1882, p.113.
15 Ibid, p.223.
F.D. Fenton, chief judge of the Native Land Court, believed the Native Land Act 1865 was intended to create “a leisured class of chiefs with the rest of the Maori race obliged to work for a living” prescribing for Maori what the Wakefield settlements tried to prescribe for settlers.17 Alan Ward’s history of the Native Department reveals that administrators used the Maori’s supposed idle habits to justify both confiscating tribal land for the productive use of white settlers, and barring Maori from selling what was left – ostensibly to save them from themselves.18 In 1864, Colonial Secretary William Fox wrote that the Maori race were being held back by “the possession of large territories under tribal titles which they neither use, know how to use, nor can be induced to use” and which should therefore be replaced by individual title.19 Governor Grey believed part of the solution lay in putting Maori to work on “the construction of roads,” since such construction programmes “formed in fact industrial schools” by training “natives” in “European habits of order and obedience” as well as “discipline”.20

Yet the justness of profiting from confiscation was never certain. Hazel Riseborough showed that although the Colonial Treasurer Reader Wood hoped confiscated land would raise £3 million, he also hoped it would not be seen as a “commercial undertaking”; and although the Colonial Office explicitly stated that confiscation was not to be carried out for the sake of profit, when Grey’s liberal Government finally took hold of the Waimate plains, Public Works Minister James Macandrew justified their acquisition with the prospect of the “half a million sterling” to be made from its sale.21 In the official political discourse of colonial New Zealand, confiscation was to be carried out for the sake of productivity and progress but not, without controversy, for profit. Profit was, nevertheless, a factor in the policing and surveillance of confiscated lands, particularly when such policing was based upon the construction of infrastructure.

In 1881, New Zealand Constabulary Commissioner H. E. Reader reported to the Defence Minister that telegraph and railway lines had enabled his Department to cut costs at a time of retrenchment “by dispensing with several stations, which the present facilities of communication render no longer necessary to retain.”22 The Constabulary had itself constructed much of the infrastructure that allowed it to cease occupying the hinterland. In the first annual report on the Armed Constabulary, Commissioner Branigan argued that the large amount of construction work performed by his men prevented “the pernicious evil of idleness” – the same idleness that Gudgeon drew on to justify the confiscation of Maori land was invoked by Branigan to justify the reconquest of that land by lines of transport and communication. Branigan reported that in

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19 AJHR 1864, E-2, p.20.
21 NZPD vol.1, 12 November 1863, p.847-8; AJHR 1880, G2, p.xxv; Riseborough, p.34, 42, 59.
one year Inspector Moule’s Tauranga force built a road through Judea swamp, as well as a seawall, redoubts and a rifle range; in Waikato Moule’s men built telegraph lines.23

When he took Branigan’s place the next year, Moule followed his general remarks on the Constabulary with reports on the force in each district, divided into the headings “Military Duties”, “Civil Duties”, and “Public and Useful Works.”24 Duties associated with the “progress industry” can be found under all three headings: while the major tasks of building roads, bridges, paddock fences and sea walls have their own heading as public works, “Carrying Mails and Despatches” and “Telegraph Linesmen” were considered to be military duties, while the collecting of the census and agricultural statistics that allowed and directed these works were considered to be civil duties. Thus, despite the public works heading, the construction of profit-bearing infrastructure was not considered a separate task upon which the Constabulary simply happened to be engaged, but rather was integrated into all aspects of their role. Moule praised road-building duty for keeping men alert and prepared for combat, besides being “constantly and usefully employed.”25 Native Minister Donald McLean notified officers supervising these works that they were also “on picket duty,” surveying and memorising the surrounding area.26 In 1876, Commissioner Moule reported to the Native Minister that “over one-third of the force” were now engaged on “making and repairing roads and bridges.”27

Those aspects of public works considered to be civil duties, the collecting of statistical information via the census and agricultural statistics, stood alongside the civil duty of court attendance as acts of observation, foreshadowing the Constabulary’s transition to a largely unarmed patrol and surveillance force. Tony Ballantyne has argued that such civil duties were the fundamental basis for the projection of state power, as statistics were “perhaps the most universal of languages by the mid nineteenth century,” providing the British Crown with informational power over subject races: “the military survey, the recruiter’s manual, and the revenue report” functioned as “ethnographies” to standardize and measure peoples’ attributes on a map, without which the Constabulary could not proceed with the physical aspects of progress (public works and the accompanying military duties).28 In Taranaki, the Government used native agents – including Hone Pihama, a loyal chief whose wife supported the other side, Parihaka – to supply information on both the land they wished to settle, and those who opposed its settlement. The West Coast Commissioners blasted their employment of men of questionable character to

24 AJHR 1871, G-5, p.4.
25 Ibid, p.3.
26 AJHR 1871, G-5A; Hill, The Colonial Frontier Tamed, p.69.
27 AJHR 1876, H-16, p.1.
provide information of little use. Surveillance, considered the hallmark of modern policing in British political discourse, went hand-in-hand with the constabulary’s construction of profitable infrastructure throughout New Zealand.

After the amalgamation of the provincial police and Armed Constabulary in 1877, the Reserve Division’s part of the annual report kept the same division between military, civil and public works duties. By 1881, a majority of the Reserve in the Waikato, and a sizeable minority in the East Coast and Egmont districts, were employed on public works. Commissioner Reader reported that the Postal Department was increasingly taking over mail service duties, while the Constabulary continued to perform the duties of telegraph operators. Two years later, Reader reported that the “tranquil state of the several Native districts” allowed him to confine the Reserve to road and bridge building, carrying mail, and assisting the civil police in collecting census data and attending Courts, “without neglecting their drill and rifle practice.”

Despite the increasing stability of New Zealand in the 1880s, the military reserve from which police were recruited continued to engage in armed military action, most notably at Parihaka in November 1881. But this action occurred firmly within the progression of infrastructure, with the invasion following on from confrontations around the erection of survey pegs and tearing down of fences: both the followers of Te Whiti and agents of the Crown attacked one another by creating and destroying infrastructure. Lt-Col. Roberts reported that in September 1881 the “obstructionists” had “re-erected the fences” over Constabulary-built roads “as often as the Constabulary removed them, and actually used for tying up their fences stolen telegraph wire,” demonstrating why the manning of such lines was very much a military duty. Telegraph lines and roads were weapons cutting into Parihaka; once they had achieved this aim, the surveillance power they conferred allowed the Constabulary to reduce the number of men engaged in pacification. Meanwhile, the regulation of movement along roads remained an effective tool for keeping Parihaka in submission: in 1882, Roberts reported to the Native Minister John Bryce that his decree forbidding the transportation of pork to Parihaka had kept many Maori away, as “they would be ashamed to go there with empty drays.”

As the West Coast Commission admitted, the Armed Constabulary’s construction of a road line through Titokowaru’s pastures for “engineering reasons” was barely disguised aggression, as the cutting of the pastures had not in fact been necessary. By sending out ploughmen and fence-constructors to passively resist surveyors, Te Whiti acknowledged that the Government was using public works as a weapon, and that the most appropriate way to oppose

29 AJHR 1880, G-2, p.xxxiii; Scott, p.45-6.
30 AJHR 1878, H-13, p.5-9.
31 AJHR 1881, H-36; ibid, H-18, p.3.
33 AJHR 1882, H-14, p.2.
34 AJHR 1882, G-3, p.1.
35 AJHR 1880, G-2, p.xxvi.
this was by attacking not the people working, but the works themselves. Dick Scott argued that Te Whiti understood that such works could only go forward on the basis of knowledge collection and instructed his followers to give out faulty information to the road-builders.36

John Bryce understood the significance of Te Whiti’s targeting of infrastructure, and defended detaining Parihaka’s fencers without trial because such “comparatively trivial offences,” punishable only by a few days in prison, were in fact part of a much greater campaign against “progress” itself.37 While, like Fox and Gudgeon, Bryce had argued that Maori idleness and under-cultivation was a major reason for opening up their land to settlement, he admitted pulling up “I suppose about forty-five or fifty acres” of potatoes in the days following the raid, but argued that rather than undermining Maori attempts to increase cultivation, his attack on their potato patches would actually prevent people from idly hanging around the marae by reducing their “superabundance of food.”38 Bryce believed the best way to ensure Maori didn’t give in to idle habits was not to allow them to cultivate and trade in produce, but to provide them with “road work at low wages.”39

Bryce’s comment demonstrates that while the construction of public works was used as a weapon to pacify groups who defied the state, it was also one of the major punishments assigned to those pacified. In 1884, Capt. Hume listed prison construction, road building, land reclamation and the breaking-up of road-metal among the principal works carried out by hard-labour prisoners, but would later single out prison construction as the most beneficial of public works punishments: “in my opinion, there is no labour more suitable for prisoners than their employment upon buildings rendered necessary by their own misconduct, more especially if it can be proved that the cost of erection is minimized, and the health and conduct of the prisoners materially improved by steady occupation at works which even to their minds have a serviceable result in view.”40 Indeed, Hume believed that allowing prisoners to work on the construction of their gaols functioned as a “reward for good conduct” – like Branigan and Gudgeon, Hume had a great deal of confidence in the restorative effects of prohibiting idleness.41

John Pratt has argued that the people of New Zealand in the late nineteenth century, like their European counterparts, increasingly saw the public torture of criminals as inhumane, but still regarded useful public punishments as beneficial: “outdoor work relieved pressure on prison

36 Scott, p.72.
37 AJHR, 1880, G-7, p.7. Under the Maori Prisoners’ Trials Act 1879 and a series of subsequent legislation, the length which Parihaka’s protestors could be kept without trial was successively delayed until their release in 1881; the same process was applied, under the West Coast Peace Preservation Act 1882, for their two leaders until they were released in 1884, with the proviso that they could be re-arraigned at any time without a warrant (as they would be three years later).
38 NZPD vol.41, 26 May 1882, p.116.
39 Riseborough, p.177.
40 AJHR 1884, H-5, p.4; 1886, H-4, p.4.
41 AJHR 1885, H-6, p.3.
conditions; prison conditions necessitated outdoor work.”\(^{42}\) Debate in both chambers of Parliament reveal both politicians’ acceptance of the presumption that prisoners would be made productive, and their wariness about the details and propriety of enforcing this belief. Capt. Fraser protested in 1871 that the townspeople of the Colony “were becoming demoralized by the daily exhibition of the prison gang circulating in their midst” while “the poor and honest labourer” had “bread snatched out of his mouth by means of prison labour.”\(^{43}\)

Fraser was affronted by prison labour when it was improperly public and counterproductive, but he endorsed the general principal that prisoners should be set to useful toil. By the mid 1870s he was arguing that a central penal establishment intended to be built in Taranaki – so that prison labourers could dredge New Plymouth’s harbour – would be better in his own island at Westport: “as there is a large amount of coal there, it would be found profitable to work the fields by prison labour.”\(^{44}\) While the Legislative Council debated only where prison labour would be most useful, Members of the House of Representatives were less certain that maximising profit was the appropriate framework for the debate. Southern liberal Robert Stout stood up to demand that the Government should “not confound the prison system with a harbour at Taranaki.” Stout’s conservative opponent Harry Atkinson agreed that the harbour and the prison should not be conflated, but argued that as it was Parliament’s “duty to employ those prisoners on work that would be most profitable to the whole community,” the prison (to be built in his own electorate) should be commenced immediately. Auckland liberal Member William Lee Rees then objected to the whole country paying for Taranaki’s breakwater in disguise as a central prison.\(^{45}\)

In 1881 the Government and Opposition agreed that the work of prisoners should not be allowed to compete with the work of free men, and the Otago Trades and Labour Council would argue that prisoners should not even be allowed to learn trades during incarceration.\(^{46}\) This consensus encouraged Capt. Hume to find work for prisoners on remote and marginal projects. In 1884 Hume proposed creating self-supporting prison farms to make prisoners “useful” and lead them away from lives of crime.\(^{47}\) Six years later he cited a successful American practice of keeping prisoners in isolated areas to build roads, where any man who escaped “would probably starve.”\(^{48}\) Consequently, he set up a camp to utilise the labour of 45 prisoners in building a tourist road from Milford Sound to Central Otago, as this isolated project would have a “moral effect” on the men’s consciences, replacing criminal tendencies with “habits of useful

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\(^{42}\) Pratt, p.94.  
\(^{43}\) NZPD vol.10, 20 September 1871, p.521.  
\(^{44}\) NZPD vol.20, 11 July 1876, p.423. Taranaki had also been debated as the site for a central penal establishment eight years earlier: NZPD vol.2, 20 August 1868, p.531.  
\(^{45}\) NZPD vol.21, 23 August 1876, p.551-7.  
\(^{47}\) AJHR, 1884, H-5, p.2.  
\(^{48}\) AJHR, 1890, H-4, p.5.
Unfortunately the scheme was impractical, as Hume had not anticipated the heavy rains (a foot of which fell on the camp in one day in December 1891) that kept the prisoners inside for half of the year. Citing the fact that all four attempted escapes had been thwarted, Hume accused newspapers that spread rumours of dangerous criminals at loose in the bush of attempting to “black-mail tourists” into paying extortionate protection fees.\(^{50}\) In the spring of 1892 the camp ran out of supplies, and the prisoners were shipped back to Wellington.\(^{51}\) But public works in isolated areas retained a favoured place in the array of punishments, and more successful tree-planting prison camps were later set up.

The relationship between public works as weapon and public works as punishment is thrown into stark relief by the treatment of the people at Parihaka. The ploughmen and fence-constructors arrested at Parihaka, and transported to the South Island without trial, were then sentenced to hard labour: those arrested for obstructing progress were made productive by the application of state force, just as prisoners were forced to build their own gaols in the 1890s, at Mount Cook in Wellington and Mount Eden in Auckland. While the use of prison labour at Milford Sound and in constructing their own confinement within prison walls addressed Capt. Fraser’s concern that prison chain-gangs be kept out of the public eye, their work failed because it was not sufficiently useful: Milford Sound camp was shut down, while Premier Richard Seddon criticised Hume’s new prison building at Mount Eden as too much resembling a fortress, and converted that at Mount Cook into a military depot during the Anglo-Boer War.\(^{52}\) Besides illustrating the need to make prisoners’ labour useful, this last episode, by demonstrating that the prison cell and barrack room were architecturally interchangeable, draws us back to the growth of imprisonment out of military discipline. In settling New Zealand’s frontier, the state utilised punishment for military offence; when its attention turned outwards, the state would again use punishment for military defence.

During the Russian scare of March 1885, the state redirected New Zealand’s military from helping police the interior to defending the nation’s borders. Walter Gudgeon’s men were in the middle of building a road from Taupo to Whanganui River when they were forced to abandon their project “in the shadow of Tongariro” and refocus on setting up an artillery battery above Wellington.\(^{53}\) The construction of artillery batteries in the main centres would soon utilise prison labour alongside military labour, a sign that while useful works were still the function of both the military and punishment, such works were now oriented towards external rather than internal foes.

\(^{49}\) AJHR, 1891, H-14, p.3.  
\(^{50}\) AJHR, 1892, H-13, p.3.  
\(^{51}\) NZPD vol.77, 6 September 1892, p.597.  
\(^{52}\) NZPD vol.83, 3 July 1894, p.195; NZPD vol.113, 22 August 1900, p.148.  
\(^{53}\) Gudgeon, \textit{Autobiography}, p.65.
From the time of the Crimean War in the mid-1850s until the late 1870s, successive colonial governments had responded to invasion scares – sometimes involving the French, but more often stemming from tension between Britain and Russia – by commissioning reports on harbour defences, then shelving the reports away without action as the scares died down. In 1878, a war scare following Russian military success against the Ottoman Empire compelled the Colonial Government to purchase twenty-four 64-pounder guns, but as the scare faded and internal defence (the Parihaka question) began to dominate military thinking, the guns were left abandoned due to the cost of fortification.

In January 1883 Sir William Jervois, the former Director of Works for Fortifications at the War Office who had overseen defensive fortifications in British ports and twice reported on New Zealand’s situation in the 1870s, was appointed Governor and finally pressured the Government into preparing the long-delayed fortifications, placing the languishing 64-pounders alongside newer guns. When Russia advanced on Afghanistan in 1885, threatening the British Empire in India, Volunteer numbers once again increased (to 7,919) and the Reserve Division of the Armed Constabulary left road-building duty to focus on constructing harbour defences in the four main centres, and training to garrison these defences, before they were reorganised into a Permanent Artillery the next year.

While the initial defensive fortifications were carried out by the military with help from unemployed labour under the superintendence of the Public Works Department, in 1887 their responsibility was invested in the Engineer for Defences, and the new Minister of Defence Thomas Fergus decided to employ convict labour alone on the works. A year later the Engineer, Arthur Bell, would state that convict labourers were preferable to the unemployed due to the former comprising “men of all trades” who could be made to work in “inconvenient positions” and housed in temporary buildings (often barracks converted into prisons for the duration of the work), saving the Department a great deal of money. Bell would later praise this work scheme for keeping prisoners employed in non-monotonous work out of the public eye: “these considerations combine to induce them to work with greater willingness than is customary with convicts.” However, Ian McGibbon has argued that Bell “clearly had private doubts” about the scheme, complaining in 1892 of the “thousand drawbacks of prison labour” – although by this time the defences were largely complete. In fact, Bell privately hated working with convicts so much he eventually complained of being “buried with the dead”, since this work

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54 Barratt, p.39; McGibbon, p.12.
55 Barratt, p.78-80; McGibbon, p.28-31.
58 AJHR 1887, H-12, p.7.
59 AJHR 1888, H-5, p.4-5.
61 McGibbon, p.74.
would “not serve me the value of a farthing” in furthering his military career. But the use of convict labour for military purposes suited the Government’s desire for economy.

The public works schemes of the 1870s and ‘80s drew together the manpower of the military, police and prisoners at a time when legislation was drawing them further apart, at least on paper. This emphasis on public works was not driven solely by politicians’ and administrators’ ideological confidence in the moral healing power of honest toil. Public works were carried out for very real economic reasons, and the debate over the placing of a central penal establishment shows how political leaders were driven by the need to secure physical progress in their own region ahead of the rest of the country. But their disdain for idle hands was a real and persistent factor in these works, one adhered to by all sides of the political spectrum: virtuous manhood was synonymous with hard work. The ideology of good labour and the physical act of labouring for progress bound the functioning of civil justice to the military from the late 1860s through to the late 1880s, and bound both justice and the military into the work of economic advancement. As shown by the invasion and punishment of Parihaka, the punishment for those standing in the way of Pakeha economic progress was to be forcibly employed in furthering such progress.

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62 Arthur Bell to Under Secretary for Defence, 31 March 1892, in “Resident Defence Engineer, Correspondence 1891” (NA: AD 57, 22, 1891-109-203).
Drink and the Disreputable Soldier

Towards the end of summer in 1881, word reached New Zealand of the British military defeat by a Boer force at Majuba. Later that year, John Hall’s conservative cabinet passed a Licensing Act tightening legal controls on liquor sales, and by Christmas the colonial press would lampoon the Constabulary Reserve’s attack on Parihaka. Military traditions in the police and prisons did not sit easily with the respectable masculinity expected in settled society, nor with increasing calls on the state to cure criminals of their impulses. But at the turn of the century, the Permanent Militia were called in to end the ‘Hokianga Dog Tax Rebellion’ and New Zealand horsemen aided Britain’s conquest of the Transvaal, helping to recast the military as respectable and pave the way for the Scouting movement and compulsory military service. Simultaneously, leaders of the growing union movement continued to use respectability as an argument against militarism, elaborating upon criticisms earlier levelled by prohibitionists.

Colonial New Zealand’s need for unattached men on the goldfields, the battlefield, and in turning the bush into pasture and roads, meant that male immigrants far outnumbered their female counterparts, so that in 1881 there were only 656 adult women to every 1,000 adult men. While precise alcohol consumption figures are impossible to obtain, historians generally agree that New Zealand’s per capita consumption of both beer and spirits was higher than that of Britain, at least in the 1860s. Miles Fairburn famously argued that the social isolation of the early colony’s predominantly transient, male population, including a lack of social bonds, brought about New Zealand immigrants’ high per capita consumption of alcohol, and high rate of alcohol-related arrests, in comparison with the British homeland. Jock Phillips and James Belich argued that transient men did develop mateship ties within “wandering crews”: by encouraging one-another to be “disciplined on the job and undisciplined off it” the social mores of mateship reinforced alcoholic habits Fairburn linked to loneliness, as work gangs came into town to very publicly blow off steam. Alcohol dependence was a fact of Armed Constabulary life, a habit Constabulary men brought with them into the police. In 1868 Col. Whitmore admitted that it took gallons of spirits “merely to stimulate men to work on several occasions” while pursuing Te Kooti through the rain. Two years later, Branigan would complain to McLean that a lack of room in the Armed Constabulary’s Wellington depot meant he regularly found his men drinking at the city’s public houses.

The popularity of drunkenness among the general population fell away sharply during the 1880s. According to Police Force accounts, arrests for drunkenness fell from an early peak of 7,572 in 1883 (14 arrests for every 1,000 people in the colony, and 40 per cent of total offences),

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5 Whitmore to Haultain and Pollen (ATL: MS-2392), p.3; Branigan to McLean (ATL: MS-Papers-0032-0174).
to a low of 4,594 in 1894 (6.4 arrests for every 1,000 people, 34 per cent of total offences). As noted by Graeme Dunstall, this decline coincided with a fall in the number of police relative to general population (a result of depression-era retrenchment in the civil service): from one police officer to every 944 people at the end of the provincial era, to one police officer to every 1,530 people in 1896. Thereafter the number of officers began to rise, as did arrests for drunkenness, which passed 8000 at the start of the new century (with 8,057 in 1901, or 9.9 arrests for every 1,000 people and 40 per cent of total offences; police that year numbered one to every 1,381 people).6

Beyond the simple correlation between the decline in arrests and declining numbers of officers able to make them, wider factors are likely to have been the end of major ethnic combat, and an increase in the number of both female immigrants and New Zealand-born Europeans of both genders. Jock Phillips has suggested that the decline in arrests for drunkenness throughout the 1880s and early 1890s reflected the increasingly settled and urbanised nature of New Zealand, with the consequent rise in drunkenness arrests reflecting growing moral hostility to the negative effects of alcohol on families.7

Temperance and prohibition campaigns gained massive popular support throughout this era. James Belich stated that “a crusade for moral harmony” rising from the 1880s “tightened up New Zealand society like a giant spanner”.8 Richard Hill linked this crusade to “bourgeois Victorian morality” as the middle classes sought to impose their norms on disreputable lower class activities.9 Bill Oliver suggested that even the Liberals’ industrial arbitration laws were “an effort to foster disciplined contentment” among the working classes.10 In 1878, Member of the House of Representatives for Wellington George Elliott Barton said that “the power of the police over the poorer classes – what Carlyle called “the great dumb classes” – was necessarily great,” although he strongly opposed their use of “terror” and violence against such classes.11 Samuel Lister’s Otago Workman argued that reducing the number of liquor licenses would simply consolidate the hold of the breweries, although its contributors tended to blame “the female” rather than the middle class for imposing unfair liquor laws.12

The importance of class consciousness to moral discipline is reaffirmed by the views of the Inspectors of Prisons and Hospitals and Lunatic Asylums. Arthur Hume wrote of a “vagrant class, who on being first convicted boast that they have never done a day’s work, and never

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6 Statistics taken from AJHR 1930, H-16, p.5; Graeme Dunstall, “Frontier and/or cultural fragment? Interpretations of violence in colonial New Zealand,” Social History 31, no.1 (February 2006), p.63. See also Table 1, above.
10 Oliver and Tennant, p.31.
11 NZPD vol.28, 7 August 1878, p.111.
12 Otago Workman, 23 June 1894, p.7; 30 June 1894, p.6. Given that brewery numbers fell until only two large companies remained in control, Lister’s suspicion was correct.
mean to.”13 The Inspector of Hospitals and Lunatic Asylums, Duncan MacGregor, derided such “able bodied loafers” as “degenerates” who would “propagate their parasitical blood or teach their accompanying vices” if not confined: “Unless we are prepared for the drastic measures of wholesale death or equally wholesale castration, we must cut off defective heredity by the more expensive method of wholesale imprisonment.”14 Both Inspectors stressed the need to separate this lowest class from the genuinely needy elderly who had worked hard when they were able. A failed 1889 Government plan for institutions to confine inebriates and tramps demonstrates this desire to control the lowest class, and Jane Adams has shown that vagrants who caused trouble in prison could be reclassified as criminal lunatics.15

Yet the use of moral discipline to control alcoholism and the “vagrant class” was promoted by workers as well as those who can be described as bourgeois. Steven Eldred-Grigg noted that alcohol prohibition drew support from some working class leaders, and in parliamentary debates the temperance movement was derided as a movement of the “left-wingers” and championed by the “left liberal” Members Robert Stout and Tommy Taylor.16 Melanie Nolan’s study of Union leader Jack McCullough and his family emphasised the importance of McCullough’s respectable reputation as a family man for his leadership among the skilled working class.17 Erik Olssen stressed the divide between the skilled and unskilled working classes (rather than between the middle and working classes), emphasising the importance to the former of a breadwinner wage, with many respectable workers coming to view the disciplined, suburban family man as more masculine than the undisciplined, fighting, hard-drinker. A “married man’s ability to provide for his family” was the “dominant ideology” of skilled working men, at least in Southern Dunedin.18 While prohibition had support from all sections of society, much of its leadership came from the non-conformist churches and the suffragette movement.19 John Stenhouse has revealed that Southern Dunedin’s churches were dominated by working class women, with the pro-temperance Salvation Army drawing almost

13 AJHR 1895, H-20, p.3.
half its congregation from the unskilled. Moral discipline was key to the suffragette movement: Raewyn Dalziel reinterpreted the movement as a reaffirmation of women’s “homemaker” role, rather than a purely “progressive” or liberal movement; Margaret Tennant demonstrated that the Salvation Army in New Zealand was dominated by female leaders, just as the suffragettes were led by the Women’s Christian Temperance Union.

Respectable gender roles, characterised by a disciplined male work ethic and self-restraint, were legislated for in the Licensing Act 1881, which banned dancing girls – and indeed most dancing – from bars, as well as introducing a form of ‘local option’ temperance that allowed ratepayers to elect licensing boards restricting the increase in liquor licenses for their district. Another, stricter form of local option to allow districts to go “dry” was introduced in 1893 following pressure from prohibitionist Members of Parliament. Manoeuvring by Premier Richard Seddon meant that each district required a two-thirds majority vote to go dry, and only if more than half of the eligible voters turned out: initially only one district, Clutha, achieved a successful no licence vote, and prohibitionists remained unsatisfied. According to Conrad Bollinger, the violence of prohibition debates “seems quite alien to the orderly and complacent way New Zealanders conduct their political contests” in the mid-twentieth century.

The prohibition of Maori drinkers received special emphasis from white legislators and police as well as among Maori leaders. An 1847 Ordinance passed by Governor Grey prohibiting the supply of liquor to natives remained theoretically in force throughout the century, although in 1877 Capt. Russell told the House of Representatives that the time had surely come to repeal this ordinance, partly because “an attempt should be made to amalgamate the two races” and partly because in no part of the North Island “was there the slightest difficulty in the way of the Natives obtaining liquor.” However, that same year there was “a general complaint among the Natives” of Hawera “that the government grants licenses for the sale of spirituous liquors, regardless of the wishes of the Natives”, yet this same Government “then reproaches them for squandering their means and degrading themselves by the drink that the Government has placed within their reach, and that they have not the resolution to abstain from.” The Outlying Districts Sale of Spirits Act 1870 was intended to further restrict the sale of alcohol in such regions, yet it had

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22 Licensing Act 1881 s 126-8.
23 Eldred-Grigg, p.190; Phillips, p.65; Simpson, p.113.
24 Bollinger, p.48.
25 NZPD vol.27, 7 November 1877, p.55.
little impact. Dick Scott has accused the Government of encouraging liquor sellers to adulterate alcohol sold to Maori, causing blindness, and claimed that the Native Department’s practice of paying fines for Maori women found drunk in New Plymouth was a subsidy on demoralisation. Although Scott perhaps overstates his case in claiming the Government intended such outcomes, alcohol was certainly devastating in its effect. During Native Land Court hearings, selling liquor to Maori on credit helped force claimants to sell the land they were eventually awarded in order to pay their debts to the publicans.

Substituting an attempt at prohibition for such dubious liquor-selling practices was thus more a collaborative health campaign than an imposition of discipline by one race on the other. In 1897, public criticism of police failure to put down slygrogging in the supposedly “dry” King Country led the police to send Sergeant John Cullen in undercover (as an insurance salesman), resulting in the conviction of 27 individuals, and Cullen’s promotion to Inspector. However, Tommy Taylor criticised Cullen for arresting “the people who kept accommodation-houses” instead of “the worst class of sly-grog sellers”, and the trade continued.

While legislators tightened laws against drinking, the retrenchment in state spending around 1880 meant not only a fall in police numbers but also an oft-alleged fall in the quality of recruits. It is thus unsurprising that the prohibition campaign targeted the police for failing to be vigilant against drink. Ex-constable Theodore Wake wrote a series of letters to the Christchurch Star in 1894 under the pseudonym “Bulls Eye” which accused political interference in the police department for punishing any constable who attempted to crack down on breaches of the licensing laws. In 1896, prohibitionist Tommy Taylor was elected to the House of Representatives for Christchurch, and the following September carried Wake’s campaign into Parliament. During the Address in Reply, Taylor accused Napier’s Inspector Emerson of being “notoriously a drunkard and notoriously a gambler” and alleged that Christchurch and Dunedin police were “habitually” seen drinking at night in Arena’s Cafe Hotel and Speight’s Brewery. Having set out the charges of “corruption, disorganization, drunkenness, and immorality” Taylor demanded a Royal Commission of Inquiry into the police, which was duly granted the following year. While Taylor’s speeches in Parliament and before the Royal Commission pinpointed ministerial interference in the recruiting and transfer of police officers as the root of these problems, negative military traditions would also be highlighted by both critics and defenders of

28 Scott, p.45, 94.
34 NZPD vol.98, 30 September 1897, p.153-4.
the force as responsible for such problems. Taylor would make such claims, even though his own father – a fellow temperance supporter and a man he deeply admired – had entered the Lincolnshire Constabulary following service in the navy; perhaps significantly, he had resigned from the police due to unjust treatment from his superiors. Tommy Taylor’s critique of the military eventually grew beyond his attack on drunkenness, as he later became an unpopular critic of the Anglo-Boer War.\textsuperscript{36}

In the years leading up to Taylor’s demand for a Royal Commission, the military influence on policing was in decline. Growing public desire for police and prison guards to embody respectable masculinity, combined with the popular view that former soldiers were prone to disreputable violence and alcoholism, had compelled the Government to weaken the links between the military and police – although prison management, under Col. Arthur Hume, remained largely in military hands. While Hume was Commissioner of Police, he had consistently approved of the practice of recruiting constables solely from the Permanent Artillery, yet it was under his tenure that the practice broke down. Throughout the winter of 1895, the Permanent Artillery were sent to pressure Tuhoe into accepting surveyors to plot roads through the Ureweras, accompanied by twelve police officers under Inspector Emerson. While this action demonstrated ongoing cooperation between the police and artillery, as well as the continued use of police officers to construct roads through Maori land, it drained the Permanent Artillery’s resources, resulting in too few reserves to feed in to the police as vacancies arose.\textsuperscript{37}

Forced to recruit from outside the Artillery, Hume’s annual police report for 1896 underwent a drastic change in tone: instead of his usual remarks that military recruiting was the best way to ensure discipline and a reserve of trained gunners, he suddenly advocated recruiting from the “general community” as providing “a better stamp of men”. He even stated that because constables were scattered around the country they could not provide an effective reserve artillery – in direct contradiction to his reports of previous years. Furthermore, he now felt that even Artillerymen who had come through their training with “exemplary characters” were “often unable to resist the temptations which naturally beset the path of constables.”\textsuperscript{38} It is difficult to escape the conclusion that Hume’s sudden change of mind was nothing more than a case of justifying a change in policy after the fact. In 1897, Hume simply stated that recruiting from both the Artillery and the general public was satisfactory as it opened up a larger pool from which to draw constables.\textsuperscript{39} That March, the regulation requiring recruits to be drawn from the Permanent Artillery alone was withdrawn.\textsuperscript{40} Similarly, there were no longer enough soldiers free to take

\textsuperscript{38} AJHR 1896, H-16, p.2.
\textsuperscript{39} AJHR, 1897, H-16, p.2.
\textsuperscript{40} AJHR, 1898, H-2, p.26.
over street policing duties while officers trained in drill, forcing the Commander of the Forces, Col. Arthur Pole Penton, to conclude that the designation of the police as a “reserve in case of war” was “fallacious and unworkable.” He also felt that the use of soldiers to help police on special occasions was “detrimental to the discipline of the Force, and should be discontinued.”

In March 1896, ministerial responsibility for policing was moved from the Minister of Defence (a position then held by Premier Seddon) to the new Minister of Justice, Thomas Thompson, seemingly confirming the demilitarisation of the police. However, this change was more nominal than real, as Thompson also relieved Seddon of the Defence portfolio that June, and in 1898, during debate over the newly-released Royal Commission report on the police, when Members of Parliament referred to Thompson in his capacity as the minister responsible for policing they almost always called him the Minister of Defence, with only the occasional reference to his Justice title. In the eyes of the lawmakers, policing still remained more closely linked to the military than the legal system.

On 25 October 1897, the military-trained Commissioner of Police, Col. Hume, was replaced by John Bennett Tunbridge, a veteran of the London Metropolitan Police and Scotland Yard who, unlike every previous commissioner, had never been soldiering. When the Royal Commission began hearings the following February, it was chaired by Col. Albert Pitt, who was both a magistrate and an officer in the Nelson Artillery Volunteers, commander of the Defence Forces for that district. In late April, while the Royal Commission was sitting, Hone Toia, the Hokianga prophet and correspondent of Te Whiti, reaffirmed the refusal of his group Te Huihui to pay the dog tax or rates on public land, despite a 1 May deadline. Inspector Hickson and five constables hurried north from Auckland, while Seddon sent 120 troops, two field-guns, two machines guns and a gunboat under Col. Stuart Newall. On 5 May, as Newall prepared to march on Toia, Northern Maori MHR Hone Heke Ngapua negotiated Toia’s surrender of arms and payment of the tax. Although Heke’s truce prevented actual military conflict, Richard Hill has written that the Liberal Government nevertheless attributed its success to military might, to their certainty regarding “the effect the display of superior force” had on the mind of “any aboriginal coloured race.” The military still had a role to play in policing without overt violence.

Despite the continued cooperation between police and Artillery, the Pitt report criticised the connection between these two forces. Since police officers recruited from the Artillery had

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41 AJHR, Sess. II 1897, H-19, p.2.
43 NZPD vol.104, 14 September 1898, p.170.
not been able to attend their annual drill training for some years, the Commission thought it was “very important that the respective duties of the two bodies should be clearly defined.” They also concluded that men from the Permanent Artillery were “not the best recruits” because they had “for the most part acquired habits quite inconsistent with their new duties.” Discussing incidents of constables fathering illegitimate children, the Commission stated their surprise at how rare such incidents were, given the “considerable number” of recruits who had “passed into the police from the Military Force”. In the eyes of the Commission, the fact that soldiers were widely known to behave immorally was actually a legitimate defence for police misbehaviour.

While the fact that military training was blamed for immorality could be used to defend the actions of the police, military valour was in turn some defence for military misbehaviour. The alleged immorality and drunkenness of Inspector Emerson had initially inspired Tommy Taylor to demand the Royal Commission: in discussing Emerson’s fall, Seddon defended his record with an appeal to the “blood” the Inspector had shed in defence of the colony during its “hour of need” – serving in the Crimean War. Another Member of Parliament, while criticising Hume’s military background as making him unfit to have commanded the force, nevertheless stated that Hume was a capable man to head the Department of Prisons, and could not be blamed for mismanaging the police since it was not his fault that he had been appointed without the necessary experience to counter political interference. Again and again during the debate, Members quoted Hume saying that it was not his job to think, as evidence that he was not the right man for the job – yet this negative legacy of military discipline appears to have been appealed to mainly as an excuse for mismanagement. Seddon stated that “the first step” that previous governments had “taken to injure the Force” was the requirement that constables be recruited from the Artillery, although he added that these men made perfectly fine soldiers.

Seddon’s reference to the drinking habits of barrack-life as being unsuitable to policing is strange, given that all unmarried policemen, at least in the cities and large towns, were at this point still quartered in barracks. Yet this opinion reflected the overwhelming opinion of witnesses appearing before the Commission. The first witness to speak, Wellington’s Inspector Peter Pender, a veteran of the Crimean War as well as the Royal Irish Constabulary and Victorian police, claimed that recruiting from the Artillery put the force at a “disadvantage” given that soldiers in barracks were “free” to “knock about the streets – about hotels” while on leave. Pender believed it “would never do for a policeman to go knocking about publichouses, nor would it do for him to be talking to everyone he met” since a “policeman is always a policeman, whether off or on duty.” However, Pender had nothing against training constables in

47 AJHR 1898, H-2, p.vii.
49 Ibid, p.xii.
50 Ibid, p.xxii.
51 NZPD vol.104, 14 September 1898, p.70.
52 Ibid, p.139.
drill, and admitted that the Victorian police was well run when Sir Charles McMahon—“a military man”—was at its head, but stated that the only reason his own service in the Crimea did not disadvantage him as a policeman was that he had already been in the Irish Constabulary prior to military service. Following the Irish practice, he was sure there were “no better men for policemen than farmers’ sons.”

Canterbury’s Inspector Thomas Broham told the Commission that “the most woeful mistake was made in recruiting from the Artillery.” Artillerymen were “in no way fit for police duties” having “no sense of duty and no spirit of obedience.” Like Pender, he admitted that the Victorian force in which he too had served was well run under military leadership; adding weight to Taylor’s accusations, Broham’s major issue with recruiting from the artillery was that such recruits “came into the Force with political influence. They all had the idea that they should each be Commissioner of Police.” Another former Victorian officer, Dunedin’s Inspector William Stone Pardy, also felt the police “got a very inferior class of men from the Artillery” despite the occasional “fair” one: “as a rule they were very inferior men and very unsteady men, and I am sorry to say many of them were very untruthful.” Two of Pardy’s constables agreed that recruiting from the Artillery had been an “utter failure” bringing in “very bad men”, with one of these constables repeating Pender’s view that recruiters should “go into the country and get a lump of a farm-servant” when each vacancy arose.

In contrast to Broham and Pender, Auckland’s Inspector James Hickson, veteran of the Irish and Victorian police, had “never found” his Artillery recruits to be “disobedient”, although he did agree that they were “not as good as eligible young men taken from the general public” despite having satisfactory educational attainments. Hickson felt the training they had as soldiers did them “more harm than good in the police.” Another former Irish Constabulary and Victorian police officer, Inspector Emerson, whose behaviour had sparked the inquiry in the first place, likewise admitted that some Permanent Artillery men “were very good and some very bad”, but while he would have liked “a more careful selection” since some “were addicted to drink” – the very crime he had been accused of himself – he still wanted “to see all men drilled before coming into the Police,” Although Seddon had appealed to Emerson’s military service in defence of the policeman’s record, Emerson had mixed feelings about the value of such service in producing constables. In Greymouth, fellow Irish Constabulary veteran Inspector John Cullen claimed that men taken from the Permanent Artillery had been “spoiled” by their “loose style of living and habits” picked up from “barrack-room life”. Cullen pointed to one particular

53 AJHR 1898, H-2, p.5.
54 Ibid, p.529.
55 Ibid, p.566.
Artillery man whose previous sentence for assault and conviction for drunkenness had not been divulged upon his appointment to the police: Cullen felt he “would have made an excellent fighting man, but was a most undesirable man to have in the Police Force.” In contrast to his opposition to barrack-room living, Cullen agreed with Emerson in his support for training every single police officer in drill.61

James Joyce, MHR for Lyttelton, was probably the most vehemently opposed to military recruiting of all the Commission’s witnesses. He was sure the “efficiency of the service” had “degenerated in consequence of the militarism imparted through men coming from the Armed Constabulary and from the Permanent Artillery”. While like Cullen he had no issue with these men as soldiers, he felt the “artillery spirit” they embodied “unfitted them for police work.”62

In defence of the recruits he had drawn from the Permanent Artillery, Col. Hume said he was “not aware” of a significant “military element” in the police. Although admitting that opening up recruitment to the general public was an improvement, he did not see any reason why Artillerymen should be debarred from policing, as many such recruits had been perfectly acceptable; “political influence” not militarism was the principal cause of disorganisation, as it had prevented him from transferring officers around the country.63 Arthur Pole Penton, Commander of New Zealand’s Defence Forces, discussed the police’s role as a “reserve Permanent Force” and stated his approval of having policemen who could man his forts “after they had been drilled ten days annually”. In practice, however, he said it had been a “waste of time from a military point of view” to recruit police from the Artillery, as it meant much of their training was wasted.64 Capt. John Coleman of the Wellington Permanent Artillery similarly approved of having a reserve of “constables sufficiently up on their drill to be able to be moved in case of necessity” and was sure the Police Commissioner benefited from having men who “had undergone a certain amount of training.” Coleman disagreed that barrack-room life corrupted policemen: “As regards morality, police and soldiers are much the same.” Rather than agreeing with the various police inspectors that recruiting constables from the Artillery led to a decline in the quality of police, Coleman argued that the quality of recruits to the Artillery had fallen after they were forced to take all their men from the Volunteers, rather than off farms. Military training, Coleman felt, was a “great advantage” to the police.65

Yet the advantages Emerson, Cullen, Pender, Hume, Penton and Coleman saw in training policemen in drill were undermined by logistics. Just as recruiting from the Artillery collapsed after resources became stretched, so the practice of sending police for a fortnight’s annual drill ended in 1896: the Under-Secretary of Defence, Sir Arthur Percy Douglas, described how the

61 AJHR 1898, H-2, p.729, 733.
need to place Artillerymen on the streets to carry out the civil policing duties of officers undergoing drill training became impossible when the Artillery was busy conducting expeditions into Maori land. Col. Hume noted the “great difficulty” experienced by both the police and Artillery in attempting to coordinate such arrangements for drill.\(^{66}\) Thus even the military witnesses to the Commission who defended recruiting from the Artillery and drill training were forced to admit that such practices were no longer practical.

In contrast to Premier Seddon’s reference to the drinking habits of Artillerymen as the prime cause of problems within the police, former Defence Minister Capt. Russell claimed that “military discipline never does any man any harm” and that all police recruits should have “artillery training” for a full year, “until they are able to pass sufficiently well in military drill”.\(^{67}\) Yet Russell’s was a lone voice, and the criticisms of military influence on the police offered by various police inspectors and military officers to the Commission were given added force in the mouth of Tommy Taylor. By the time the Commission moved to Christchurch, Taylor and Commissioner Tunbridge were becoming increasingly exasperated with one another: Tunbridge because he felt Taylor was constantly trying to draw out a worse impression of the police than was reality; Taylor because he felt Tunbridge should leave defending the Force’s record to Hume. Unhappy with the way the hearings were heading, Taylor obtained an early print of the Commission’s minutes and put together his own report, *The Shadow of Tammany*. Besides arguing, contrary to Pitt’s official report, that evidence to the Commission overwhelmingly confirmed political interference in police appointments and transfers, Taylor wrote that “every officer who has given evidence before the Commission”, save Col. Hume, “has condemned the system under which all recruiting for the Police Force was done from the Permanent Militia”. Despite damning recruiting from the Artillery at least as vehemently as the Ministers who had ended the practice, Taylor, not content to let any angle of attack lie unused, went on to state that just because Artillery recruits were prone to drunkenness and immorality was no excuse for the Commissioner to break the law by recruiting, against regulations, from the civilian population.\(^{68}\)

While prohibitionists could criticise military influence when damning police inaction against drinkers, one element of the military influence – the use of violent physical force – was constantly attacked by those who defended drunkards. In 1878, MHR George Elliott Barton accused the Nelson police of “inhumanity” in their treatment of “an old man charged with drunkenness”.\(^{69}\) Barton also pointed to “a certain member of the police force” in Wellington “who had great influence in Court” and “carried on a little trade” who he alleged viciously beat prisoners: after citing a number of examples of inebriates beaten by the police, he credited the

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\(^{66}\) AJHR 1898, H-2, p.998.
\(^{67}\) NZPD vol.104, 15 September 1898, p.151.
\(^{68}\) Taylor, p.11-12.
\(^{69}\) NZPD vol.29, 25 September 1878, p.335.
police of New Zealand with “handcuffing a white Englishman and tying him down to a ring in order to extort from him a confession of where he had got drink.”

Col. Hume described as “unjust and cruel” the practice of using gaols lacking medical facilities to confine drunkards in a state of delirium tremens. In 1887, the Inspector narrated the death of one such alcoholic in Christchurch’s Addington Prison the previous summer. The officers who grabbed this elderly man did not charge him with any offence, but lacking alternatives locked him in their largest cell with two convicts, charged with his care “as a means of precaution” against his violent fits. Over the course of two days and nights, he smashed his body against the cell walls, before being removed to a padded cell where he expired. Five years later, Hume was still stressing his opposition to the confinement of drunkards in gaol. Hospital Inspector Duncan MacGregor agreed that alcoholics suffering from delirium tremens should be held in remand wards attached to hospitals, but advocated sending them back to labour in prison once they were well enough. Arguing that alcoholism was an “involuntary” affliction rather than a crime, Hume consistently stood against this punishment; his opinion that alcoholics were the unfortunate victims of a disease was also held by Commissioner Tunbridge, who advocated separate medical institutions for their treatment. However, the Liberal Government delayed constructing separate institutions for habitual drunkards until 1906.

While those criticising the physical violence police and imprisonment imposed upon drunkards did not link this violence to militarism, such complaints, like the more direct criticism of soldiers’ immoral habits, demonstrated late-nineteenth century New Zealand’s drift away from militarism. This drift is clearly laid out in the *Evening Post*’s record of New Year’s Eve celebrations in Wellington. In the 1870s, military participation was strong and celebrated: 1875 “was welcomed in the time honored way, by a discharge of cannon, and also of rockets, blue lights, and other fireworks” while the “Artillery Band promenaded Willis-street, playing lively airs, on their way to the residence of their commanding officer, Capt. Pearce, for the purpose of presenting him with a New Year’s gift.” The Veteran Volunteer Corps band “paraded at their practice room, and then marched down to the wharf and through the town,” regrettably accompanied by “a numerous attendance of those “roughs” who appear unhappily to be becoming a permanent institution in this city, and who committed a great deal of wanton and cowardly mischief among the gardens by the road-side.”

Five years later, the same paper reported a rifle shooting match between the Nelson and Wellington Artillery Cadets on New Year’s Day, alongside the Caledonian Games in Basin

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70 NZPD vol.28, 7 August 1878, p.111, 116.
71 AJHR 1885, H-20, p.2.
72 AJHR 1887, H-20, p.2.
73 AJHR 1892, H-13, p.3.
74 AJHR 1887, H-9, p.2.
75 AJHR 1903, H-16, p.3; 1907, H-20, p.4.
76 *Evening Post*, 2 January 1875.
Reserve, followed by a gun drill competition at Mount Cook on 2 January. Coverage of New Year’s Eve featured a fire at 11pm, and a group of drunk young men marching down Lambton Quay after 2am playing penny whistles and carrying small coffins, while the Theatre Royal and Academy of Music both held performances; no mention was made of Artillery involvement in the parade.\textsuperscript{77} The arrival of 1885 was again welcomed by fireworks, but instead of an Artillery band, the Municipal Fire Brigade marched with a “fine” display of “torches and red fire” to a crowd praised for their “absence of rowdyism”.\textsuperscript{78} 1890 was also welcomed in an “orderly manner” with the “annual torchlight procession of the Fire Brigade” followed the next day by the Caledonian Games in the Basin Reserve and a Druids’ Picnic held at Lowry Bay, featuring a baby show with prizes for prettiest, smallest, and best all-round baby.\textsuperscript{79} Five years later the Fire Brigade’s procession at Petone faced an assault of “larrikinism”: firemen were “picked out as targets for rotten eggs and other missiles” and one marcher received “a nasty abrasion on the cheekbone.” On New Year’s Day, the Caledonian Sports in the Basin Reserve received £230 10s 6d, up from £60 12s the previous year. The Salvation Army held a picnic, and the Wellington Municipal Fire Brigade held a ball in the drillshed.\textsuperscript{80} The replacement of the Artillery by the Fire Brigade and Caledonian Sports in the pages of the \textit{Evening Post} portrays a city in which public celebrations were demilitarised at the same time militarism in the police came under fire.

Following the Royal Commission, Tunbridge continued to blame police drunkenness on the influence of bad habits picked up during Artillery training. In 1899 he stated that such intemperate members had been “weeded out” and trusted that “drunkenness in future will be of very rare occurrence.”\textsuperscript{81} Yet it continued to rear its head, and the following year when Tunbridge was forced to dismiss four constables for offences relating to drink, he pointed out that three had “previously served in the Armed Constabulary or Permanent Militia.” In contrast, constables recruited “direct from private life” were “most abstemious and well conducted generally,” a claim repeated the following year.\textsuperscript{82} Hume, as Inspector of Prisons, continued to praise guards recruited from the military, and refused to make a similar link between military training and misbehaviour. Although the tide of public opinion looked to be going Tunbridge’s way, the advent of war in South Africa at the century’s turn did much to recast the military in a respectable light.

\textsuperscript{77} \textit{Evening Post}, 31 December 1879; 2 January 1880.
\textsuperscript{78} \textit{Evening Post}, 2 January 1885.
\textsuperscript{79} \textit{Evening Post}, 2 January 1890.
\textsuperscript{80} \textit{Evening Post}, 2 January 1895.
\textsuperscript{81} AJHR 1899, H-16, p.4.
\textsuperscript{82} AJHR 1900, H-16, p.4; 1901 H-16, p.3.
Britannia’s Son in South Africa

The Royal Commission of Inquiry of 1898 represented a low point in the Government’s view of the military’s role in administering justice. Revelations of the violent and intemperate habits picked up by police recruits during Artillery service suggested that recruiting would henceforth take place among the civilian populace. Yet politicians followed the public in sharply reversing this view over the course of the South African war that erupted the very next year. The “Boer War” radically altered the public reputation of soldiers: instead of an often-drunk, inconvenient necessity to be kept in barracks away from polite society, they were the epitome of heroic, noble and most importantly, gentlemanly masculinity. Although this view was perhaps applied only to those who went on campaign rather than the old Permanent Artillery, it created a demand that returning heroes be appointed as prison guards and police officers over the heads of mere civilians. Furthermore, the idea that military discipline produced noble rather than intemperate manhood spread into New Zealand’s education system, so that both compulsory schoolyard drill and volunteer scouting expanded massively in the decade following the British adventure in South Africa. Both the return to recruiting police from the military, and the militarisation of education encountered some backlash, particularly from the labour movement, but such backlash was overwhelmed by the genuine grassroots popularity of militarism.

In a debate on 28 September 1899, one month before the declaration of war, New Zealand’s Parliament voted by an overwhelming margin (55 to 6 in the House of Representatives, 36 to 1 in the Legislative Council) to send a contingent of mounted troops to South Africa. In introducing the motion, the Premier cited the need to keep the blood-ties of Empire strong as reason for the colony to take action before open conflict had even begun. Although the blood of young New Zealanders might “stain the Transvaal soil”, it would “flow and mingle” with “the blood of our kindred from England, Ireland, Scotland and Australia”, but with the “consolation” that it had “been shed righteously in the name of freedom”.

Seddon offered a similar statement to the estimated 40,000-strong crowd who gathered to send the contingent from Wellington a month later: “It might be that the blood of some of the pride of their country now before them would flow, but there was consolation in the fact that they would be fighting shoulder to shoulder with the forces of the Imperial Army, and from that would spring up and be maintained a bond of union which would last for ever and ever. (Loud cheers)”. The “dear Old Motherland” would have no doubt “that we are one people” fighting for “one flag, one Queen, one tongue, and for one country – Britain.”

The Governor, Lord Ranfurly, told the same crowd that this “spectacle of the Mother Country and her colonies thus standing shoulder to shoulder must rouse feelings of heart-felt patriotism in British breasts”; opening Parliament the following June, he proudly remarked how the “call of the Empire to her sons has been cheerfully responded to, but not without suffering.” For Lord Ranfurly, the blood-ties described by Seddon made New Zealand Britannia’s son. During the debate on Seddon’s motion to send aid to the Mother Country,

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1 NZPD vol.110, 28 September 1899, p.78
2 Evening Post, 23 October 1899, p.2
3 Ibid; NZPD vol.111, 22 June 1900, p.6.
several Members remarked that although the mother was obviously strong enough to deal with the problem without her son’s help, nevertheless it was his duty to support her out of “loyalty, the feeling of kinship” and “as a means of attaching us more closely to our own Mother-country.” The leader of the Opposition, Capt. Russell, stood hand in hand with his political opponent in seconding the motion; he proudly claimed not to care about “the cause of the quarrel” since he was so “anxious we should take part in Imperial expansion.” New Zealand had very good practical reasons to support his mother – after all, in the absence of his own ships or adequate harbour defences, he relied upon her navy for protection from foreign powers – but ultimately his leaders declared that such support was a matter of family.

In valorising New Zealand’s contingent to South Africa, particular focus was put on the freshness of Britannia’s colonial sons when compared with soldiers from the Old Country. Although pioneering was rough, the healthiness and independence of soldiers raised in the clean, antipodean country air made up for this. In his study of Pakeha masculinity, Jock Phillips noted that “the pioneer heritage was a mixed blessing” since it could mean our boys were “raw” and “restless”, with too little “formal discipline” and too much “frontier drunkenness and footloose larrikinism.” Phillips argued that newspaper propaganda countered such anxieties with repeated reassurances that the “troops were behaving like gentlemen.”

Phillips also pointed out the importance of praise from “English commentators” including the commanders in South Africa, Kitchener and Roberts, which singled out New Zealand’s troops as better than those from back home. In two articles published in the Contemporary Review in 1902 and 1903, Sir Frederick Maurice caused a sensation with his claims that sixty per cent of volunteers from the British Isles were disqualified from serving in the war due to physical unfitness. Claims of racial degeneration led the British Government to quickly convene an Inter-Departmental Committee on Physical Deterioration. Michael Rosenthal has noted that although the committee “found no evidence of any deterioration in the population at large,” this was less important than the “existence of the committee itself” which “was generally taken as documentary proof” that unhealthy urban living was creating a race of “slackers”. John Crawford has quoted Lt-Gen. Lord Methuen’s comments in the Royal Commission into the South African War, that country living made colonial troops better judges of the battlefield than those from the Mother Country, as well as more courageous. Major-General Herbert Plumer told the same committee that colonials had a greater capacity for self reliance, while in 1905 the Times History of the War in South Africa cited a general consensus that New Zealand’s contingents were “on average the best mounted troops in South Africa”. Although such praise was often motivated by the Mother Country’s fears of her own degeneration, they were received by New Zealanders as fitting the

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4 NZPD vol.110, 28 September 1899, p.80, 94-5.
5 Ibid, p.78.
image they desired to present of themselves as “better Britons”. New Zealand’s politicians were proud to reassure the mother that she could rely on the “strong arms and stout hearts of her sons”.

As Seddon told the First Contingent upon their departure, they “were going to assist in working out the destiny of the British nation – to be the dominant race of the world.” Yet Seddon also reminded Britain’s martial sons that although brave soldiers, they were still expected to adhere to the respectable family ideal. The women and children they left behind “will in their hearts be with you, and we shall look forward to your displaying bravery and coolness, and you must win in the long run. See that strict discipline is maintained, help the officer who is in command, and he will do his part.” Capt. Russell cited his record as “an old Imperial officer, and a New Zealand volunteer” before the same crowd to declare New Zealand’s contingent as “the most perfect in their duty” to the military family of Britain.

Just as Capt. Russell proudly alluded to New Zealand’s military past, so the Evening Post remarked at how “the veterans of our long-ago Maori War” were not forgotten “as they were sighted in the crowd”. Earlier that year, Seddon had refused to build more drill halls for Volunteers, since fighting – or at least practice fighting – in the bush was what they needed to become ideal soldiers. Yet the ideal of the dutiful son built in these speeches bore little resemblance to the image of the drunken soldier whom Pakeha towns, occupied in the 1860s, saw as almost as much a curse as a saviour. As the Evening Post’s correspondent noted, such events were “long ago”, and anyway, the “native-born had no event in his memory which compared with the enthusiasm displayed” by that crowd. But only a year earlier, policemen appearing before the Royal Commission had very publicly presented the military as a source of indiscipline and drunkenness; their claims had been printed in the very same newspapers that now proudly depicted departing soldiers as dutiful sons who carried with them the hearts of their wives, mothers and daughters. During the Legislative Council’s debate on Seddon’s motion, Major Harris argued that they should support the Mother Country without asking why she wanted their help: “As it was said of the Six Hundred, “Theirs not to reason why; theirs but to do and” – I will alter it a bit and say, try and uphold the British Government in all they are doing at the present time.” In so using Tennyson’s poetic account of the Crimean War, Harris validated the same military practice of “refusing to question the way things were” for which Col. Hume was so often criticised for during the Police Commission debates. Parliament upheld an attitude, no longer acceptable in domestic policy, as the right way to police the globe and affirm empire.

Reversing critiques of militarism for the sake of empire meant two things. First of all, it meant repudiating support for the critics of military valour who had held the public’s attention only a year earlier. Tommy Taylor refused to support Seddon’s motion for a

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9 Belich, Paradise Reforged, p.76-81.
10 NZPD vol.111, 22 June 1900, p.12.
11 Evening Post, 23 October 1899, p.2
12 Ibid.
13 NZPD vol.107, 2 August 1899, p.397.
14 Evening Post, 23 October 1899, p.2
15 NZPD vol.110, 29 September, p.127.
contingent since he believed “the threatened war in the Transvaal” was “a territorial war” and even “a capitalistic war.” He promptly lost his seat in that year’s elections, and when the First Contingent were farewelled at Lyttelton, “three groans for Tommy Taylor” were reportedly given. Second and most importantly, repudiating the claims of Taylor and other opponents of the war that soldiering was disreputable meant the military would have to be made respectable.

The South African war was New Zealand’s first experience of sending an official contingent of troops to fight overseas. Over the course of two and a half years, the colony would send ten contingents, responding positively to every request from Britain for more men. Eventually over 6000 New Zealanders would serve, of whom 230 died in the course of service. Sending these men overseas provided ample opportunity for the colony’s leaders to turn soldiering into a respectable occupation for their sons. Whereas the wars of the 1860s, fought on home soil, divided “rebel” Maori from Kupapa and European, the war in South Africa provided an opportunity for all sections of the community to prove their unity. Wi Pere, Member of the House of Representatives for Eastern Maori, claimed that “England has been the means of worrying the Boers in the first place” and that the Boers were only treating Uitlanders the way New Zealand treated “the Chinaman”; nevertheless, “even though England acts in this way towards every nation it is not for us to judge her.” Although he believed there were “many people who have suffered at the hands of England,” Pere said that “it behoves us to go to the assistance of England lest England be worsted at their hands, and after England we follow.” Pere’s logic for supporting Seddon’s plans for a contingent to South Africa were convoluted by his desire to acknowledge the realities of empire, but they led him to stress the same unity insisted upon by his white colleagues. The Governor would later note the “disappointment” felt by “the Maori people” after their offer to furnish a separate contingent was rejected due to Britain’s desire that this remain a white man’s war (although Ashley Gould has identified a number of Maori and part-Maori who fought in the New Zealand Contingents).

Furthermore, any indiscretions committed would only reach the public if they were picked up by newspaper correspondents, who were, by and large, determined to protect the image of the troops. In the official history of the New Zealand Contingents, D.O.W. Hall described the war as “the last war in which both sides behaved, with very few exceptions, as the phrase goes, like gentlemen. Both Boers and British would leave their wounded where they fell, confident that the ambulance services, either theirs or their opponents, would give

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16 NZPD vol.110, 28 September 1899, p.81, 94.
17 MacLeod, p.56.
19 NZPD vol.110, 28 September 1899, p.95.
them immediate succour.”

In making this claim, Hall entirely ignored the practice of rounding up Boer civilians, famously described by British Leader of the Opposition Sir Henry Campbell-Bannerman as “methods of barbarism”, and the largely ignored treatment of black civilians as enemies by both sides. Yet to a certain degree New Zealand’s troops themselves were determined to conduct themselves in a more gentlemanly fashion than their forebears in the New Zealand Wars, in line with changing public expectations of soldiers’ treatment of women. When Hall did acknowledge the “policy of clearing the country and virtually devastating it”, he remarked that the policy “need not be discussed here” except to claim that the “New Zealanders would have preferred operations against the enemy to this work of driving from their homes his unarmed dependants”.

Following my suspicion that the above claim could only be propaganda, I have looked for evidence to contradict it, yet the personal accounts of New Zealand troops seem to confirm Hall’s claim. Joseph Linklater, a member of the Seventh Contingent, wrote in his diary on 31 March 1901 that shifting refugees “was one of the saddest duties we had to perform out there. Though they were our enemies, it was sad to witness the grief of those unfortunate people when leaving behind their farms and homes.” Describing another such operation on 3 May, he remarked that the refugees “seemed a miserable, poor lot, seemingly badly off, and badly clothed.” Later that month his sadness was replaced by a grim matter-of-factness: “May 22nd – Brought in several Boer families. Camped all day. Burnt down the town this day, taking the women and children away with us.” His accounts of 11 and 12 August note that the women “were not at all fascinating” and he was “very glad to see the last of them, as they caused us no end of bother.” Enemy women were for Linklater an irritation standing in the way of manly combat, rather than a potential source of sexual conquest. Frank Twisleton, with the Second Contingent, expressed his irritation at having to engage in guerrilla combat rather than open battle, as the former “savours too much of murder”. Members of Parliament would offer mild criticism when they found that some troops had taken Boer bibles from evacuated homes, but on the whole were proud of their soldiers’ actions. Of the many personal accounts I consulted, only these two mentioned herding civilians into camps. The fact that I could find no evidence to contradict Hall does not, of course, prove that New Zealanders always treated Boer civilians in a “gentlemanly” fashion. It is unlikely that I have been able to view every personal account composed, and even if I had, the lack of accounts which confessed un-gentlemanly conduct is not surprising, as we can hardly expect such conduct to be admitted even if it did occur. What is significant is that both Linklater and Twisleton’s remarks confirm that they believed that they should act like gentlemen, even while fighting a war – that they actively, albeit privately, criticised their orders to interfere with civilians.

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22 Hall, p.44.
25 NZPD vol.113, 22 August 1900, p.148.
Such sentiments contrast sharply with the actions of Crown troops in the New Zealand Wars. While chasing Titokowaru in April 1869, Col. Whitmore wrote to the Minister of Defence Col. Haultain that his enemy was “afraid to stop with his woman” as Whitmore had instructed his subordinate Ihaia “to capture the women and send them by steamer to me.” Whitmore informed Haultain that he would then “give them to the Arawa, or if you like Ngapuhi to get them out of this. Titoko as a tribal chief will be broken when they are taken.” As James Belich has stated, subsequent photographs of Whitmore’s troops with these women “suggest that the women became involuntary sexual partners.” It is unlikely that even in the 1860s the practice of sexual violence as a military tactic would have been sanctioned against a white enemy such as the Boer, so that race as well as four decades separate Whitmore’s attitude from that of New Zealand’s troops in South Africa. What is significant is that this practice was endorsed by the officer in charge in the full knowledge of the Government, with no subsequent political outcry. It is this endorsement that would have been unthinkable at the end of the century, and which demonstrates the growing demand for respectable military behaviour, just as Linklater and Twisleton demonstrate soldiers’ internalisation of this demand.

This paradigm shift in the relationship between British (and colonial) military forces and women is further demonstrated by debate over the Contagious Diseases Act. This Act was introduced in Britain in the 1860s, giving police the power to conduct compulsory examinations of prostitutes in order to prevent the spread of venereal disease among military garrisons, but was repealed in 1886 after a campaign by the Ladies’ National Association, criticising the double standard of legislation that punished only the female prostitutes and not the troops they serviced. In New Zealand the Act became law in 1869, and despite similar campaigns was not repealed until 1910. Charlotte Macdonald has argued that the Act in New Zealand was intended more to “suppress prostitution” than to “limit the spread of venereal disease.” During the election of 1896, when the Act remained on the statute books but was not enforced, Premier Seddon promised to remove what he described as “a shameful and objectionable statute”, winning praise from the Ladies’ National Association in the process. Twice that year he attempted to make good on his promise: on both occasions his bill to repeal the Contagious Diseases Act passed through the House of Representatives with overwhelming support, only to be rejected by the Legislative Council.

This rejection is important in my narrative of increasing military respectability because one of the leading defenders of the Act in the Council was Col. Whitmore. Whitmore still believed it was necessary to prevent the spread of venereal disease among the troops, declaring that “opinion was almost unanimous that very serious consequences arose through the Act not being carried out”, while “everybody realised that the persons who signed the

26 Whitmore to Haultain and Pollen (ATL: MS-2392), p.89.
petitions” for repeal “were not the persons whose opinions on the subject were worth much consideration, as it was very unlikely that they had much experience of that Act.” 31 To the old colonial commander, groups like the Women’s Christian Temperance Union could not possibly understand the need to keep troops safe from venereal disease while allowing them to remain men. Col. Whitmore represented the traditional military gentleman and could impede attempts to clean up the troops, but the times and public opinion were moving past him, even while the military grew in popularity.

The rising popular militarism of New Zealanders can be demonstrated by the massive increase in the number of Volunteer soldiers during the war in South Africa. John Crawford has described how the numbers of these “weekend soldiers” grew from around 5,000 in 1897 to 7,000 in June 1899, as men realised that war was imminent, then exploded to more than 17,000 in July 1901 and remained at over 12,000 until their incorporation into the compulsory Territorial Force in 1910. Such an “unplanned expansion” was “opposed by the Commandant, Colonel Penton” as it burdened the Defence Department with unnecessary expenditure, without any “strategic” benefit – in fact, the Department had intentionally reduced Volunteer numbers earlier in the decade. 32 Militarism was not imposed on New Zealand from above: in the case of the Volunteer movement, it was pushed on politicians from below.

Politicians and civil servants responded to this military spirit by insisting that returned servicemen from South Africa obtain positions in the Police Force and prison service over the heads of civilians, in spite of the findings of the 1898 Royal Commission. In the prison system, Col. Hume, who had supported recruiting from the military all along and had been forced to weather criticism from the Commission for this support, was now able to proudly run with the tide of opinion. In his 1902 report, the Inspector of Prisons wrote that “vacancies amongst the warders have for some time past been filled from contingent men returned from South Africa who are tradesmen, and it is a pleasure to be in a position to report that there has been an improvement in the staff, particularly amongst the more recently appointed, who maintain a high general level of intelligence and physique.” 33 A year later, Hume confirmed that most vacancies continued to be filled by “men who have done good service for the colony in South Africa, and as they have been thoroughly grounded in discipline, subordination, & c., and as they maintain a high general level of intelligence and physique, they are proving themselves good officers.” 34 Such statements show Hume basking in the opportunity to vindicate his belief in the value of military service which had been criticised a few years previously.

In his official reports, Commissioner Tunbridge, who had never supported recruiting police from the military, was silent on the matter. Even when the war was at its height he risked swimming against public opinion by insisting that an improvement in the conduct of

31 Ibid, p.322.
33 AJHR 1902, H-20, p.2.
34 AJHR 1903, H-20, p.2-3.
police officers was due to taking men “direct from private life”. Yet he too was forced to comply with the demand that veterans from South Africa be given priority when new vacancies opened up. In January 1902 he wrote to one Member of the House of Representatives, who had supported a constituent desiring a place in the Police Force, that he could not be accepted, “owing to preference being given to men who have served in South Africa” – and because of the applicant’s poor handwriting. Again eighteen months later, he wrote to another Member that their constituent had to be rejected owing to “the fact that preference has been given to eligible South African Troopers,” and since “there are a considerable number on the list, Candidates who have not been to South Africa have little chance”.

Tunbridge’s private statements are partially borne out by the service records of police recruits in the decade following from when the first veterans from South Africa became available (Table 3). Columns 3, 4, and 6 to 10 were compiled from the service records stated in each policeman’s entry in the Police Force Description Book. Columns 5 and 6 contain the number of policemen whose names exactly match those of soldiers listed in the Nominal Rolls of the Contingents to South Africa, who were old enough to have been in the contingents and who would have been back from the war before they began service with the police. I have included these two columns because the records in the Police Force Description Book are incomplete: the 1905 Royal Commission on the Police, which was set up to inquire into some robberies carried out in Dunedin by members of the police, goes into great detail about the past history of the alleged ringleader, Constable Thomas Moses. The Commission’s report clearly states that he “had served over a year in the Sixth Contingent in South Africa, and subsequently nine months in the Permanent Militia”. Sure enough, his name appears in the Nominal Roll for that contingent – but this fact does not appear in the Police Force Description Book, only his time in the Permanent Artillery. Due to this inconsistency, I have included Moses and other officers whose records are detailed in the Royal Commissions of both 1905 and 1909 in columns 3 and 4; while all other officers whose names appear in the rolls, but for whom there is no proof that it was they who served and not men with identical names, are in columns 5 and 6. Columns 3 and 4 must therefore be taken as a lower limit, columns 5 and 6 as an upper limit. There is very little discrepancy between the upper and lower limits for 1901 to 1903, presumably because most veterans of the war who entered the Police Force during that time did so straight from army life. The discrepancy opens up in 1904 (incidentally, the year in which Moses joined), due to the number of veterans who had returned to either the Permanent Artillery or civilian occupations before entering the police.

Despite problems with the data, the table clearly shows that recruiting from South African veterans peaked in 1903 (when more than a third of recruits had definitely served in the war). More than a third of the recruitment intake in 1904-5 may have served in the war,
although this is not certain. The number of new police recruits who had either definitely or potentially served in the New Zealand Contingents falls off from that point; however, the number of recruits from other forces in South Africa picks up. In 1908 there were no recruits with service in the Contingents listed in their official records, and only eight with name matches, yet sixteen definitely came from other forces in South Africa. The reason for this upsurge is that while the small number of recruits listed in columns 4 and 6 in the years 1901 to 1904 are there because of service in Australian or British Contingents, from 1905 these columns consist of men who served in either the regular or (more often) paramilitary police forces whose job it was to subdue the country after the war, forces such as the South African Constabulary, the Cape Mounted Rifles and the Transvaal Police. Many of the men in these forces were recruited from among the regular troops who had fought in the war. In July 1900, future Prime Minister William Massey complained in Parliament that New Zealand’s contingents were under strength due to the number of troops leaving to join these paramilitary forces. Seddon expressed his disapproval with men shifting to the regular South African police, but was more in favour of those who moved to the paramilitary forces, as they reminded him of the Armed Constabulary which had played such an important role in New Zealand’s own wars.\(^{39}\) When these men were ready to return to New Zealand, the Government was only too happy to bring them into our own civil force.

In Richard Hill’s account, the already “quasi-military” spirit among recruits in the police training depot “became the more so with an influx of men who had served in the “Boer War”, a reminder that qualities such as toughness and ‘patriotism’ were still sought” alongside the newer virtue of “wise use of discretion”.\(^{40}\) Although the recruiting of South African veterans did not result in a system of recruiting entirely from the military, as had been in place until the 1890s, nevertheless the new practice does suggest that the police were far from being demilitarised.

Yet the reversal of attitude towards recruiting from the military did not prevent the same problems identified in 1898 from recurring, as evidenced by the Royal Commissions of 1905 and 1909 which, just as in 1898, focused on the alleged misconduct of officers. The 1905 Commission was set up to inquire into the specific circumstances leading up to the conviction of three constables for “shopbreaking and receiving,” in particular allegations from the press that the alleged ringleader, Constable Moses, had been “admitted into the Police service through influence” from politicians – one of the bogeys of the previous Commission – “hence proper inquiry was not made into his character”.\(^{41}\) Tunbridge’s successor as Commissioner, Walter Dinnie (another London Metropolitan Police import), found that “Moses’ good record” in the Sixth New Zealand Contingent in South Africa, as well as in the Permanent Artillery, had contributed to a lack of investigation into his past, allowing the recruit to hide two previous convictions. However, Dinnie believed there was “no foundation” to the allegations that Moses had been “the instigator of the crimes in

\(^{40}\) Hill, The Iron Hand in the Velvet Glove, p.114.  
\(^{41}\) AJHR 1905, H-16, p.5.
question and also the demoraliser of his colleagues,” since “a system of pilfering by several constables” had been “carried on during the last four or five years.”

Dinnie argued, in effect, that the misconduct had begun in the police, and was not, as alleged, introduced by a man from the military. In contrast to 1898, no criticism of poor discipline among recruits from the military made it into the Commission’s entry in the Appendices to the Journals of the House of Representatives. However, such criticism was aired: Auckland’s Inspector John Cullen stated that the “worst type of man I have found coming into the Force during my experience are returned troopers.” Sergeant Douglas Gordon agreed that “the contingentsers” had not been a success. Commissioner Dinnie also told the Commission that although there were “no doubt good men who have been to Africa,” in general “they are not up to the average.” When asked why, he replied that “when men get away like that they get loose in their habits and get up to all sorts of things that they would not if at home or in the Colony. They seem too to get to know too much and when they come back they think you cannot instruct them in Police duties.” No doubt aware that this observation would not be politically correct, he chose not to repeat it in the final Commission report, nor in any of his annual reports.

The Commission of 1909 which, like that of 1898, was much broader in scope than the very specific 1905 Commission, renewed these concerns. The Commission’s evidence contains a list of 18 officers who were dismissed or called upon to resign for various reasons: seven have prior military service listed among their details. Sergeant Luke Mullany of Port Chalmers argued that the “physique and general appearance” of the force had “greatly deteriorated”, which he attributed “a good deal to recruiting from the ranks of returned troopers from South Africa.” On the whole, Mullany felt that the practice had been “a dismal failure” as it had been “the means of introducing a good deal of what may be termed the larrikin element into the Force.” In response, Dinnie declared that “very few returned troopers have been taken on since I came to New Zealand”, and Mullany conceded his point. Since Dinnie took over from Tunbridge in June 1903, this is not entirely accurate, at least if we consider recruits who served in the paramilitary police forces of South Africa, although it really depends upon what Dinnie meant by “very few” in proportion to the overall number of recruits. In 1904, one-tenth of all recruits had definitely served in the New Zealand Contingents, and in 1908 one-sixth had served in at least some capacity. Ultimately, the Commission did not follow Mullany’s claims of larrikinism stemming from military service. Its report accused the Commissioner of being too lenient towards the “good deal of drinking” that went on “amongst the younger men in the Force”, but there was no mention of the military in this context. While the problems identified in 1898 cropped up again in 1909, they

42 AJHR 1905, H-16, p.5.
44 Ibid, p.652.
were no longer voiced with the certainty that had been apparent before the Contingents to South Africa became heroes.

Later in the Commission’s hearings, Commissioner Dinnie asked the Paymaster General of the New Zealand Forces, Robert Joseph Collins, to comment on his “shadowy idea that the police might be made the nucleus of an addition to the defences of the Dominion. In these days of outcry for compulsory training one has to consider these matters.” Dinnie asked if the policeman should be taught the use of the rifle; Collins believed he should. Dinnie asked if “a little military training would do the men good”, and Collins replied that it would improve “their bearing, discipline, and physique.” 49 Unlike Mullany’s complaints of military indiscipline, Collins’ praise of military discipline made it into the final report: “It seems to me that every constable on joining should be trained in the use of the rifle,” so that “the police force of New Zealand could be trained to become a most valuable and effective nucleus of an armed force whose greatest value would be shown at a time of future emergency, if such unfortunately arose.” 50 Despite the formal separation of police and military in the 1880s, the 1900s apparently required increased cooperation between the two forces.

By this time, the value of military training in imbuing men with the spirit of discipline and loyalty was widely accepted – hence Dinnie’s reference to the “outcry for compulsory training”. In particular, it had become a feature of the education of the nation’s boys. While schoolyard drill was provided for all boys in section 85 of the Education Act 1877, it was not widely enforced prior to the South African War. 51 In 1896, Seddon stated his personal hope “to see every youth in New Zealand trained to arms”, after which the youths would naturally join the Volunteers. 52 During the war he again voiced his support for “drilling and training the boys” and announced his intention to extend the system with a State-School Children Compulsory Drill Bill, since drill would “improve and develop” boys both morally and physically; “common sense” meant that since Germany was forcing military training on its youth, Britain and her sons would have to follow. 53 Compulsory drill was finally imposed in 1904, and the cadet movement “reached its zenith” two years later, with 280 companies and 15,000 boys. When Compulsory Military Training was introduced in 1909, all boys aged 12 to 18 were automatically cadets, while those aged 18 to 21 had to join the Territorials. 54 Jock Phillips has described the motivation for the drilling of New Zealand’s boys as the desire for “preserving the virility of New Zealand men.” 55

At the same time as the Government was organising the schoolyard drilling of cadets, the Boy Scout movement was taking root. Lord Baden-Powell’s Boy Scouts have their origin

50 Ibid, p.xl.
52 NZPD vol.92, 17 June 1896, p.68.
in their creator’s time in South Africa. While Baden-Powell was overseeing the defence of Mafeking against the Boers, his Chief of Staff set up a Mafeking Cadet Corps to coordinate the action of the town’s boys in carrying out tasks that the men, busy defending the town, did not have time to perform. Following the publication of his *Scouting for Boys* in 1908, the movement was quickly adopted throughout the Empire, part of Britain’s attempts at “national regeneration” following the Inter-Departmental Committee on Physical Deterioration. In New Zealand, Boy Scouts were soon organised at a national level by Maj. D. Cossgrove, who had served in South Africa where he met Baden-Powell. By the end of 1908 New Zealand had 36 troops numbering hundreds of scouts; in 1911 there were 15,000 scouts. Despite the military origins and military organisation of the Boy Scouts, and the aim of creating disciplined youth which the movement shared with the cadets, the Defence Act 1909’s requirement that all boys serve in the cadets came as a blow to the movement, as many of its boys were not willing to devote their time to both, resulting in a loss of 7,000 scouts between August and December 1911. Fortunately for the Boy Scouts, a Defence Amendment Act of November 1912 abandoned the compulsory training of boys under 14, allowing them to return to scouting, which then “settled down in harmony with the military authorities.”

In spite of his military background and the military origins of the Boy Scouts, Lord Baden-Powell always described his movement as non-military, simply because they practised scouting rather than drill. As Michael Rosenthal has argued, to describe the Boy Scouts as non-military, Baden-Powell had to adopt an overly-narrow definition of the term “militarism.” The official history of New Zealand Scouting notes that the growth of the movement attracted “a steadily recurring charge of militarism,” but uses the conflict between the movement and the compulsory cadet scheme as evidence that it was not, in fact, militaristic. Yet the same history quickly points out that this conflict was short-lived, resolving into “harmony”, and that the scouts would serve in the Great War much as they had in Mafeking, by taking on jobs – particularly delivering messages for the Government – left behind by the men who went to fight.

Meanwhile, the Boy Scout movement, compulsory military training for youths, and even the heroes of South Africa attracted bitter criticism from the labour movement. This criticism was particularly strong in the *Maoriland Worker*, the newspaper of the pro-strike Union organisation the Federation of Labour. The *Worker*’s correspondents described the Boy Scouts as “an organised, craftily subsidised effort for creating the kill-lust in boys”, and attacked the movement with the very arguments that it had used to promote itself, claiming that “automatic obedience” actually “ossified” and “suffocated” the boy’s manhood, turning him into a “slave”. Similarly, the jailing of boys who refused cadet service demonstrated the opposite of virility, it demonstrated that there was not “a spark of manhood left in this

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56 Rosenthal, p.53, 162.
59 Ibid, p.25.
60 Rosenthal, p.193-5.
61 Culliford, p.44.
country.”  

Whereas the Worker stated its support for discipline in the sense of “gaining control of oneself”, it described military discipline as “training so as to lose all self control and allow oneself to be controlled by others” and lose all “moral stamina”. The Worker also linked the military to the spread of prostitution, and alleged that Dannevirke had to be picketed to prevent drunkenness during a military camp. To the supporters of military training, army life made men disciplined and thus respectable; to the Federation of Labour, it took away manly self-control and created blood-lust. In the pages of the Worker, the “returned warriors who have come back covered in glory from South Africa” had gone to war not to defend Mother Britain but “to make the way straight for Chinese labor.” These heroes had been “so fawned upon and flattered that they have grown both incompetent and conceited, and hence they shirk civil employment.”

By 1912, New Zealand was a rapidly militarising society: the overwhelming majority of the public valorised soldiers as the epitome of respectable manhood. Veterans of the South African War had been welcomed as police officers and prison guards; since the introduction of compulsory military training in 1909, these officers and guards were used to enforce acceptance of militarism. Militant labour, declaring that militarism destroyed rather than rejuvenated manhood, was clearly ready for a showdown with this system, while Commissioner Dinnie had expressed his support for cooperation between the police and the military in a time of national emergency.

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63 Maoriland Worker, 5 July 1911, p.8.
64 Maoriland Worker, 8 September 1911, p.11.
65 Maoriland Worker, 10 November 1911, p.17; 17 November 1911, p.8; 1 March 1912, p.8.
66 Maoriland Worker, 19 August 1911, p.4.
### Table 3: Previous Service Records of Recruits to the New Zealand Police Force, November 1901 – December 1910.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Recruits</th>
<th>NZ Contingent to South Africa (definite)</th>
<th>Other forces in South Africa (definite)</th>
<th>NZ Contingent to South Africa (possible)</th>
<th>Other forces in South Africa (possible)</th>
<th>Permanent Artillery</th>
<th>Previous NZ Police service</th>
<th>Previous service in foreign police forces</th>
<th>Previous Service as gaol or asylum attendant</th>
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<tbody>
<tr>
<td>Nov-Dec 1901</td>
<td>32</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1902</td>
<td>57</td>
<td>11</td>
<td>1</td>
<td>2</td>
<td>a</td>
<td>b</td>
<td>9 abc (+2 Volunteers)</td>
<td>3 c</td>
<td>1</td>
</tr>
<tr>
<td>1903</td>
<td>31</td>
<td>10</td>
<td>3</td>
<td>3 a</td>
<td>0</td>
<td>4 b</td>
<td>1</td>
<td>0</td>
<td>2 ab</td>
</tr>
<tr>
<td>1904</td>
<td>50</td>
<td>6</td>
<td>2</td>
<td>16 bcd</td>
<td>3</td>
<td>3 a (+1 Volunteers, b)</td>
<td>0</td>
<td>2 c</td>
<td>4 def</td>
</tr>
<tr>
<td>1905</td>
<td>63</td>
<td>6</td>
<td>1</td>
<td>15 abcd</td>
<td>1</td>
<td>4 a</td>
<td>1 b</td>
<td>11 c</td>
<td>3 bd</td>
</tr>
<tr>
<td>1906</td>
<td>91</td>
<td>3</td>
<td>4 a</td>
<td>8 ab</td>
<td>1</td>
<td>7 b</td>
<td>2 c</td>
<td>10 c (+1 R. Navy)</td>
<td>0</td>
</tr>
<tr>
<td>1907</td>
<td>100</td>
<td>1 a</td>
<td>9 bcde</td>
<td>14 bfg</td>
<td>1 a</td>
<td>8 f (+1 Engineers)</td>
<td>0</td>
<td>14 aclde</td>
<td>1 g</td>
</tr>
<tr>
<td>1908</td>
<td>97</td>
<td>0</td>
<td>16 abcd</td>
<td>6 ab</td>
<td>0</td>
<td>9 g</td>
<td>2 g</td>
<td>12 cdef (+1 R. Navy)</td>
<td>0</td>
</tr>
<tr>
<td>1909</td>
<td>68</td>
<td>0</td>
<td>5 abc</td>
<td>5 a</td>
<td>0</td>
<td>1</td>
<td>3 d</td>
<td>9 bcd</td>
<td>0</td>
</tr>
<tr>
<td>1910</td>
<td>85</td>
<td>0</td>
<td>2 a</td>
<td>5 b</td>
<td>0</td>
<td>4 c</td>
<td>0</td>
<td>11 a</td>
<td>2 bc</td>
</tr>
</tbody>
</table>

**Notes**

The table begins when the first troops of the New Zealand Contingent returning home from South Africa became available for recruiting to the police, in November 1901.

Several police recruits are counted in multiple columns e.g. a recruit who had served in both South Africa and a foreign police force.

Other forces in South Africa includes: Australian Contingents; British troops; Cape Mounted Rifles; Kitchener’s Scouts; South African Constabulary; Cape, Natal, Durban and Transvaal Police.

Letters indicate an officer with entries in multiple columns – e.g. in row 1904, officer ‘a’ served in the Permanent Artillery and in a New Zealand Contingent to South Africa.

**Sources**

Police Force Description Book (Staff Book) 1857-1922 (NA: AAAJ 977, W3176, 1).

Nominal Rolls of the New Zealand Contingents: AJHR 1900, H-6; AJHR 1901, H-6 and H-6A; AJHR 1902, H-6, H-6A and H-6B.

Report of the Royal Commission on the Police Force of New Zealand, AJHR 1905, H-16B.

Report and Evidence of the Royal Commission on the Police Force of New Zealand, AJHR 1909, H-16B.

1913 – Militarism versus Militancy

As the twentieth century dawned in New Zealand, the popularity of the “Boer War” fed increasing public support for militarism. During this war, the militancy of the country’s labour unions was relatively low in comparison with Britain and her other colonies, but by the decade’s end the new Federation of Labour was loudly opposing popular militarism, and violent conflict between the military and militant labour was hastened by the passage of the Defence Act 1909. Introducing Compulsory Military Training, the Liberal Government significantly tightened the relationship between the military, the police and prisons. The police were tasked with forcing all men and boys over fourteen to attend drill; thousands would be prosecuted for non-attendance, and a handful had served brief prison terms by 1913. In the spring of this year, while the police were busy enforcing military regulations, a major strike broke out across the country’s mines and wharves, and the military rode in to assist police. Despite some attempts to hide cooperation between the Defence and Justice Departments, militant unionists were perfectly aware that the military forces they had been denouncing for years were finally being wielded against them.

The era of industrial conflict just prior to the Great War came after a decade in which New Zealand was genuinely a “nation without strikes”, following the passage of the Industrial Conciliation and Arbitration Act 1894. This Act in turn had been the Liberals’ attempt to avoid situations like that of the 1890 waterfront strike. In August of that year, seamen on Union Steamship Company ships in New Zealand struck in solidarity with Australian unions then in dispute with the company, and were soon joined by watersiders and miners, but by the end of the year the strike ended in the unions’ defeat. One of the methods the Government used to put down the strike was to call in the Permanent Militia in aid of the police: thirty Militiamen briefly helped police guard Wellington’s wharf at the end of August.¹ This was perfectly in line with the provisions of the Defence Act 1886, which allowed the Permanent Militia to act “in aid of or as a Police Force” with “the same rights, powers, and authorities” and “subject to the same rules, regulations, and orders” as the police.²

The Evening Post described the behaviour of strikers as “excellent”, and in the House of Representatives Henry Smith Fish asked why they “were being threatened and overawed by soldiers in uniform” when the police could easily cope with the strike. W.P. Reeves accused the Government of conspiring to “conceal the truth” by having “the military near at hand” yet “out of sight.” M.J.S. Mackenzie replied that the Militia were simply “policemen with a different uniform, and equally unarmed,” an indication of the ongoing and accepted interrelationship between military and police, in spite of the anti-standing-army tradition represented by Reeves. Capt. W.R. Russell, the Minister of Defence, told Fish that “the Government did not send down an armed force at all” as the Militiamen were “acting in their civil capacity, and not in their military capacity, far less as an armed force”, and the soldiers

² Defence Act 1886, s 75.
had already been removed. However, in late September constables were sent from Wellington to deal with greater strike trouble at Westport, while more Militiamen were sworn in to act as regular police in the capital.

While the Government also sought to utilise the services of Volunteer units against strikers, this was not sanctioned by the Defence Act, and as John Crawford has detailed, Volunteers in Westport showed their sympathy for strikers by leading a strike procession through the town. However, the Defence Department did swear in Volunteers as special constables, and Crawford cites this “additional manpower” provided by the state as a major factor in enabling the Union Steamship Company to break the strike. Due to the Liberals’ subsequent electoral victory and their passage of the Industrial Conciliation and Arbitration Act, such scenes did not reoccur for a decade and a half. The Act made striking illegal, but allowed unions access to an Arbitration Court where they could pursue claims for higher wages without having to resort to industrial conflict. However, by 1907 union leaders claimed that the Arbitration Court was no longer acting in the interests of workers; both 1907 and 1908 saw a dozen strikes in which unions refused to accept the findings of the court.

Most significant among the new wave of industrial action was the Blackball miners’ strike of 1908, which erupted when the miners’ union demanded an increase in their lunchtime “crib” from fifteen to thirty minutes without reference to the Arbitration Court. The Government and police resisted crushing the strike, with one constable telling union leader Pat Hickey that although he was required to lock him up overnight for refusing to pay a fine, “if you will meet me at the corner at nine to-morrow morning, it will be alright.” The Blackball miners won their case, and in October of that year met with other miners’ unions to create the New Zealand Miners’ Federation. The Government meanwhile passed the Trades Unions Act to allow groups such as the Federation to de-register from the Arbitration Act in order to strike without breaking the law. In 1909, the New Zealand Miners’ Federation opened membership to other unions, rechristened themselves the New Zealand Federation of Labour, and soon earned the nickname “Red Fed”; most of the country’s watersiders would join by the end of 1911.

In the same year that militant unions established the Federation of Labour, the Liberal Government under Prime Minister Joseph Ward gave Britain £1 million to build a dreadnought-class battleship, the HMS New Zealand, and passed a new Defence Act to reorganise the Dominion’s military forces in line with the recommendations given by the

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3 Evening Post, 1 September 1890, p.2-3; NZPD vol.69, 1 September 1890, 396-400; Crawford, “Overt and Covert Military Involvement,” p.68.
4 Evening Post, 20 September 1890, p.2.
8 Olssen, The Red Feds, p.27, 224.
Imperial Naval and Military Conference in London earlier that year. Leader of the Opposition William Massey had initially moved that the House recognise “that the existing Volunteer system has proved inadequate” and that it “should be replaced by universal training”, a motion Ward – also Minister of Defence – asked “to pass without debate or division”, but was not able to do so before Parliament adjourned. Upon re-election, Ward kept his promise by introducing a Defence Act to bring in Compulsory Military Training for all men and boys aged between twelve and twenty-one. Those aged under fourteen were to serve in the Junior Cadets, those under eighteen in the Senior Cadets, and the rest in the Territorial Force to be based upon the old Volunteers. Men who had completed training remained in the Reserve until their thirtieth birthday. The Government was careful to distinguish compulsory training from conscription: Attorney-General Dr. Findlay argued that “nothing” in the Act “amounts in any sense to conscription”, since men would be required to train, but only those who volunteered for service abroad would be sent into war. Such arguments placated those who would support compulsory training but not conscription on the belief that although Britain must prepare herself for war, she should not destroy her average soldier’s “innate capacity for warfare that the German soldier has not” created by the valour of the volunteering spirit.

Although Compulsory Military Training had been legislated for in December 1909, the Government delayed its implementation to await a visit from Field-Marshal Lord Kitchener the following year. Upon his recommendation, the age for compulsory service in the Territorials was raised to twenty-five. Those who refused to register, swear an oath, or serve would not only receive a fine of £5, but would be denied the right to vote. The Government was able to bring the Territorial Force up to its intended strength of 30,000 by late 1911 with “little difficulty”, in the words of its Commander-in-Chief. Nevertheless, a quarter of those eligible for the Senior Cadets and Territorials had failed to register, and a “vigorous anti-conscription” or “anti-militarist” movement soon emerged, especially in Christchurch, which refused to accept the distinction between compulsory training and conscription for war. By mid-1911 religious groups in that city formed the first of many Anti-Militarist Leagues, published a paper, The Anti-Militarist, and set up a National Peace Council to coordinate efforts. In the same year the Federation of Labour took over the Shearers’ Union paper the Maoriland Worker, which adopted a vehemently anti-militarist position from that point on. The Worker published a Roll of Honour of those imprisoned for refusing to pay fines for breaches of the Defence Act. Mocking military rhetoric, the

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14 NZPD vol.151, 22 September 1910, p.760.
15 Defence Act 1909, ss 50-51.
16 McGibbon, p.200.
17 Ibid, p.201; Weitzel, p.128-9, 132.
18 Weitzel, p.129-30.
newspaper posted a sort of recruiting advertisement, declaring “This is a time when men are needed. Men! Real men. Strong men. True men. Men who have convictions and are ready to go to jail for them. Men who are not afraid to die for what they believe to be right.” Just as advocates of militarism argued that real masculinity meant defending one’s nation, so militant unionists argued that real masculinity meant fighting against military service.

Counting exactly how many men and boys were prosecuted, convicted and imprisoned for resisting Compulsory Military Training is complicated by the fact that the *Statistics of the Dominion of New Zealand* and the Appendices to the Journals of the House of Representatives give quite different figures. The two major attempts by historians previously to analyse these figures have been deeply flawed; in order to resolve these problems I have included figures from both sources in Tables 4.a and 4.b. The *Statistics* figures count all offences against the Defence Act, whereas the AJHR figures are more specifically related to those who resisted compulsory training (refusing to swear an oath, refusing to register for training, refusal to attend or obstruction of parade), and are therefore generally preferable: they indicate an “honour roll” of 78 imprisoned for refusing to pay fines, which I have taken as the most accurate figure, although the possibility that the 122 given by *Statistics* to the end of 1912 may contain some genuine resisters missed by the AJHRs cannot be entirely discounted.

In supporting these men and boys, the *Maoriland Worker* was not simply taking a position against war, but articulating this position within its publishers’ belief in class conflict: “It is called “military training,” but it is conscription. And it means militarism... It is the offspring of Capitalism. It is Capitalism’s last defence.” To the Federation of Labour, militarism was synonymous with capital because of the provisions in the Defence Act for using the military to suppress industrial action. In the Defence Act 1909, the Permanent Force – referred to as the Permanent Militia in the 1886 Act and commonly known as the Permanent Artillery – retained the power to act, on the order of the Governor, “in aid of or as a Police Force”, with “the same rights, powers, and authorities” as the police in any case of “sudden or extraordinary disturbance of the peace, or whenever any such disturbance is immediately apprehended”, although they could no longer do so merely to pursue offenders or convey prisoners. Although there was no provision for the Territorial Force to act in this manner – just as the 1886 Act had made no provision for Volunteers to act as police – the

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20 *Maoriland Worker*, 20 April 1911, p.13.
21 R.L. Weitzel cites *Statistics* figures for 1912, but notes that the figures are for all offences against the Defence Act, not just compulsory training, although he argues “it is reasonable to assume” that most were for resisting compulsory training. He then uses the more specific figure of persons refusing to register, swear an oath or attend parade given by the AJHRs for the period 1 May 1913 – 30 April 1914, but does not explain why he uses the different sources for each period. He also incorrectly lists only the figure for summons as “summons or arrests”, resulting in the figure of 3,185 summons and arrests for 1912, as he did not add the 2 from the arrests column. Paul Baker, whose figures are most commonly cited by other historians, relies solely upon the *Statistics* but unlike Weitzel states that the figures consist entirely of “youths” who were “prosecuted for absence from parade”, a claim disproven by the more specific figures in the AJHRs. Furthermore, both historians cite only the number of Pakeha prosecuted against the Defence Act, without indicating that they have neglected to include the figures for Maori. Weitzel, p.141, 147; Paul Baker, *King and Country Call: New Zealanders, Conscription and the Great War* (Auckland: Auckland University Press, 1988), p.12.
22 *Maoriland Worker*, 12 May 1911, p.8.
23 Defence Act 1909, s 17.
Federation firmly believed that the creation of the Territorial Force was, in part, an attempt to put another weapon in the hands of employers during “class conflict.” C. Reginald Ford wrote an ongoing series for the *Worker* entitled “The Case Against Military Training,” in which he argued that compulsory training degraded men and was really conscription with the intent to force men to fight overseas. At the conclusion of this series, Ford added “another danger of militarism in any country”: that “Compulsory Military Service may possibly lead to the Oppression of the Workers.” Ford cited the example of the “citizen army” of Switzerland, which “had used their guns upon their fellow workers” in thirteen strikes, resulting in eight deaths: “In some of these cases the soldiers were (until called upon by the authorities) strikers themselves.” Two weeks later the newspaper generalised that “the military is always utilised against the employees and for the employers”.

Although the Federation of Labour represented a small fringe of public opinion in the Dominion, the Government was aware of much wider opposition to certain aspects of compulsory training, particularly the imprisonment of minors who refused to pay fines. Members of the House of Representatives described the “utterly demoralizing” indignity of treating such boys as “common criminals”. Since the Government did not list offences against the Defence Act in the Police Force’s annual return of offences – even though the police enforced these regulations just like any other law – resisters were clearly not regarded as “common criminals”, whatever the public support for compulsory training. In July 1911 a correspondent to the *Maoriland Worker* predicted that the “workers” would “refuse” to vote “guns... into the hands of the capitalist class”, but the following year the Reform Party, to the right of the former Liberal Government and led by William Massey, who had first proposed compulsory training in Parliament, was elected to office. However, Massey’s Government heeded criticism of the compulsory training scheme by eliminating compulsory membership of the Junior Cadets and substituting service in military custody of up to 28 days instead of imprisonment for those who refused to pay fines for resistance. Those in military custody were forced to drill three times daily, therefore completing some form of military training whether they liked it or not. This change meant that boys who refused training would not be kept in cells with other criminals. However, if we follow the AJHR figures, the number of men and boys who would undergo military detention from the time of the law change in December 1912 until the end of April 1914 was triple the number who had been imprisoned for the same offence from the scheme’s introduction in 1911: 247 against 78. Furthermore, militant unions were particularly outraged that the new Government aimed to avoid detaining resisters by “garnishing” unpaid fines directly from workers’ wages.

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24 On the illegality of calling out the Territorial Force during a “civil disturbance”, see Maj-Gen. E.W.C. Chaytor to the Minister of Defence, 29 September 1920, in “Aid to the Civil Power” (NA: AD 11, 1, 2/1).
25 *Maoriland Worker*, 8 March 1912, p.5.
26 *Maoriland Worker*, 22 March 1912, p.8.
28 See for example AJHR 1914, H-16, p.14-5.
29 *Maoriland Worker*, 14 July 1911, p.13.
30 Defence Act 1912, s 2, s 44.
31 AJHR 1913, H-19, p.45-6.
32 Weitzel, p.138-40.
The *Maoriland Worker* continued to accuse the Government of creating a “conscript army” for use against labour, citing an article in the Christchurch *Press* which thought it “conceivable that the community might have to invoke the military aid of the State against the militant trade unions”. The *Worker* even predicted that potential sympathisers with its cause would be rejected from the Territorials in order to make the force more effective in a showdown between the unions and Government. Historians of the period, particularly Richard Hill and John Crawford, have argued that the Reform Government did indeed seek to “destroy” the Federation of Labour. In the first “showdown” between Reform and labour, at Waihi in 1912, the Federation’s warnings proved false, as the police were able to crush the miners’ strike without recourse to military aid.

The Waihi Miners’ Union strike began in May 1912 after the Mining Company allowed a group of drivers to establish a more moderate pro-Arbitration union; it continued through the election of Massey’s Government in July, and ended with the “red” miners’ union’s defeat and expulsion from town in November. According to a commission appointed by Massey to report on the strike, one major reason for the drivers’ secession from the miners’ union was the latter’s “continued display of anti-religion and anti-defence tactics”. Shortly before their fall, the Liberals had appointed John Cullen as Commissioner of Police. The first Commissioner to “rise through the ranks,” he had entered the New Zealand Police in 1876 at the age of twenty-five after a period of service in the Royal Irish Constabulary. Known to be so disciplined in his personal behaviour – and expecting the same of his subordinates – that some accused him of being “absolutely soulless”, he had developed a reputation for quarrelling with his superiors while head of Auckland district, but soon became a “close personal friend” of the new Reform Minister of Justice, Alexander Herdman. Following the Commission’s report on Waihi, the Mining Company prepared to bring in strikebreakers in September, and Cullen arrived in person with police reinforcements. Strikers were arrested for insulting language, while free labourers were allowed to deface the union hall.

Richard Hill has cited Cullen’s correspondence with Herdman as evidence that the Commissioner sided with the employers: in September, he wrote that “by continuing our present line of action I think the strike will collapse within a week of Waihi Mine starting operations.” On Friday 8 November, after meeting with the local director of the Waihi Gold Mining Company, police began the practice of marching free labourers to the mine through the centre of town, and the following Monday Cullen told Herdman that it was “very laughable to see” strikers flee “in all directions” after the free labourers “dealt out many cut

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33 *Maoriland Worker*, 28 February 1913, p.4.
36 Commissioners to the Secretary for Labour, 2 August 1912, in “Strike Files – Correspondences and telegrams concerning the strike from public bodies and interested parties in Waihi, and also the papers of commissioners sent to the town to collect evidence - September-October 1912” (NA: PM 9, 3 12).
faces bleeding noses and black eyes”. On Tuesday, strikebreakers and police stormed the union hall, striker Frederick George Evans was batoned by Constable Gerald Wade, locked in police cells for most of the day, and finally died in hospital a day later, while the rest of the strikers were evicted from the town. Employers, Government and police had managed to crush a “Red Fed” strike without calling in the military, by showing that they possessed enough violent force of their own.

At the start of the following year, Cullen was faced with union agitation within the Police Force itself. Due to constables’ grievances over pay, fifty constables met in the Auckland Trades Hall in April to launch the New Zealand Police Association. Mark Derby has attributed the formation of this Association to dissent among police officers over the tactics used in Waihi, Cullen’s favouring of ex-Royal Irish Constabulary men, and his requirement that constables drill on their days off without pay. Auckland Superintendent Mitchell declared the meeting a breach of regulations, but did not punish those involved. Herdman accused militant unionists of sowing “discontent in the ranks of the police” in the aftermath of Waihi. Cullen responded by transferring the Auckland Branch secretary of the Association to Greymouth before dismissing him entirely, although Herdman eventually compromised by allowing constables to join the Public Service Association in July.

Having dealt with dissent inside the police, Cullen and Herdman were now free to turn their attention back to the Federation of Labour, who were then holding a second Unity Conference to consolidate their transformation into a United Federation of Labour. The Federation threw its support behind the shipwrights of the Wellington Waterside Workers’ Union, who were claiming travelling allowances from the Union Steamship Company. In early October, a Huntly mining company sacked sixteen workers; claiming they had been sacked for their role in the Federation, almost six hundred of their fellow workers went out on strike. In the middle of the month, the Union Steam Ship Company rejected the Wellington shipwrights’ claim, and they too struck, setting the final showdown between the “Red Feds” and the state in motion. Massey’s Government passed an amendment to the Arbitration Act to outlaw the giving of aid to strikers’ families, which unionists claimed would only bring about further revolt, and Wellington’s watersiders decided to hold a stop-work meeting at 8 a.m. on 22 October “to consider shipwrights’ grievances and claims”. Since this meeting breached their agreement with the Steamship Company, the watersiders found that when they tried to return to work they had been locked out and replaced with other men. Two days later they took over the wharf and prevented any further work; by the end of the month the United

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41 Derby, p.52.
43 Hickey, p.70-6; Franks, p.10.
44 Evening Post, 21 October 1913, p.2, 6.
Federation of Labour ensured that the strike spread to the wharves at Auckland, Westport, Lyttelton, Dunedin and Greymouth.45

While the need for police to enforce “law and order” during the strike was accepted by both sides, the interpretation employers and employees gave to “order” was very different. To strikers, order meant simply keeping peace by preventing bloodshed; to employers, and to the farming community, the strike was itself a transgression of order, as the shutting down of the country’s external trade threatened economic collapse. The Government clearly took the employers’ definition. On 5 November, Massey wrote to Auckland’s mayor Christopher Parr that his intention was “to secure a settlement which will prevent for some years to come a recurrence of this turmoil” since strikers bringing the commerce of the entire country to a standstill fitted his definition of disorder. While police resources may have been adequate to ensure immediate peace by preventing bloodshed, Massey, as well as Herdman and Cullen, knew they were inadequate to ensure long-term economic peace, and called for thousands of mounted special police from the country. With some three thousand “out in force” in Auckland and Wellington at the time of his letter to Carr, Massey argued the time had come “to have something definite before they are compelled to return to their homes.”46 A week later, he felt there would “never be industrial peace in this country so long as the ‘Red Feds’ are allowed to control matters or even interfere”.47

Those who opposed the strike also sought to describe the conflict in terms of a national defence against “violent foreigners”, with the Evening Post arguing that the “chief offenders” in riots against order were not “colonial born.”48 According to this view, real New Zealand working men were simply deceived by foreign union leaders. Erik Olssen has argued that this is the opposite of the truth. In a meeting with the United Federation of Labour on 28 October, Massey and the employers had offered to let the watersiders return to work without registering under the Arbitration Act, provided the union paid a £1,000 bond to cover losses from any subsequent stop-work action. The Federation’s leaders (who were predominantly Australian imports), suspecting they would lose if the strike dragged on, had wanted to accept the offer, but the workers rejected it. The next day when the bond offer was lowered to £500, they again rejected the offer. On 2 November, after a week of violent clashes, the union decided to accept the offer, but the Employers’ Federation now felt they could not trust any union not registered under the Arbitration Act, and refused to bargain. Olssen claimed that the union leaders’ rhetoric was “fiery” simply to inspire the confidence of their men, and that the union knew this, “but the new Government did not”: to Massey, the strike was not simply a dispute over wages, but a defence of Britain against foreign elements.49

To the Federation, Massey’s belief that maintaining law and order in the long-term meant actively siding with employers to crush the strike constituted “Lawless Law”: “it

45 Franks, p.11-2.
46 W. F. Massey to C. J. Parr, 5 November 1913, in “Strike Files - 1913 Waterfront Strike - 30 October-13 November 1913” (NA: PM 9, 3 13).
47 W. F. Massey to J. H. Gunson, 11 November 1913, in “Strike Files - 1913 Waterfront Strike - 30 October-13 November 1913” (NA: PM 9, 3 13).
48 Evening Post, 6 November 1913, p.8.
would almost appear as if men who run the Massey Government were deliberately
devouring to precipitate armed conflict in Wellington and Auckland." 50 Unlike the
previous year’s strike at Waihi, which, as an isolated incident in a small town, could be put
down by civil police and strike-breakers alone, the state recognised that such a nation-wide
conflict required the use of the military, as per section 17 of the Defence Act. The full story
of the military’s involvement in this strike has been preserved for us in a memorandum which
the Chief of the General Staff, Col. Edward Heard, compiled from his diaries some six years
after the fact. On 28 October, Heard learnt that Massey had decided to use Artillerymen “to
take the place of regular police in the streets” of Wellington. Although perfectly in-line with
the Defence Act, Heard objected, partly because he wanted “to keep the Defence Department
entirely out of any active participation in the strike troubles” and partly because he
“considered that it was not fitting that soldiers should play the part of police, it is not their
duty.” 51 Heard in fact argued that the Government and police could have “taken adequate
measures to meet the situation and never let it get out of hand” since they knew trouble was
brewing. “Strong measures” such as enrolling special constables “were not taken at the start”
even though such measures could potentially “prevent trouble and nip it in the bud.” Heard
then stated that “as this may have been a matter of policy, perhaps it is not proper to criticize
it.” 52 Richard Hill has interpreted this statement as Heard’s admission that the Government
intentionally increased the level of “short-term disorder” during the strike in order to justify
their destruction of the union. 53 Graeme Dunstall and Miles Fairburn have argued that Heard
was instead merely criticizing Cullen’s “error of judgement”. 54 While Heard’s statement,
taken on its own, could be interpreted in two different ways, and Hill’s response to Fairburn,
that police “decision-making is generally efficient” is an over-generalisation, nevertheless
Hill’s interpretation fits in with the broader pattern of government statements regarding the
strike, such as those of Massey’s that I have quoted above. 55

Despite his misgivings of police policy, Heard told James Allen, the Minister of
Defence, he would help the Government control the strike by organising special police, so
long as this meant the Artillery would not be engaged in civil policing duties, an offer which
Massey and Herdman accepted. Heard contacted the officers commanding the Wellington
and Auckland military districts, and arranged for the Squadron Commanders of the
Territorials in Wellington District “to go into their districts and get the names of all the men
they could persuade to come into Wellington as Mounted Special Constables.” Heard argued
that “these Squadron Commanders were not acting in their Military capacity but as Citizens
assisting the police.” Heard justified this claim with the statement that the Commanders
“were chosen for the purpose because they should know all the likely men in their Districts,
not necessarily the Territorials in their Squadrons but the Settlers, farmers & c.,” and added

50 Maoriland Worker, 12 November 1913, p.4.
51 Col. E. Heard, “Waterside-Workers Strike – October, November, December 1913,” in “Aid to the Civil
Power” (NA: AD 11, 1, 2/1), p.5.
52 Ibid, p.4.
54 Graeme Dunstall, “Governments, the Police and the Left, 1912-51: Notes,” in On the Left: Essays on
Socialism in New Zealand, ed. Pat Moloney and Kerry Taylor (Dunedin: Otago University Press, 2002), p.225-
6; Fairburn, “Interpreting 1913,” p.64-5.
55 Hill, “The Police, the State, and ‘lawless law’,,” p.84-5.
that “the Territorials in the special police were in a minority.” 56 John Crawford has agreed with Heard’s claim that “more than half the rank and file... may not have been Territorials”, but pointed out that practically “all the officers of the mounted special constables in Wellington were drawn from units of the Wellington Mounted Rifles Brigade.” 57 Heard thought that once recruiting was over the police would take charge of the specials, and initially refused to house them at the Drill Hall in Buckle Street, even though it was “the best place” to keep them protected from rioters, because “I did not want the Defence Department mixed up in the affair”. 58

The Commander soon found events move beyond his control. On 30 October, against Heard’s advice to keep the mounted specials out of the city until there were sufficient numbers “to protect themselves when they entered the town”, Cullen brought in the first twenty to the Post and Telegraph Stores near the waterfront. Strikers promptly attacked “with stones and all kinds of missiles”; meanwhile foot specials, recruited from the civilian population of the city, were attacked after enrolling at the Town Hall and chased through the city. During a riot against the specials in Post Office Square later that evening shots were fired, and Heard accepted there was no alternative but to house the mounted specials on Defence property in Buckle Street. 59 To quell this riot, Wellington Police Superintendent Ellison and Magistrate Riddell boarded the H.M.S. *Psyche* requesting the presence of naval “blue-jackets” on the wharf; the sailors paraded “with cartridge belts, rifles and fixed bayonets.” 60 Although this show of force helped prevent violence, the Secretary of State for the Colonies was not impressed and subsequently reminded the Governor not to disembark naval forces except in cases of “extreme danger”. 61

When “a large body of strikers” formed outside the Drill Hall the next day, Heard “immediately called out” the Artillery “and in a very short time the two ends of Buckle St. were strongly held by the Artillerymen supported by two machine guns.” Even though heavily armed military forces were now participating in control of the strike on the streets of Wellington, Heard still insisted that the Artillery “took no part” in controlling the riots, as they “had to stand passively between the rioters and their targets, the special constables”. 62 The strike leaders asked their supporters not to attack the “blue police” but to “go for the specials”, and Richard Hill and Erik Olssen have described tension between regular and special police, as well as constables’ sympathy for the strike. 63 Yet despite Heard’s contention that his men were not actively involved, they did not receive similar sympathy from the opposition: on the weekend of 1-2 November, Artillery guarding Buckle Street were “subjected to annoying attacks by the crowd”, who stoned an “Artillery cart with stores,
guarded by mounted men” and slashed the tires of motor-car “used by the military authorities.” Furthermore, since Heard realised the police were unable to organise these special constables, he appointed Col. Stuart Newall, the retired veteran of Parihaka, South Africa and the Dog-Tax Rebellion, to command the specials, with Col. Russell – Commander of the Wellington Mounted Rifles – to assist the elderly leader.

On the evening of 3 November, when around a thousand mounted specials were encamped on Defence property, creating havoc with the drainage system, a crowd of thousands approached to protest the presence of “armed invaders”. The crowd threw missiles at the guard, who turned a hose on their attackers; after this failed to disperse the crowd, a cavalry charge of mounted specials were “ordered not to use either batons or revolvers, but to disperse the crowd by forcing their horses through its ranks.” At some point, protestors with revolvers began shooting at the specials. According to the Strike Committee, “shots were fired by drink-mad specials” in return. A 39-year-old Artillery officer, Sgt-Maj. Thompson, was struck in the head by a rock, and Capt. Symon received a pistol shot through his overcoat. Among the crowd, 18-year-old Arthur Dockery was shot through the shoulder, and 9-year-old George Duncan through the foot. Commissioner Cullen “stated emphatically” that neither police nor special constables returned fire. However, the fact that both shooting victims in the crowd were injured by bullets fired downward suggests they were shot by troops on horseback, and a Dominion reporter on the scene, Pat Lawlor, later insisted that the specials had fired on the crowd, but that his report had been censored by Commissioner Cullen himself.

Col. Heard would later argue that launching “mounted men unsupported by others on foot in the dark at the crowd was an error of judgement” as the rioters simply re-launched their attack from the shelter of nearby buildings. Heard would have liked foot specials to follow-up on foot, but they were not present. Eventually the crowd was dispersed by Maj. Hume of the Artillery forces, who “came forward unarmed and spoke to the crowd who quietened down and finally melted away”. Two days later, Heard informed Massey and the Citizens Defence Committee that the specials were “becoming very restive” since they had come “to break the strike” but were being kept in camp. The Committee agreed to break the strike and begin loading regular cargo the next day, and to prepare for this immediately by loading thirty race-horses bound for Christchurch. A committee was formed to organise this action; Heard was included “but afterwards resigned as I did not want the Defence Department to be mixed up in the affair”, surely a case of attempting to lock the door after the horse has bolted. A column of 800 mounted specials escorted the shipment through the

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64 Evening Post, 3 November 1913, p.8.
65 Heard, p.11-12.
66 Evening Post, 3 November 1913, p.3; Director of Equipment and Stores to Quartermaster-General, 20 March 1914, in “Labour relation, etc - Headquarters (Wellington) industrial disturbance” (NA: AD 19, 32, 99/5).
67 Evening Post, 4 November 1913, p.8.
69 Heard, p.12-3.
city that afternoon, and reached Featherston Street before they were attacked by a fusillade of objects. Heard would claim that the decision not to use foot specials to follow-up attackers hiding among buildings was again “disastrous”, although he had already declined the opportunity to influence planning. 71 At the entrance to Waterloo Quay, the driver of a steam wagon attempted to smash into the column; finding himself at the end of a regular constable’s revolver, he tore off his cap and shirt screaming “Shoot me, you ---. Shoot me.” 72 Despite such vigorous opposition, the specials successfully loaded their cargo, and from that point on normal shipping resumed.

Just as the Wellington strike was broken, events heated up in Auckland. Special constables in this city were recruited by the Farmers’ Union rather than Territorial commanders, although it should be noted that the Auckland Provincial President of the Union, in charge of the recruiting, was Maj. D.H. Lusk, a retired Volunteer officer, and like their Wellington counterparts the troops were commanded by local Territorial officers. 73 On 6 November, while port activity resumed in Wellington, almost 2,000 specials were encamped in Auckland domain. Two days later, half of the contingent, along with a small number of regular police, seized the waterfront and trashed the watersiders’ union offices. 74 In response, the United Federation of Labour called a general strike, and in two days time almost 10,000 workers were on strike across the city. But they could not take back the wharf, and had to call off the strike on 22 November. 75

Although the “Red Feds” had “not been strong” in Christchurch, Lyttelton wharf remained shut. A camp of 800 mounted special police had been set up at Addington Showgrounds. Like their northern counterparts, these troops were organised by the Commander of the district’s Mounted Rifles, led by Territorial officers, and assisted by the Permanent Force. On 25 November, “under cover of darkness”, 400 “cavalry” and 300 “infantry” successfully “invaded” the port and brought in free labour. 76 A similar camp was set up in Dunedin, but there regular police were able to open the wharf on their own. Acknowledging defeat, the United Federation called off the waterfront strike on 20 December and the miners’ strike nine days later. 77

While military force was instrumental in their defeat, the union was also undermined by weak leadership and disunity. Had the leaders convinced Wellington’s watersiders to accept the employers’ offer of a return to work in exchange for £1000 or even £500, armed conflict could have been avoided and the Federation would have ended the year in a much stronger position than they did, having to compete with the new Arbitration unions set up by strikebreakers. Military force only became significant after the Federation failed to steer their members away from combat. Once combat had been joined, the Government was eager to conceal the military’s role. This is demonstrated by the fact that Heard’s memo is stamped

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72 Evening Post, 6 November 1913, p.8.
75 Franks, p.15-6.
77 Franks, p.19.
“Secret” and by his constant protestations of the Artillery’s “passive” role. In Parliament too, Massey sought to maintain this image. On 30 October, Leader of the Opposition Joseph Ward protested against the Government’s “lawless law” tactics, preferring instead a simple avoidance of bloodshed. At one point he deplored the fact that the Post Office Square crowd “found themselves in the position of being galloped over by a number of cavalrymen from the country”. Massey immediately interjected “You mean constables, surely”, and reaffirmed his belief that the maintenance of law and order meant a duty “to keep the ports open, to keep the commerce of the country going”. 78

While acknowledging such questions regarding the military’s involvement, John Crawford has portrayed the Government’s attempts to hide this involvement as largely successful: “Generally... the Defence Department and the government managed to successfully conceal the true extent of military involvement in the strike. It appears that although many people were suspicious about how the government had used the armed forces during the strike, they could not obtain the hard evidence needed to substantiate their suspicions.” 79 I would argue that both the strikers and the public, particularly in Wellington, did not need access to secret Government archives to know with absolute certainty that the military was in charge of the mounted special police. They had seen with their own eyes that the mounted specials were kept in the Defence Department’s Drill Hall, equipped from military stores, and guarded by Artillery machine guns. They could work out, with a reasonable degree of certainty, that the specials were trained by and partly recruited from the Territorials. This certainty is demonstrated not only by the radical press, but also by the mainstream papers. Recruitment notices in the Evening Post specifically asked for “ex-troopers”, and when the specials arrived, the Post remarked on “the presence of ex-Volunteers” from the contingents to South Africa. 80 The Post repeated Heard’s claims that the Artillery guard on Buckle Street were there “solely for the purpose of protecting Government property”, but later described the active participation of Artillerymen in fights with rioters. 81 On 6 November, the paper’s editorial argued that the “violent must receive a memorable lesson on the risks of violence”, and printed the “King’s Regulations and Orders for the Army”, stating that “when violent crimes are being, or are likely to be, committed”, it was the duty of any military officer to “take such action as he thinks necessary, although he has not received any direction from a Magistrate”. 82

In the Maoriland Worker, accounts of the military’s role were unsurprisingly less supportive. Reporting the reopening of Lyttelton wharf, the Worker described a “very successful attack” by “Colonel Chaffay and his gallant troops.” These “splendid soldiers” wearing “military trousers and puttees, but otherwise disguised as honest farmers,” took the port “after a heavy and arduous march”. 83 This journalistic satire on the heroic cavalry charge is reminiscent of a similar piece on the invasion of Parihaka mentioned earlier. On New

78 NZPD vol.166, 30 October 1913, p.440-2.
80 Evening Post, 29 October 1913, p.8; 30 October, p.7.
81 Evening Post, 1 November 1913, p.5.
82 Evening Post, 6 November 1913, p.2, 6.
83 Maoriland Worker, 3 December 1913, p.6.
Year’s Eve, the Worker stated that the “fallacy” of Government claims that compulsory military training was “solely for the purpose of repelling a foreign invasion” were shown “by the readiness with which the military system is employed in all parts of the Dominion to enrol Territorials as ‘special constables’ for the towns. These ‘specials’ are housed, fed, and kept in military barracks, and have the use of military tents and equipment.” In cases of future industrial trouble, the Navy would again “be used, as in the case of the Psyche and Pyramus, which were ordered by wireless to come into Wellington and Auckland, respectively. The men were paraded on the waterside and fixed bayonets, and in the case of the Psyche in Wellington, sixty rounds of ball cartridge were served to each man.”84 Although the Navy’s correspondence shows they would have been reluctant to fire, the Worker was simply following the mainstream press in detailing their armed presence. In December 1913, the National Peace Council and Manawatu Flaxmill Employees’ Industrial Union of Workers both reported rumours that the Government was moving to organise a Farmers Constabulary Corps “on military lines” but under the control of the Farmers’ Union, and the Minister of Defence had to reply that there was no such plan.85 While this rumour may not have been accurate, it reflects unions’ very real knowledge that they had been defeated in Auckland by a Constabulary Corps run in cooperation between the Farmers’ Union and Department of Defence.

Following on the heels of debate over Compulsory Military Training, the industrial conflict of late 1913 was not a case of struggle between labour on the one hand and employers and police with secret military help on the other. It contained elements of open combat between a militantly anti-militarist left, and a Government wielding military force in full view of the press and public. Although efforts were made to conceal this force in line with the British anti-standing-army tradition, these efforts were ultimately half-hearted and unconvincing. The anti-standing-army tradition was not gone, but it was subservient to the popularity of militarism on the eve of the Great War.

84 Maoriland Worker, 31 December 1913, p.8.
85 Percy T. Robinson to James Allen, 22 December 1913; James Allen, reply undated, in “Labour relation, etc - Headquarters (Wellington) industrial disturbance” (NA: AD 19, 32, 99/5); Maoriland Worker, 24 December 1913, p.6.
### Table 4.a: Persons prosecuted under the Defence Act

– from *Statistics of the Dominion of New Zealand*

<table>
<thead>
<tr>
<th>Year</th>
<th>Arrests and Summons – Pakeha</th>
<th>Arrests and Summons – Maori</th>
<th>Convictions – Pakeha</th>
<th>Convictions – Maori</th>
<th>Imprisoned in lieu of fine or surety – Pakeha</th>
<th>Imprisoned in lieu of fine or surety – Maori</th>
</tr>
</thead>
<tbody>
<tr>
<td>1911</td>
<td>28</td>
<td>1</td>
<td>12</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>1912</td>
<td>3,187</td>
<td>36</td>
<td>1,924</td>
<td>19</td>
<td>120</td>
<td>0</td>
</tr>
<tr>
<td>1913</td>
<td>7,030</td>
<td>36</td>
<td>4,819</td>
<td>30</td>
<td>139*</td>
<td>30</td>
</tr>
<tr>
<td>Total</td>
<td>10,245</td>
<td>73</td>
<td>6,755</td>
<td>49</td>
<td>261</td>
<td>30</td>
</tr>
</tbody>
</table>

*Includes 113 imprisoned in lieu of fine or surety and 26 peremptory imprisonment.

**Sources**
- *Statistics of the Dominion of New Zealand*, 1913, p.175, 179.

### Table 4.b: Persons prosecuted under the Defence Act

For Non-registration, Refusal to take Oath, and Absence from or Obstruction of Parade.

– from *Appendices to the Journals of the House of Representatives*

<table>
<thead>
<tr>
<th>Year</th>
<th>Prosecutions</th>
<th>Convictions</th>
<th>Imprisonment</th>
<th>Military Detention</th>
</tr>
</thead>
<tbody>
<tr>
<td>To 30 April 1913</td>
<td>3,903</td>
<td>2,730</td>
<td>78*</td>
<td>13</td>
</tr>
<tr>
<td>1 May 1913 – 30 April 1914</td>
<td>4,880</td>
<td>4,146</td>
<td>0</td>
<td>234</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>8,783</strong></td>
<td><strong>6,876</strong></td>
<td><strong>78</strong></td>
<td><strong>247</strong></td>
</tr>
</tbody>
</table>

* Figure listed as “Total imprisoned or placed in detention since inauguration of scheme” and is contrasted with those placed in “military detention”, so I have taken the figure as exclusive of the latter.

– AJHR 1913, H-19, p.10

**Sources**
- AJHR, 1915, H-19, p.11.
Conclusion

When Col. Arthur Hume retired as Inspector of Prisons in 1909, his replacement came from a medical rather than military background: Dr Frank Hay, the Inspector-General of Hospitals. The new Minister of Justice, Dr John Findlay, introduced the Crimes Amendment Act 1910 in an effort to make prisons more medically curative. Hay’s successor Charles Matthews, in charge from 1912 to 1924, criticised Hume’s era and argued that as violence breeds violence, prisoners should be taught responsibility, rather than be further brutalised. This transition from Hume’s advocacy of military discipline to the leadership of Hay, Findlay and Matthews suggests a demilitarisation of New Zealand’s prisons. Yet it took place alongside the surge in popular militarism documented in chapter four, and the conflict between militant labour and military-trained special constables documented in chapter five. Due to the provisions of Compulsory Military Training, jails were used for over a year to enforce military regulations; although this sparked outcry, the Reform Government’s answer was to set up military detention, a kind of imprisonment within the Defence Force.

Both military and non-military prisons continued the tradition of making punishment profitable, discussed in chapter two. In 1914, Invercargill prisoners produced concrete blocks, Wellington prisoners produced bricks and boots, and at Waikitea tree-planting prison, inmates had brought 300 acres into cultivation, with the aim of covering five times as much land. Findlay and his successors had set up two tree-planting prisons for first offenders: in 1913, an average of thirty men worked on these projects each day, clearing and planting 591 acres over the course of the year. The popular belief that military drill was the best way to produce disciplined morality in boys spread to the prison system, and drill was instituted for all Auckland prisoners in July 1913. Convicts in both Wellington and Lyttelton continued to work for the Defence Department on harbour defences, planting trees and quarrying stone. Findlay’s desire for to cure criminals of their disease did not conflict with the age-old desire to make prisons at least partially profitable – after all, as I showed in chapter two, profit and cure were linked by the belief that idleness was the cause of much crime. Furthermore, Hume’s retirement did not end the use of prisoners to help in the defence of the Dominion’s borders.

The policeman’s duty to enforce military regulations and the soldier’s duty to help maintain domestic order detailed for the pre-war years in chapter five became greater during the Great War, particularly after conscription was voted for in 1916 and imposed the following year. Miners and watersiders took industrial action against conscription from January 1917 – action illegal under War Regulations – resulting in a number of arrests, although the action ended reasonably quietly in April. A year later, almost two hundred men were doing hard labour in prisons and prison camps for refusing to fight in the war; the

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3 Ibid, p.6.
5 Baker, p.159-61.
Government made an example of fourteen who were sent to the trenches in France, and four of these men were eventually subjected to “Number One Field Punishment,” tied to poles under the snow in excruciating torture. After public criticism of the treatment objectors received in prison, the Government decided in March 1918 to send those beginning their sentences to Wanganui Detention Barracks, where Lt. Crampton encouraged guards to physically abuse prisoners until they performed drill, in an effort to beat them into uniform. News of this treatment reached the press, and was confirmed by a Magisterial Inquiry in September, although Crampton was cleared of all charges at his subsequent court martial.

While I argued in chapter five that the policing of both Compulsory Military Training and industrial conflict in the 1910s tightened the relationship between the elements of the Justice and Defence Departments that had been driven apart in the 1890s, the policing and punishment of resisters to conscription during the war consolidated this relationship. Despite some opposition to the sort of treatment Crampton enforced, resisters were denied civil rights for years after the war and received little sympathy from the bulk of the population.

The war also brought a return to the Police Force’s use of armed coercion against Maori. On Sunday 2 April 1916, Commissioner Cullen invaded Maungapohatu, the Urewera mountain home of the prophet Rua Kenana, with a column of 57 armed constables – besides an advance-guard of smaller scouting parties – who “looked so much like soldiers that both Maori and pakeha at Maungapohatu automatically referred to them as such.” Although they were arresting Rua for breaches of the licensing law – despite the fact that warrants for arrests arising from liquor offences could not legally be enforced on a Sunday – he had provoked the Government’s ire by urging resistance to military service. The invasion descended into gunfire, and two of Rua’s followers were killed before the prophet was caught and sentenced to a year in prison.

The events of 2 April 1916 bring us back to one of the subjects of chapter one, the creation of a paramilitary constabulary force out of the militia who were settled on King Movement land in the Waikato. Their move away from armed action towards construction was followed by debate over the proper behaviour of men tasked with disciplining a rapidly settling society: military drinking habits conflicted with the expectation of gentlemanly conduct. During the Anglo-Boer War, the military gentlemen on horseback embodied the image of Britannia’s son that New Zealanders embraced, and military leaders re-established influence in the organisation of domestic discipline off the back of popular militarism. Labour leaders attempted to invert the idea that military drill made boys into men, arguing that enforced obedience was the opposite of manliness, drawing a battle line between militant labour and the military that broke into violent confrontation at the end of 1913. By 1914, New Zealand was a long way from the wild colonial frontier, dependent on military force to settle and construct a new society. But the military has always had a role in ordering society, even once the society is settled. Use of armed force and military backup by New Zealand police has often been controversial – the shooting of unarmed civilians in Apia in 1929, the

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7 Baker, p.194, 199-201.
invasion of Bastion Point in 1978, and 2007’s “terror raids” spring to mind – and prison managers speak more of reform than of military drill, but police tactics and prison regulations will always owe a debt to methods of discipline created for the purpose of turning men into soldiers.
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