

**"if other arrangements can reasonably be made":
the interior architecture of Children's Courts in New Zealand in the 1930s**

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ABSTRACT: In 1925, the Child Welfare Act was passed. The Act introduced the idea of the Children's Court as a space "separate from the premises in which another Court usually exercises jurisdiction" (s28). In 1927, an amendment to the Act provided further elaboration, clarifying that: "persons attending any sittings of a Children's Court shall not be brought into contact with persons in attendance at any other Court." To achieve this the amendment stipulated that: "for this purpose the sittings of the Children's Court shall not, except in cases where no other suitable room is available, be held in any room in which any other Court ordinarily exercises jurisdiction; nor shall a sitting of the Children's Court, if held in the same premises as any other Court, be held at a time when such other Court is sitting, if other arrangements can reasonably be made" (s18(1)). This paper investigates the locations, and interior architectures of Children's Courts in New Zealand in the 1930s. It aims to establish whether or not the interior architecture of Children's Courts, with their legislated requirement to be physically distinct from the rest of the court system, was also distinct, and in what ways children were specifically accommodated for in this interior architecture.

Introduction

New Zealand was a late adopter of the idea of the Children's Court as a place physically separate from the criminal court, comprising a less formal environment, and the inclusion of women as either justices of the peace or magistrate assistants. This idea originated in America. Cripps states that the first Children's Court system requiring separate hearings for children was established in Suffolk County, Massachusetts by 1870.¹ He also writes that New York State likewise banned "the association of young and adult offenders in courts or institutions" by 1877.² According to Bradley, the idea of the Children's Court was underpinned by "the principle that the young

committed crimes because of defects in their environments."³

Watt notes that there is dispute regarding where the first separate youth court was established, but writes that Illinois had a juvenile court in 1899, and South Australia established a similar court in 1895.⁴ Sobie states that "separate children's parts of the criminal court" were established through an amendment to the New York City Charter in 1901,⁵ and refers to a national movement completing "the divorce between juvenile and criminal courts."⁶ Watt, Bradley and Cripps

identify other Children's Courts that predated New Zealand's 1925 Child Welfare Act in the Netherlands (1905), Britain and Canada (1908), France (1908-12), Austria and Belgian (1912), Hungary (1913), Spain (1918), Austria and Argentina (1919), Germany (1908-23), and Brazil (1923).⁷ New Zealand newspapers reported on Children's Courts in Australia (including Melbourne, Perth, and New South Wales),⁸ England (Birmingham, Liverpool, London),⁹ America (California and New

¹ Cripps "The Children's Court" p 11; also "Children's Courts" (27 May 1926) p 6.

² Cripps "The Children's Court" p 11.

³ Bradley "Inside the Inner London Juvenile Court" p 38.

⁴ Watt "A History of Youth Justice in New Zealand" n.p.; also Tanenhaus "Juvenile Courts" n.p.

⁵ Sobie "The Family Court: An Historical Survey" p 55.

⁶ Sobie "The Family Court: An Historical Survey" p 55.

⁷ Cripps "The Children's Court" p 12; Watt "A History of Youth Justice in New Zealand" n.p.; Bradley "Inside the Inner London Juvenile Court" p 38.

⁸ "Melbourne Boy's Escapade" p 3; "Churches and Gambling" p 9; "Novel Method of Arrest" p 11.

⁹ "Mulum in Parvo" p 61; "The Children's Court: How Juvenile Offenders are Dealt with in Birmingham" p 2; "Children's Courts: New English Act" p 9.

York),¹⁰ Jamaica¹¹ and India¹² before New Zealand instituted Children's Courts in late 1925.

The provision of specific buildings or custom-designed interiors for Children's Courts appears to have occurred later than initial techniques of separation and the term "court," being used by both as a legal institution and an architectural space, can lead to confusion. The Cook County juvenile court, which opened in July 1899, was located opposite the better-known Hull House.¹³ A specific building for the Children's Court in New York opened on the corner of Third Avenue and 11th Street in 1902. By 1930, the Children's Court in Lower New York was described as a "ramshackle building."¹⁴

Commonwealth examples

In England, Birmingham established the first separate court for children on 1 April 1905,¹⁵

¹⁰ "Less Juvenile Crime" p 4; "Women's World: Social Jottings" p 11; "In the Public Eye: Mr. C.D. Wilbur" p 28; "The Post's" Representative "A Notable Woman: New York Social Worker" p 13.

¹¹ "Boy Bootlegger" p 3.

¹² "Social News" p 16.

¹³ Tanenhaus "Juvenile Courts" n.p.

¹⁴ "The Post's" Representative "A Notable Woman" p 13.

¹⁵ "Birmingham: Leading British Town" p 6; also "The

based on American Children's Courts.¹⁶ It preceded the UK Children's Act 1908 (8 Edw VII c67) which legislated the provision of juvenile courts sitting "either in a different building or room from that in which the ordinary sittings of the court are held, or on different days or at different times from those at which the ordinary sittings are held" (s111(1)) and required that:

no person other than the members and officers of the court and the parties to the case, their solicitors and counsel, and other persons directly concerned in the case, shall, except by leave of the court, be allowed to attend: Provided that bonâ fide representatives of a newspaper or news agency shall not be excluded (s111(4)).

The implementation of the Act at Shoreditch seems to have been typical. Shoreditch was the first juvenile court for East London and was located opposite the Shoreditch Town Hall from 1910 in the recently-built Magistrate's Court and Police Station at 335-337 Old Street, Shoreditch (John Dixon Butler, 1905).¹⁷ The Children's Court was held in a

Children's Court: How Juvenile Offenders are Dealt with in Birmingham" p 2; Pease "Descendants of James Cadbury" n.p.

¹⁶ Pease "Descendants of James Cadbury" n.p.

¹⁷ Bradley "Inside the Inner London Juvenile Court" pp 44, 45-47.

small first floor court room, which magistrate Basil Henriques described as "'dis-used'".¹⁸ To get to this room, children entered through a waiting hall lit by Edward VII's cypher set in a Morris & Co leaded window, and walked on a mosaic floor with the monogram of the Metropolitan Police.¹⁹ Bradley notes it was:

an environment designed for adults. The seating arrangement of the magistrates privileged the stipendiary magistrate above the other justices, placing the juvenile in an inferior position. While such a layout was suitable for courts which aimed to intimidate, juvenile court magistrates of more liberal or reformist persuasions were unhappy with it."²⁰

Despite the constraints of the interior, it appears that magistrates adapted the space, as:

Both Clarke Hall and Henriques were interested in the power of physical proximity to the child or young person as a means of facilitating - or manipulating - testimony. The dock and other court furniture foregrounded the court and its machinery. By removing the physical things that the young could literally hide behind, Henriques and Clarke Hall were attempting to use a very personal, intimate means of eliciting the

¹⁸ Henriques quoted, Bradley "Inside the Inner London Juvenile Court" p 46.

¹⁹ Bradley "Inside the Inner London Juvenile Court" pp 44-45.

²⁰ Bradley "Inside the Inner London Juvenile Court" p 46.

children's stories. Such spatial practice took time to be adopted as the norm for juvenile courts ... yet it has become and remains standard practice in present-day youth courts.²¹

However, it was not until 1925 that the first English custom-designed Children's Court was built in Liverpool. It was described in October 1925 as "a rather fine little building quite apart from the general one,"²² and was a remodelled Welsh chapel.²³ *The Times* described the court room as a room having "all the appearance of a company's board room,"²⁴ and noted that:

[t]he court room is a large, lofty chamber, well lighted and handsomely furnished. At one end is the magistrates' bench. There is no dock; the children will simply stand before the justices when questioned.²⁵

Magistrate William Clarke Hall (1866-1932), writing of the Liverpool Children's Court in 1927, referred to photographs of the court interior, stating that:

it seems to me unnecessarily formal, large, and bare. The great object to be kept in view is to produce an

²¹ Bradley "Inside the Inner London Juvenile Court" p 47.

²² "Women's World: Children's Court" p 13.

²³ "Liverpool Children's Court" p 14.

²⁴ "Liverpool Children's Court" p 14.

²⁵ "Liverpool Children's Court" p 14; "Women's World: Children's Court" p 13.

atmosphere in which the child's mind will most naturally and readily respond to the questions put to him. When asked to give his own account of what has happened, he should stand close to the presiding magistrate and have the opportunity of saying what he wishes without being overheard by anyone who is not a member of the bench. ... The police should be as much as possible in the background, and, of course, not in uniform.²⁶

Hall also stressed the different needs for acoustic privacy, noting that "it is undesirable that [... the parents] should hear all the child says, and [in] other cases ... it is undesirable that the child should hear what they say, or what is said about them."²⁷ He advised that "a small room should be attached to the Court, where either the parents or the child can be privately interviewed by the members of the Court"²⁸ for these reasons.

On 17 July 1928, on Steelhouse Lane, Birmingham, the first English custom-designed Children's Court building was opened, a "gift to the city" from magistrates Mr and Mrs Barrow Cadbury.²⁹ The new court building housed "a well-equipped hostel

²⁶ Hall *Children's Court* p 243.

²⁷ Hall *Children's Court* pp 243-244.

²⁸ Hall *Children's Court* p 244.

²⁹ "Birmingham: Leading British Town" p 6; also Pease "Descendants of James Cadbury" n.p.

to which the women police take girls and women who are homeless or living in unsuitable surroundings"³⁰ at the top of the building.

Contemporary reference to both the Children's Courts in Liverpool and Birmingham occurred in New Zealand newspapers.³¹ Additionally, a March 1928 *Evening Post* report, referred to a visit to the Children's Court in the East End of London (Old Street),³² by the New Zealand High Commissioner (and the former Minister of Education responsible for New Zealand's Child Welfare Bill), James Parr; and his wife, Ethel, in February 1928. The report noted that "a woman Justice of the Peace sat with the Magistrate and had equal jurisdiction with him. The police were present, but in plain clothes."³³ There was no description of the interior.

English Children's Courts that opened in the 1930s included the Bromley Juvenile Court

³⁰ "Women Police: Good Work in Birmingham" p 15.

³¹ "The Children's Court: How Juvenile Offenders are Dealt with in Birmingham" p 2; "Women's World: Children's Court" p 13.

³² Corder "The Seamy Side" p 8.

³³ "Children's Courts: Sir J. Parr Impressed" p 9.

Building in 1937, and Stepney Juvenile Court in 1938, housed in an extension to Toynbee Hall, London. The Bromley court appears as an ornament-stripped interior, organised by fixed furniture demarcating clearly zoned spaces for the judiciary, the offender and their representatives and others in attendance. Putting modernist aesthetics aside, it is difficult to see significant difference from conventional court interiors, except for the single level, reducing hierarchical difference between participants. In contrast, the Stepney Juvenile Court was located in a space shaped by mobile furniture: tables and chairs, which mimicked the symmetry and hierarchies natural to court architecture, the magistrate backed by the hall's wall of natural light. 1930s modernism abstracts the traditional timber work of English court interiors in the institutional scale of the space, which no doubt would further diminish a figure the size of a child.

In Australia, South Australia, was an early initiator of Children's Courts, and Cripps writes that the state established a Children's Court in 1889, which was later legislated for in 1895³⁴ with the State Children's Act (Pt IV).³⁵

³⁴ Cripps "The Children's Court" p 11.

King et al trace the establishment of the South Australian Children's Court to the 1885 Way Commission, which recommended the Massachusetts welfare model be adopted, and that cases against juveniles be heard in a separate building.³⁶ The intention of physically separating children from the adult court system was thus clear, and initially (c1890) "a makeshift court in the offices of the [State Children's Court] department,"³⁷ presumably the State Children's Council, was intended. This separation began with remand in custody "under the care of the department,"³⁸ and the hearing occurred "in one of the offices which was set up as a court room" in Victoria Place (between Flinders and Wakefield Streets), Adelaide from the early 1890s until 1916, when the court moved into the new Education Building in Flinders

³⁵ "Children's Court (1895-1993)" n.p. "Although not referred to as a children's court at this time, the Act called for all hearings involving children to be held in a separate room. Within the metropolitan area cases were to be heard in a room approved by the Chief Secretary "and not in any police or other court house"" ("Children's Court (1895-1993)" n.p.).

³⁶ King et al. "The Children's Court of South Australia" pp 85-101.

³⁷ "Children's Court (1895-1993)" n.p.

³⁸ "Children's Court (1895-1993)" n.p.

Street.³⁹ A 1907 renovation allegedly improved the "stuffy little chamber in use for many years past."⁴⁰ Other Australian states followed implementing Children's Courts, with New South Wales in 1905 (the Neglected Children's and Juvenile Offenders Act 1905),⁴¹ Victoria in 1906, (the Children's Court Act 1906),⁴² and Western Australia in 1907, the WA State Children's Act 1907 requiring that the Children's Court "must not be held in any Police of other Court House."⁴³

A description of a Melbourne Children's Court as "unlike an ordinary courtroom"⁴⁴ was published in the *Evening Post* in October 1938. The female magistrate's gentleness was described as "dissolving the usual atmosphere of formality and severity,"⁴⁵ and reference was made to the lack of uniformed officials.

³⁹ "Children's Court (1895-1993)" n.p.

⁴⁰ "Children's Court (1895-1993)" n.p.

⁴¹ Gibbes, E.O. "Report of the Secretary for Education" E-4 p 33.

⁴² Gibbes, E.O. "Report of the Secretary for Education" E-4 p 33.

⁴³ Gibbes, E.O. "Report of the Secretary for Education" E-4 p 34.

⁴⁴ "Children's Courts: Work in Australia: Mrs. Goldsmith's Visit" p 18.

⁴⁵ "Children's Courts: Work in Australia: Mrs. Goldsmith's Visit" p 18.

The most detailed Australian material available relates to a Children's Court in Sydney, said to be located in a suburb, a 7-10 minute tram ride away from the adult Courts.⁴⁶ This will have been the custom-designed building in Surry Hills (cnr Commonwealth and Albion Streets) designed by Walter Liberty Vernon in 1911, where the Metropolitan Children's Court moved to, from Ormond House.⁴⁷ The building is still standing - and heritage-listed - however its interior has been substantially renovated away. A 1928 *Evening Post* article noted there was no visible indication of the court outside, with entry being via a small flight of steps to a double door to a small courtyard "where palms, ferns, and flowers are growing in the centre, edged with Grecian columns, and set about seats, where mothers and children wait their turn,"⁴⁸ which contrasts images of the existing Surry building. The court room is described through process:

the Magistrate has a chair beside him, and the mother (or representative of the parents) sits there, and he holds quiet conversation with her. The delinquent girl sits a little further off, and the boys, when their turn comes, stand to attention. Women Justices are admitted, and

⁴⁶ "The Scheme of Things" p 15; "Test of Paternity" p 13.

⁴⁷ Parry "Metropolitan Children's Court (1911-1983)" n.p.

⁴⁸ "The Scheme of Things" p 15.

police in plain clothes, but there did not appear to be anyone else allowed in this Court. The quiet atmosphere, and the absence of publicity or information to be gained about the cases was most impressive.⁴⁹

Gender and age segregation at the Sydney court were effected with "[t]he boys' part [being ...] quite separate from that of the girls and young children, and they come and go by different entrances,"⁵⁰ and it appears that a separate courtyard was provided for boys to wait, where:

they are exercised in "physical jerks" by a wise and kindly sergeant who sees that too much is not expected from them, as the physique of some is poor. Others receive "first-aid" treatment from a matron, who appears to be expert in the work, and attends to cuts, bruises, boils, and sores with friendly promptitude.⁵¹

In addition to the courtroom, the facilities included a female superintendent's office, a private room where statements could be taken, and offices for a female welfare officer, a representative of the Church of England and a Salvation Army officer.⁵² A dormitory for "delinquent boys" was located in another part of the building, though this might be the

⁴⁹ "The Scheme of Things" p 15.

⁵⁰ "The Scheme of Things" p 15.

⁵¹ "The Scheme of Things" p 15.

⁵² "The Scheme of Things" p 15.

"boys' shelter, where children were kept before their court cases."⁵³

Reference to another Commonwealth Children's Court occurred in June 1933, when the *Evening Post* reported that the Johannesburg Children's Court was "fairly formal,"⁵⁴ because "the Magistrate found that the children, particularly the native ones, were better impressed with a certain amount of ceremony, and he was sure it had a distinct value."⁵⁵ The report also noted that "[t]he Court is held at a suburb, only necessary people being allowed in, and no Press representatives."⁵⁶

These examples largely suggest the ambition for a space without an exterior - or at the very least a space with a large degree of exterior invisibility. Both a preference for suburban locations (such as Sydney and Johannesburg), and, as indicated in Sydney, an entry that is non-descript or muted, and does not betray its interior function. This suppression of

⁵³ "The Scheme of Things" p 15; Patridge "Albion Street Children's Court getting a \$30 million redevelopment" n.p.

⁵⁴ "Helping the Young South African Methods" p 11.

⁵⁵ "Helping the Young South African Methods" p 11.

⁵⁶ "Helping the Young South African Methods" p 11.

function is consistent with the references to "police in plain clothes." The interior priorities do not appear to be limited to the single space of the court room. Discretion and gender segregation, are prioritised, and assume a clear separation from the criminal court. The auxiliary functions; reception court, staff offices, first-aid room and welfare functions, such as dormitories (whether for delinquent boys in Sydney, or homeless women and girls in Birmingham), are included as part of a Children's Court brief when custom-designed. The gracious Grecian-columned conservatory forming the reception of the Sydney Children's Court suggests a privileged interior, and an aesthetic possibly foreign to the children being tried.

Inside the courtrooms, the more progressive interiors remove furniture that enforces distance between the judge and accused, with some magistrates keenly aware of the acoustic agility needed to include and exclude children from various aspects of court proceedings. William Clarke Hall's reference to an adjoining room to manage this suggests the relationship between a court and the magistrate's room that - in less developed arrangements - might become a de facto Children's Court. Government department

offices, such as those used in Adelaide's State Children's Council, were also used. Custom-designed Children's Courts appear to have been drawn from a range of interior types. The conventional courtroom is one default; but other formal spaces - the company boardroom of Liverpool, or the domestic "drawing-room" of one Australian state,⁵⁷ were referenced.

Interestingly, while informality was an object in many instances, it is the unbuilt aspects of the interior that appear to do much of this work, assisted by furniture arrangement, proximity, or lack. A reference to "dissolving the visual atmosphere of formality and severity" in Melbourne's Children's Court referred to the effects of the female magistrate, not the interior architecture, and "the lack of uniformed officials." The exclusion of the public and sometimes the press, ensured the private nature of the proceedings, their intimacy, and protection from the exterior.

The Background to the New Zealand Children's Courts

The discussion regarding Children's Courts in New Zealand appears to date from c1909,

⁵⁷ Clyde "At the Children's Court" p 20.

shortly after the passing of the UK's Children's Act 1908 and the establishment of Children's Courts in New South Wales, Victoria and Western Australia. In 1909, a report on reformatory work in England, Germany and America by a Christchurch citizen, William Reece, an official visitor under the Industrial Schools Act, identified Children's Courts, "which aim at preventing child from commencing career of crime,"⁵⁸ as "[o]ne of the most important efforts."⁵⁹ Reece also noted that "[t]he most notable of the Children's Courts is that presided over by Judge Lindsey, of Detroit."⁶⁰

Reece also noted that he was

aware that New Zealand is following forward policy both in its Children's Courts and Probation Act; but think that in both cases the ideas might be carried still further than at present obtains. The Children's Court might be held right away from the Police Court and its associations, under the presidency of some person specially appointed to deal with such cases, and no publicity be given to the proceedings.⁶¹

⁵⁸ Reece "Report on Reformatory Work in England, Germany, and America" E-11 p 2.

⁵⁹ Reece "Report on Reformatory Work in England, Germany, and America" E-11 p 2.

⁶⁰ Reece "Report on Reformatory Work in England, Germany, and America" E-11 p 2.

⁶¹ Reece "Report on Reformatory Work in England,

Reece's reference to probation is important, as Mrs Peter Fraser later noted, the 1917 introduction of probation prompted "the magistrates, being sympathetic towards the innovation [... to deal] with children's cases in a room apart from the main court-room, thus avoiding the unpleasant atmosphere of the Police Court."⁶² It appears that this "room apart from the main court-room" was often the magistrate's room.⁶³

A decade after William Reece's report, in 1920, John Beck, Officer in Charge, Special Schools Branch, wrote that "[a]n extension of present legislation is needed ... for ... the establishment of Children's Courts."⁶⁴ He noted that a complete children's code had been drafted based on Australian, British, Canadian and American practice, and he expressed hope for changes to New Zealand legislation that included: "Special Courts for children, and special Magistrates ... [with] Provision for juveniles between sixteen and eighteen years

Germany, and America" E-11 p 2.

⁶² Fraser "Juvenile Welfare: Work in Children's Courts is making Good Citizens" p 22; also "Children's Courts: The Work Explained" p 12.

⁶³ "Juvenile Courts: New System in England: Sympathetic Treatment" p 8.

⁶⁴ Beck "Report of the Officer in Charge Special Schools Branch (including Child Welfare)" E-4 p 12.

being dealt with by Children's Court under certain conditions."⁶⁵ Beck's report was a result of the Minister of Education (James Parr, Reform Party) sending Beck to Canada and the US "to inquire especially into the working of the Children's Courts there."⁶⁶

At the end of 1924, a delegation from the Women's Branch of the Labour Party met with the Hon CJ Parr Minister of Education and Justice. MPs Holland, Bartram, McKeen and Fraser were also in attendance. The women lobbied for Children's Courts to be established. The minutes of the meeting state that:

They desired to keep the young people as much as possible away from the Police Courts. ... Mothers did not take their children on to the front lawn to whip them but took them into the bathroom. ... They asked for provision to be made for young people under arrest or remand other than the police cells. They also asked that juveniles between the ages of 16 and 19 should be dealt with by the Juvenile Court. Speaking as a mother of five children, Mrs Gault said she did not think such children were responsible, and it was better that they should be dealt with in the children's court.⁶⁷

⁶⁵ Beck "Report of the Officer in Charge Special Schools Branch (including Child Welfare)" E-4 p 13.

⁶⁶ McClune "Statement of the Superintendent of the Child Welfare Branch" E-4 p 3.

⁶⁷ Minister of Justice. Representations from women's

The meeting minutes record the Minister's agreement and that:

he had before him a draft of a Bill which he hoped to introduce this Session dealing with this very question. The Bill would provide for the setting up of children's courts for dealing with child offences. ... His idea was to keep the whole matter as independent as possible of the present Courts and Court functions ... He quite agreed with what Mrs Gault[sic] had said about the irresponsible nature of boys and girls up to the age of 19 years. We should adopt nothing but a policy of mercy towards the erring ones during that period.⁶⁸

There is also evidence that the government was cognisant of the use of Children's Courts in Australia, and that Australian states were interested in the state of New Zealand's youth justice system. Both the State Children Department, Brisbane, and the Children's Court Office in Melbourne, inquired of New Zealand's use of Children's Courts in February 1915 and March 1925 respectively. The 1925 reply from RP Ward, Under Secretary for the New Zealand Department of Justice, summarised the situation as follows: "we have not in New Zealand any Courts known as Children's Courts."⁶⁹

branch of the NZ Labour Party p 1.

⁶⁸ Minister of Justice. Representations from women's branch of the NZ Labour Party p 3.

⁶⁹ Ward to Down, 31 March 1925 p 1.

The 1925 report of the Committee of Inquiry into Mental Defectives and Sexual Offenders also noted that several witnesses presenting to the committee had "pointed out the need for the establishment of special Courts for children and juveniles," and the Committee recommended that this occur, as well as clinics for physical and psychological examination of children appearing in these courts.⁷⁰ It noted that:

it is surprising to find that New Zealand is lagging behind in that ... hardly any distinction in procedure is made between the child and the adult. It is true, of course, that practice has grown up whereby children are dealt with in the Police Courts at time apart from the hearing of adult cases, but the procedure of the Criminal Court has been retained ... The Children's Court, as it is constituted in other countries, is a Court of equity, and its principal function is to consider all children brought before it as cases requiring protection and care. It is the business of the Court, by means of careful investigation in each case of conduct, school history, family history, and mental condition, to ascertain, if possible, the reason for misconduct, and either to eliminate or modify the causes, or to remove the child from the environment that has contributed to its present condition. The presiding Magistrates are usually selected on account of their experience with children and knowledge of child psychology. In some of the Courts in America women

⁷⁰ Committee of Inquiry "Report of the Committee of Inquiry ... Mental Defectives and Sexual Offenders" H-31A p 17.

are selected for these positions. It is common knowledge that lack of mental balance, retardation, and physical defect are responsible for much juvenile delinquency, and it is therefore essential that if the children appearing before the Courts are to be dealt with in a scientific manner there should be provision on the lines recommended above.⁷¹

The Child Welfare Act

The bill that the Minister, James Parr, referred to in his meeting with the Labour Party Women's Branch, was the Child Welfare Bill, which was introduced in the House on 16 July 1925. The establishment of Children's Courts was stated to be "the main provision of the bill."⁷²

During the second reading of the bill, on the 21 July, Parr referred to the practice of magistrates using their rooms to hear children's cases, but noted the deficiency of the lack of a "special waiting-room at the Courts for young children ... it is impossible to keep from these children the view of the sordid details of the Police Court on the days

⁷¹ Committee of Inquiry "Report of the Committee of Inquiry ... Mental Defectives and Sexual Offenders" H-31A p 17.

⁷² Parr, Child Welfare Bill introduction (16 July 1925) p 585.

that they may be there."⁷³ He stated that the bill would mean the court, if possible, would be held in

a room in the probation home, a mile away, if possible, from the ordinary Court buildings in the town. At the present time the child is taken to the Court building. It is true it may be through another door, but it is the Police Court building all the same. There the child is brought into the whole atmosphere of criminal law.⁷⁴

Instead, in the Children's Courts, the "atmosphere of the Police Court is [to be] entirely absent."⁷⁵

Harry (Henry Edmund) Holland (MP Buller) also argued for Children's Courts to not be called "Courts," for the term "sentence" to be abolished," and that the idea of hospital, rather than punitive, treatment should be adopted.⁷⁶ He was of the view that "the child should not even be taken into a Court building."⁷⁷ Parliamentary debate stressed the

⁷³ Parr, Child Welfare Bill second reading (21 July 1925) p 676.

⁷⁴ Parr, Child Welfare Bill second reading (21 July 1925) p 682.

⁷⁵ Parr, Child Welfare Bill introduction (16 July 1925) p 585.

⁷⁶ "Child Welfare: Dealing with Juvenile Cases" p 5.

⁷⁷ "Welfare of the Child: the government's bill: Second Reading Passed" p 11.

need "to avoid the tendency to treat deficient children as criminals,"⁷⁸ while the *Auckland Star's* report on the introduction of the bill in July 1925 stated that:

It was useless to preach morality to children ill-fed and ill-clothed, and living under housing conditions which were a disgrace to civilisation. ... It was useless to build secondary schools and universities unless it was made possible for children to attend them instead of being compelled to live under conditions which were responsible for landing many of them in the gaol and the Children's Court.⁷⁹

During the final debate of the bill, the Minister indicated that "it was proposed in the larger centres to hold the Children's Court in a separate building from the main courthouse, but that could not obtain in all centres immediately, although that was what they aimed at achieving eventually,"⁸⁰ causing Holland to suggest "the use of Sunday schools or other suitable buildings,"⁸¹ the Minister replying that "[h]e did not like the idea of a church being used."⁸²

⁷⁸ Mr Jordan paraphrased, "Child Welfare: Special Courts Discussed" p 6.

⁷⁹ "Motherhood Endowment: The Bill Introduced" p 5.

⁸⁰ "Child Welfare: Bill passed by the House" p 9.

⁸¹ "Child Welfare: Bill passed by the House" p 9.

⁸² "Child Welfare: Bill passed by the House" p 9.

The same month the Child Welfare Bill had its third reading (September 1925), the Council of Christian Congregations lobbied the Minister, asking that juvenile courts be located away from police courts, and without uniformed police, and that "the Sydney system of a special court where all cases concerning women and children are heard should be investigated."⁸³

That same year, 1925, the Minister of Education's annual report referred to the practice of "dealing with children in the privacy of the Magistrate's room"⁸⁴ in relation to the new Child Welfare Act, stating that the Act would "give legality to such practice."⁸⁵

Women

The status of women in New Zealand was an undercurrent in the debate of the Child Welfare Bill. Thomas Wilford (Leader of the Opposition Liberal Party⁸⁶), was particularly

⁸³ General Secretary, Council of Christian Congregation, Christchurch (15 September 1925) to the Minister of Justice.

⁸⁴ "Report of the Minister of Education for the year ending 31st December, 1925" E-1 p 19.

⁸⁵ "Report of the Minister of Education for the year ending 31st December, 1925" E-1 p 19.

⁸⁶ The NZ Liberal Party was the first organised party in New Zealand and had achieved female suffrage in 1893.

vocal on the matter, referred to the 1893 passing of female franchise and:

this enlightened country, where ... no woman has yet sat in the House of Parliament - in this so-called enlightened country we have not even a women Justice of the Peace. I should like to see not only Children's Courts ... but I want to see Women's Courts as well ... like they have in America ... I want to see women taking a bigger part in children's affairs ... I believe there are many cases in which girls and children are concerned where women are the only possible judges.⁸⁷

Parr,⁸⁸ Dan Sullivan (Labour Party),⁸⁹ Mark Cohen (Legislative Council),⁹⁰ and Douglas Lysnar (MP Gisborne, Reform Party),⁹¹ also discussed women as court officials, and there was general agreement that women would have the status of a magistrate or Justice of Peace in Children's Courts, which was

⁸⁷ Wilford, Child Welfare Bill, second reading (21 July 1925) pp 678-679.

⁸⁸ Parr, Child Welfare Bill, first reading (16 July 1925) p 585; Parr, Child Welfare Bill, second reading (21 July 1925) p 676.

⁸⁹ Sullivan, Child Welfare Bill, first reading (16 July 1925) p 585.

⁹⁰ Cohen, Child Welfare Bill, third reading (23 September 1925) p 568.

⁹¹ Lysnar opposed women on the bench, stating "I was one who opposed the appointment of women to the Bench, and I still think that no good would come of such appointments." Lysnar, Child Welfare Bill, second reading (21 July 1925) p 681.

supported because it was deemed important that, as Parr stated: "experienced women with a deep sympathy for children, and that knowledge of children which only a good woman, a mother, can have ... sit in judgment on those little ones."⁹² Wilford also advocated for the adoption of "the American system of a City Mother,⁹³ which operated in California,⁹⁴ but Parr argued that this work was already done by female and male probation officers in New Zealand.⁹⁵

During the third reading in the Legislative Council, Cohen presented the views of the Women's Christian Temperance Union, who asked that "'a woman ... be given a responsible position in the administration of the Child Welfare Department, possibly as co-Superintendent, and also that women shall be appointed to act with the Magistrates in the Children's Courts. Such women to have the status of Justices of the Peace'".⁹⁶

⁹² Parr, Child Welfare Bill, second reading (21 July 1925) p 676.

⁹³ Wilford, Child Welfare Bill, introduction (16 July 1925) p 586.

⁹⁴ Parr, Child Welfare Bill, second reading (21 July 1925) p 676.

⁹⁵ Parr, Child Welfare Bill, second reading (21 July 1925) p 676.

⁹⁶ Women's Christian Temperance Union quoted, Cohen,

In New Zealand, the association between women and children led to the Children's Court being an important mechanism for facilitating women becoming justices. The initial step was the appointment of women as Associate Magistrates in Children's Courts, including Nellie Elizabeth Ferner (Auckland),⁹⁷ Annie McVicar (Wellington),⁹⁸ and Annie Elizabeth Herbert (Christchurch).⁹⁹ When interviewed on her appointment Ferner stated that:

she hoped she would be able to bring the mother viewpoint to bear in the children's cases with a wise and sane judgment, and she wanted to attain to a better understanding and more consideration and sympathy for all that went to the building up of a better citizenship.¹⁰⁰

Child Welfare Bill, third reading (23 September 1925) p 564. Cohen was less committed to this position saying: "there is nothing to prevent women, except the legal enactment of this Dominion, from acting in the manner suggested ... But whether it is necessary, in order to carry out the functions of this Act, for the women to be actually sworn in as Justices of the Peace is a matter open to argument" Cohen, Child Welfare Bill, third reading (23 September 1925) pp 565-566.

⁹⁷ "First Appointment in Auckland" p 9; "New Zealand News: Notes Form all Parts" p 5; "Children's Court: Lady Presides with Magistrate" p 3.

⁹⁸ "New Zealand News: Notes Form all Parts" p 5.

⁹⁹ "New Zealand News: Notes Form all Parts" p 5.

¹⁰⁰ "The Children's Court" (26 May 1926) p 6.

On Saturday 4 February 1928, two female Justices of the Peace (Nellie Elizabeth Ferner and SE Jackson) for the first time presided alone at the Children's Court.¹⁰¹ The significance is apparent with the report five years later in February 1933 of the first time a female Justice of Peace (Florence McBride) presided in the Auckland Police Court along with Mr VA Coyle, JP. That report noted that "Women Justices have presided on the Bench elsewhere in New Zealand on previous occasions, and also in Auckland in connection with the Children's Court, but not with the regular Court work."¹⁰²

The idea of female associate magistrates as a maternal figure, also co-incided with contemporary assumptions that juvenile delinquency was a product of a defective family environment and poor parenting,¹⁰³ as well as references to domestic spaces as models for the interior architecture of

¹⁰¹ "Women in Print" p 13.

¹⁰² "News of the Day" p 10.

¹⁰³ Holland stated that "these children are the product of heredity, on the one hand, or of environment on the other hand ... if environment is responsible, our human society creates the environment, and if that environment is responsible for the child being a delinquent the child cannot be held personally responsible" Holland, Child Welfare Bill, second reading (21 July 1925) p 680.

Children's Courts.¹⁰⁴

The New Zealand Children's Court

Early 1926 saw the establishment of Children's Courts for all children under 16 years, with Supreme Court magistrates able to refer cases with offenders under 18 years to the Children's Court.¹⁰⁵ Children's Courts were established across the country, including: Ahaura, Akaroa, Amberley, Ashburton, Auckland, Bulls, Cambridge, Cheviot, Christchurch, Coromandel, Culverden, Dannevirke, Darfield, Denniston, Dunedin, Fairlie, Feilding, Geraldine, Granity, Greymouth, Hamilton, Hokitika, Huntly, Kaiapoi, Kaikoura, Karamea, Kawhia, Kumara, Leeston, Levin, Little River, Lyttelton, Marton, Matamata, Mercer, Methven, Morrinsville, Murchison, Napier, Ngaruawahia, Ohura, Okarito, Opotiki, Otaki, Otorohanga, Oxford, Paeroa, Palmerston North, Putaruru, Raglan, Rakaia, Rangiora, Reefton, Ross, Rotorua, Taumarunui, Taupo, Tauranga, Te Aroha, Te Awamutu, Te Kuiti, Te Puke, Temuka, Thames, Timaru, Waihi,

¹⁰⁴ For example, Clyde "At the Children's Court" p 20. However, references to "a father's study at home" were clearly male-gendered ("Children's Courts: Procedure Criticised" p 10).

¹⁰⁵ "Child Welfare: Special Courts to Sit" p 8.

Waimate, Wellington, Westport, and Whakatane.¹⁰⁶

Dunedin, on 17 April 1926, was the first place in New Zealand to hold a Children's Court.¹⁰⁷ It was held in the Land Board's offices,¹⁰⁸ a move from child offenders being prosecuted "either in the magistrate's own room or in the court."¹⁰⁹ The Department of Lands and Survey offices were on the corner of High and Dunbar streets in the former Central Police Station.¹¹⁰ The close proximity to the law courts on the corner of High and Stuart streets was no doubt convenient for magistrates. The heritage listing for the building refers to seven holding cells, which, if still intact, may have also had pragmatic appeal.¹¹¹ Mark Cohen (MP Dunedin) was critical of the decision to

¹⁰⁶ "Children's Court" (16 April 1926) p 13; "Children's Courts: Magisterial Appointments" p 6; Rolleston "Stipendiary Magistrates" (9 December 1926) p 3443; Rolleston "Justices of the Peace" (15 December 1926) p 3443; Rolleston "Stipendiary Magistrates" (10 November 1926) p 3253; Rolleston "Stipendiary Magistrates" (26 November 1926) p 3345.

¹⁰⁷ "The New Children's Court: Dunedin, This Day" p 9.

¹⁰⁸ "Juvenile Delinquents" p 9. See also "Passing Notes" p 6. It appears that the magistrate's room was still being used in June 1926.

¹⁰⁹ "Juvenile Delinquents" p 9.

¹¹⁰ *Stone's Otago & Southland Directory* p 63.

¹¹¹ Sjaarholm "Central Police Station (Former)" n.p.

use the Land Board offices because of their prominent location. The building is close to the railway station, Queens Gardens and the commercial hub of the Exchange, Cohen noting that, in contrast, "[s]pecial sites, far away from observation, had been selected in America and Canada."¹¹²

Like Dunedin, the Christchurch Children's Court was located in government offices rather than in the courthouse. Initially there was difficulty finding premises, though the *NZ Truth* asserted that "there will be none of the terror of the law about it wherever it may be."¹¹³ By June 1926, the Children's Court was being held in the Canterbury Education Board's room,¹¹⁴ which was located on Oxford Terrace, next door to the Christchurch Working Men's Club.¹¹⁵ The use of Education Board premises is unsurprising given the

¹¹² "Juvenile Delinquents" p 9.

¹¹³ "The Children's Judge" p 6. Other courts also had difficulty finding appropriate locations. For example, in Gisborne, it was reported that an "inability to secure suitable rooms" caused the Children's Court to be initially held in the Gisborne Courthouse, though "In future all juvenile cases would be heard in rooms nowhere in the vicinity of the Court" ("Children's Court: First Gisborne Sitting" p 7).

¹¹⁴ "Young Offenders" p 3; also "Stop Press News" p 1.

¹¹⁵ *Wises' New Zealand Post Office Directory* 1926 p 271.

Child Welfare Bill was an Education, not a Justice, initiative and Child Welfare Branch replaced the Special Schools Branch of the Education Department.¹¹⁶

Another example of the use of government offices can be seen, at least temporarily, in Hamilton. In December 1937, the demolition of the old Courthouse in Victoria Street required the building of temporary 17-room timber offices, built at the rear of the Public Works Department office in Knox Street.¹¹⁷ It was to accommodate the Children's Court (along with the offices of the Public Works Department statistical branch, the Pensions and Official Assignee's Departments, the Child Welfare Office and a board room and general office for the PWD).¹¹⁸ A temporary corrugated iron structure being built in January 1938 appears to have been this structure. The *Thames Star* reported that: "It is 102 ft long and 58ft wide and is subdivided into 18 apartments. These will be occupied by the Official Assignee, the Hamilton Pensions Office staff, the Child Welfare Department,

and the Public Works Department."¹¹⁹

In contrast, the accommodation of the Wellington Children's Court moved several times during this period. Cripps writes that:

an unofficial children's court was operating in Wellington for some time before the passing of the 1925 legislation. This court had special hearings in a private room, with the magistrate being advised by a female "referee." The public were excluded."¹²⁰

This practice was referred to during the second reading of the Child Welfare Bill, when Thomas Wilford, Leader of the Opposition, stated that in Wellington,

children do not go into the Magistrate's Court at all to be tried, not even into the Magistrate's room; they go to a special Court upstairs, which is approached by separate stairs. There the children are alone the public are not admitted.¹²¹

The New Zealand Supreme Court, opposite Parliament and next to Old Government Buildings is currently where the Magistrate's Court used to be.

By May 1926, a letter to the editor of the *Auckland Star* noted that "Wellington can boast of a new court for its juveniles,"¹²² but I am yet to locate which building this refers to. In 1929, it was reported that the Children's Court was proximate to a Sunday School building,¹²³ and in June 1933, the Wellington Children's Court was being held "with a minimum of Court formality in a small room at the rear of the Government Buildings".¹²⁴ It appears at this time the Education Department was accommodated in the Government buildings, and if this was the case, it explains the location of the Children's Court here.

Auckland Children's Court

Substantially more information regarding the buildings used for the Children's Court is available for Auckland but, like Wellington, the court moved several times. Rooms separate from the Police Courts were yet to be established in early April 1926, with report that: "[t]he children's court will in future be held in a building away from the Police Court, but so far the new premises have not been

¹¹⁶ Parr, Child Welfare Bill, first reading (16 July 1925) p 583.

¹¹⁷ "Government Offices" p 12.

¹¹⁸ "Government Offices" p 12.

¹¹⁹ "New Post Office" p 3.

¹²⁰ Cripps "The Children's Court" p 12.

¹²¹ Wilford, Child Welfare Bill, second reading (21 July 1925) p 678.

¹²² Solicitor "The Children's Court (To the Editor)" p 13.

¹²³ Gray "Report of the Director-General of Mental Hospitals" H-7 p 3.

¹²⁴ G.L. Stewart quoted, "Work in Children's Courts" p 10.

found."¹²⁵ Prior to the change in location, cases involving children appear to have been heard in "a private room of the Police Court,"¹²⁶ located at the other end of Kitchener Street.¹²⁷

Just over a week later (22 April 1926) premises had been secured, and the first Children's Court "under the new regime" was held on Saturday 24 April in the Alex Wiseman designed YMCA building (1913) on the corner of Wellesley Street East and Coburg (now Kitchener) Street.¹²⁸ When the YMCA building opened in 1913, *Progress* reported that:

Entering from Wellesley Street, a visitor is impressed with the roominess of the reception hall and general offices, which lead off immediately from the handsome entrance hall. ... The dining and social halls, 64ft. x 36ft., are on the first and second floors respectively. ... The

¹²⁵ "[Under the provisions of the Child Welfare Act]" p 8.

¹²⁶ Clyde "At the Children's Court" p 20.

¹²⁷ The Auckland District Court (1910-13) was designed while John Campbell was government architect by Claude Paton. NZHPT "District Court (Former Magistrates Court)" n.p. The Police Court was held in this building. "Memories of the Auckland Magistrates' Court" n.p.

¹²⁸ "Local and General News" (22 April 1926) p 8; also: "Children's Court: The Opening Day" p 14; "The New Y.M.C.A. Building, Auckland" p 449.

interior scheme of decoration is likewise carried out with regard for simplicity rather than the ornate. The ceilings being of white Carrara fibrous plaster slabs sectionalised by steel girders encased in oiled rimu. Indeed, oiled rimu has been largely availed of in the construction of the main staircase, doors, lockers, etc. The walls are mostly treated in warm colours, with the exception of those of the dining-hall, where a combination of sage green and whole lends a pleasant contrast to the rest.¹²⁹

This description, and images published at the time, suggest the Children's Court may have been accommodated in the social hall, its windows on the Wellesley Street side of the building being vulnerable to traffic noise, a subject of complaint, discussed further below.

The new premises generated several accounts of the new court. Shirley wrote:

What I like about the new children's court in the Y.M.C.A. building is the little motto over one door - it has three - "Keep Smiling. Smile On." It is a leftover, of course, from the cheerful creed of the Y.M.C.A. itself.¹³⁰

In a 27 May *Auckland Star* article, it was stated that:

[u]niformed policemen congregate outside the building some time before the court opens, and when they enter the place they are to be seen on the landing and in the

¹²⁹ "The New Y.M.C.A. Building, Auckland" p 449.

¹³⁰ Shirley "Around the Tea Table" (27 April 1926) p 19.

various rooms reserved for the court. A sergeant of police sits at the table with the magistrate, and two constables stand[sic] at the doors.¹³¹

The effect of the presence of uniformed police reportedly "aroused the kind of public interest which draws a crowd of "rubber-necks" gaping in the street when there has been an accident, or a drunken person is making a scene,"¹³² resulting in the young people becoming "really more in the gaze of the idle and aimless than they would have been on ordinary occasions."¹³³ The noise from Wellesley Street, was described as "the awful racket going on outside and below,"¹³⁴ the court being ""remote from the stigma of the Police Court," but not from the stigma of the Wellesley Street tram."¹³⁵ Another account stated that:

The court room is a noisy place which seems to catch all traffic sounds from the streets, so much so that at times the voices are drowned, and no one but the speakers know what is being said. The whole conduct of the court is such that seldom is a case heard clearly, not only on account of the noise, but also because sotto voce conversations are the general rule, creating the

¹³¹ "Children's Courts: The Presence of Police" p 10.

¹³² M.H.C. "The Scheme of Things" p 15.

¹³³ M.H.C. "The Scheme of Things" p 15.

¹³⁴ Shirley "Around the Tea Table" (27 April 1926) p 19.

¹³⁵ Shirley "Around the Tea Table" (27 April 1926) p 19.

impression that not a word must be allowed to reach those who do not sit at the magistrate's table.¹³⁶

Inadequate chairs and floor space were also referred to.¹³⁷ One letter to the editor from "Solicitor" described the use of the small room used as the new courtroom as "a deplorable thing,"¹³⁸ and noted that despite the Act being passed in October "nothing seems to have been done - no building was fitted up as a court."¹³⁹ "Solicitor" anticipated that, because of the unsuitable court interior, children would "no doubt ... treat the whole thing in a less serious light than they would do an admonition by a school teacher."¹⁴⁰

The lack of satisfaction with the YMCA appears to have motivated the shift of premises in July, with Unity Hall, in the Sunday School Union Building, Upper Queen Street being the new venue of the Children's Court from Saturday 17 July 1926.¹⁴¹ It is likely that mobile furniture was used to establish the interior architecture. That first hearing began with EC Cutten, SM,

¹³⁶ "Children's Courts: The Presence of Police" p 10.

¹³⁷ Shirley "Around the Tea Table" (27 April 1926) p 19.

¹³⁸ Solicitor "The Children's Court (To the Editor)" p 13.

¹³⁹ Solicitor "The Children's Court (To the Editor)" p 13.

¹⁴⁰ Solicitor "The Children's Court (To the Editor)" p 13.

¹⁴¹ "Local and General News" (15 July 1926) p 8.

congratulating

the welfare officers upon their initiative in securing such commodious and attractive accommodation. He said the Court's business could now be carried on in a more able manner, and in surroundings that would appeal to everyone.¹⁴²

Likewise, the *New Zealand Herald* wrote that: "The new courtroom is certainly a great improvement on the old one in the Y.M.C.A. It is well appointed and there is an atmosphere or refinement about the whole place."¹⁴³ However, before the end of the year, one child had escaped from the new Children's Court because

there are no facilities for holding prisoners in custody at the Unity Hall, where the Children's Court sits, the boy was kept waiting in the ante-room while the Court proceeded. When the Court rose and the Welfare Officer went to remove him to more secure quarters, he had disappeared.¹⁴⁴

A third move of the Auckland Children's Court had occurred by June 1931. This time to rooms in the old Wellesley Street Post Office, the building next to the YMCA, the rooms

¹⁴² "The High Commissioner" p 8.

¹⁴³ "Local and General News" (19 July 1926) p 8.

¹⁴⁴ Telegraph "Boy Disappears" p 12.

being opened on 20 June 1931.¹⁴⁵ John T Mair's annual report as government architect referred to this new accommodation, noting it was part of extensive alterations which included accommodation of the Child Welfare Department.¹⁴⁶ Further research is needed to locate drawings and analyse the space. By July 1939, the Children's Court, was located Paykel's Buildings, Anzac Ave, Auckland."¹⁴⁷ All four buildings still remain, and three have heritage listings.

Conclusion

The idea of the Children's Court was premised on a concept of the vulnerability of the child to external influences as well as a preventive notion underpinned by the idea that criminality is morally contagious. The spatial strategies of segregation and classification, which had typified penal architecture since the eighteenth-century proposal for the imprisonment of serious offending, are clearly at play here.

However, the change was not universally supported. JR Bartholomew, SM, in June

¹⁴⁵ "Child Welfare: Work of the Court" p 17.

¹⁴⁶ Mair "Annual Report of Buildings by the Government Architect" D-1 p 61

¹⁴⁷ "Transport Notices" p 24.

1926, was reported saying that:

[i]n his experience he had found it necessary to hear certain cases in the court, as in juvenile hearings it was not only the child but the parents who were being dealt with. In certain cases he had preferred the courthouse, as the atmosphere for the parents was there.¹⁴⁸

In April 1927, Dr Hilda Northcroft, an obstetrician, Justice of the Peace and active member of the Reform Party, criticised the New Zealand Children's Court, stating that "the cases were dealt with exactly as in the ordinary Court."¹⁴⁹ She stated that "[t]he Children's Court should not be like a Court at all. It should be like a father's study at home, where the child's mistakes were talked over in an informal way."¹⁵⁰ In early 1929, the then Minister of Justice (TM Wilford) sent a questionnaire to the 26 New Zealand magistrates in order to gauge their opinion on specific aspects of Children's Courts, including whether:

[t]he offender should be brought into a room shorn of all the appearance of the surroundings of a Court, irrespective of the offence and the offender's bearing

¹⁴⁸ "Juvenile Delinquents" p 9.

¹⁴⁹ "Children's Courts: Procedure Criticised" p 10; Bryder "Northcroft, Hilda Margaret" n.p.

¹⁵⁰ "Children's Courts: Procedure Criticised" p 10.

towards authority and the country's ideals.¹⁵¹

Four of the magistrates replied "yes," eighteen replied "no," and four answers were "indefinite,"¹⁵² also suggesting poor levels of support.

The introduction of Children's Courts in New Zealand was initially met with difficulty locating new premises, and it seems possible that, especially in smaller towns, spaces within court houses, including the magistrates' room, continued to be substituted.¹⁵³ Rather than prompt widespread changes in the intentional design of interior spaces in New Zealand, the majority of changes that occurred appear to have been a consequence of the dominant use of pre-existing government premises, decisions that likely caused the use of inner

¹⁵¹ "Children's Courts" (23 March 1929) p 10.

¹⁵² "Children's Courts: Views of Magistrates" p 11.

¹⁵³ For example, magistrate's rooms appear to still operate as substitute Children's Courts in Takapuna ("Taxi Stabbing" p 13). Myers' *Children's Courts in New Zealand* written c1930 states that: "The premises in which any Children's Court Room is situated, are, as far as possible, separate from the premises in which any other Court usually exercises jurisdiction. N.B. Sometimes the Magistrate's private room is used: but no uniformed official are present." Myers *Children's Courts in New Zealand* pp 2-3.

city, rather than suburban, sites, unlike some overseas examples. Inner-city siting had particular ramifications, especially the proximity to busy streets and their traffic noise, and the gathering of police outside the court. The use of Education Board rooms is not unexpected given the Child Welfare Branch was part of the Education Department.

In the main centres, it has been largely possible to identify the buildings used, but there is less information regarding specific interior spaces. The legislated requirement for privacy, including restrictions on people attending Children's Courts and publication of cases, no doubt reduced specific and ongoing reporting of spaces. Privacy in the process of sanctioning children was clearly a cultural priority given the Labour Party Women's Branch's observation that: "Mothers did not take their children on to the front lawn to whip them but took them into the bathroom."¹⁵⁴

It is also clear that custom-designed spaces were rare and the use of furniture to shape interior environments may have been critical.

¹⁵⁴ Minister of Justice. Representations from women's branch of the NZ Labour Party p 1.

It is possible that the John Mair alterations of the Wellesley Street Post Office c1931 was the only custom-designed Children's Court in New Zealand.

The 1974 Children's and Young People's Act maintained the requirement that people attending the Court "are not brought into contact with persons in attendance at any other Court" (s22(a)), and required that:

"[b]oth the extent to which children and young persons are able to associate within the Court premises while awaiting hearing, and the extent to which parents are obliged to congregate in common waiting facilities pending hearing of proceedings in which they are involved, are reduced to a minimum" (s22(b)).

But there was no reference to the use of separate premises. It appears that by this time the ambitions of the 1920s and 1930s Children's Court had expired.

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