

# 'The control of both races'

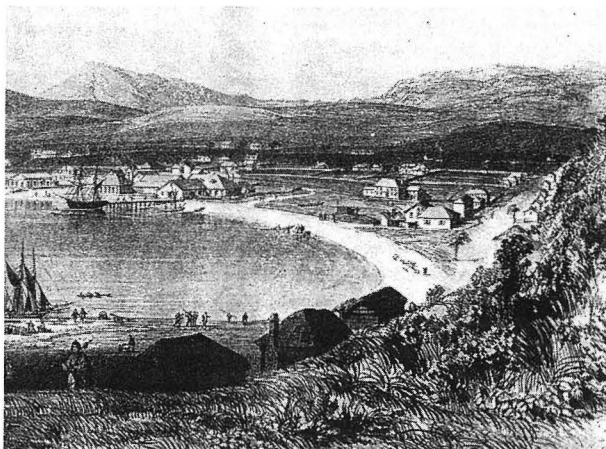
## *The policing of the Wellington settlement, 1840-1853*

RICHARD HILL

In January 1843 two scandals rocked the Wellington settlement. Chief Police Magistrate Michael Murphy was forced to resign his position as Wellington's head of police. He had been accused, among other things, of cheating at cards in the exclusive Wakefield Club, which he almost certainly had not. At about the very same time his counterpart at the overflow settlement of Wanganui, Gilbert Dawson, was drummed out of *his* job too, on the basis of similarly dubious accusations that he had made homosexual advances to constables just before his own wedding. Neither men were angels, but other officials survived worse accusations.<sup>1</sup>

Examining the real causes of these two scandals, which wrecked the careers of important state officials, will provide some clues as to the dynamics of a power struggle for the control of the new colony in its Dependency and early Crown Colony periods. The very significant role played by policing as a prerogative of the state will be highlighted. Three rival centres of power – the Crown, the New Zealand Company and Maori – vied with each other during an initial struggle. Out of that struggle the Crown emerged victorious, but in the process it modified its methodologies of social and racial control as a result of pressures from the other two centres of power.

First of all, a word about policing. In the final analysis, the function of the police – as agents of the ruling powers – is to use non-negotiably coercive force upon the populace. It is the task of the state to ensure, in the phrase used in the Treaty of Waitangi, 'Peace and Good Order'. The control of society, the Government's ability to impose or safeguard 'peace and tranquillity', comprises the most important of state functions. On a continuum of the numerous types of state controls over its citizens, ranging from a pole of extreme coercion through to the opposite pole of hegemonic control (of the way people think, and therefore behave), the police range far and wide. In most circumstances the police comprise the most significant state weapon of social control. In their monitoring of civil order around the clock, they act as the eyes and ears of



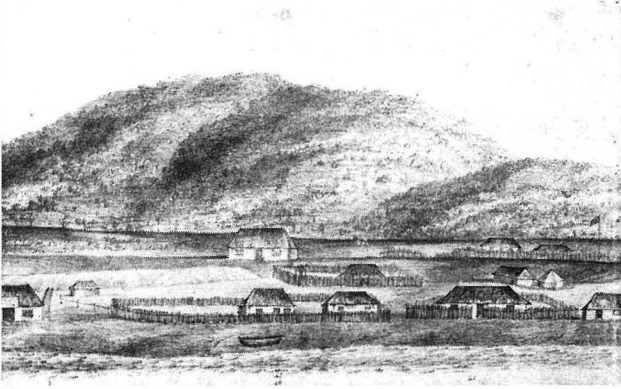
*Te Aro flat, Wellington, 1842. This was one of the areas from which beats had been withdrawn by 1852, because of lack of resources. Sketch by William Mein Smith. Alexander Turnbull Library.*

those who govern. They aim at ubiquitous surveillance over the population; the knowledge they gain is a prerequisite for efficient and successful 'order and good governance'.

The strategic type of coercion they apply to the citizenry along the continuum from condign through benign to hegemonic control, depends mostly upon the type of society or section of society to be policed. Colonial societies of immigrants recently released from the types of social control built up over the centuries in their 'old country' require a strong degree of coercion. So do colonised peoples, most of whom resist colonisation to a greater or lesser degree. Post-colonial societies that have 'stabilised' populations of coloniser and colonised peoples require a much lesser degree of coercive control. In short, in a colony such as New Zealand there is a general move in policing strategy from *imposing* order towards *maintaining* a relatively acceptable state of order that has emerged as a result of socioeconomic development and other factors, as well as from the previous use of overtly coercive control.<sup>2</sup>

### TRIPARTITE POWER STRUGGLES

In the first years of the New Zealand colony, police were at the forefront of the state's function of *imposing* at least minimum standards of behaviour upon the populace, both pakeha and those Maori within the purview of the Crown's coercive apparatus based at the scattered official settlements. In the greater Wellington region the magnitude of this task was in one sense alleviated by close control of the immigrants by the New Zealand Company's local leadership and its milieu of wealthy and powerful 'gentlemen'. But the strong presence of the Company power



centre also actually *created* a special problem of order for the Crown, one related to the third power centre in the region – the chiefs and their people.

The major task for the Crown in the early years of the settlement was that of imposing official British concepts of ‘order and decorum’ upon Maori; of ensuring ‘correct’ modes of behaviour and ultimately of thought by Maori; and of, through Europeanisation, getting the tribes to relinquish their land in sizeable quantities to the pakeha. Most pakeha authorities, Government and Company, wanted ‘amalgamation’ of the two races. This really meant assimilation by an allegedly ‘superior’ race of an allegedly ‘inferior’ one, the subsuming of the one beneath the other and eventually even the total absorption of Maori culture by that of the pakeha. The clash between the two pakeha power structures came about over the *pace* of this process of ‘civilising’ the Maori, of supplanting Maori law and customs by British law and customs – and, relatedly, of getting pakeha onto Maori land, most of which was seen as under-utilised or even ‘waste’.

The New Zealand Company regarded this process as ‘cultivating a moral wilderness’ that, objectively speaking, *wanted* to be cultivated: most ‘barbarous’ people would, if it were rapidly thrust upon them, quickly see the benefits of Europeanisation and wish to avail themselves of it. Those recalcitrants among them who did not, would need to be *forced* into obedience, if necessary down the barrel of a gun. Capitalist exploitation of the resources of the new colony, and the advance of ‘civilisation’ among Maori which underpinned this, should not be impeded by any resistance. All, including Maori, would benefit from the full and immediate creation in the antipodes of a Wakefieldian settlement comprising a happy mixture of property holders (including rangatira) and workers (pakeha and Maori).

The Crown and its policing apparatus shared the same *ultimate* aim of subjugating and ‘amalgamating’ Maori, and getting their land ‘opened up’ to the European. But being tasked with ‘peace and good order’ throughout the country caused the state to take a more cautious approach to the colony’s tangata whenua, who overwhelmingly

held the balance of military power. There was a cogent fear within the state of race warfare. The tangled tribal dynamics of the Wellington area made caution all the more necessary, as it was not possible to conclude a *modus vivendi* with a single Maori power grouping.

When Police Magistrate Dawson arrived in Wanganui in September 1841 he found the immigrants trying to force their way onto unpurchased land. The local tribespeople, not yet differentiating Crown from Company, told him: ‘You may take our land, but you shall break our necks first’. Even had Dawson wanted to break necks, he scarcely had the

capacity to do so. The local pakeha numbered dozens rather than hundreds; Dawson had a handful of constables, no troops. He, Chief Police Magistrate Murphy in Wellington and other officials repeatedly stressed to the Company power centre that the European presence was as yet too fragile for there to be anything but a *gradual* incorporation of Maori into the socioeconomic rhythms desired by the pakeha men of wealth and influence running the state and the Company. If the Maori power centres were negotiated with and the hapu and iwi given (at least in the eyes of ethnocentric officials of the early 1840s) a fair deal, Maori would cooperate and even assist with the process of securing ‘peace and tranquillity’.

New Zealand’s future prosperity, Murphy stressed, ‘depends quite as much on the attention paid to [Maori] interests, as to a continued introduction of emigrants’. He would ‘use my utmost power and influence to prevent the slightest wrong being done to the Natives’. Anything else would have been unwise in view of the huge disparity of the two populations and their resources; for a start, Maori fed the new settlements. But the new settlers, imbued with both ethnocentric superiority and a desire to get onto land they had been promised by the Company, and backed by the Company leadership, paid scant regard to Maori and therefore Crown sensitivities<sup>3</sup>

The constables of the Wellington region were active in attempting to prevent and suppress provocation towards Maori: refusing to allow violation of wahi tapu areas, trying to get settlers to fence their livestock so that it would not trample the unfenced Maori cultivations, and declining to listen to clamour to arrest Ngatitōa chief Te Rangihāeata for destroying houses erected on land at Porirua that had never been sold to the Company. The root cause of such problems was that the Company’s land purchases had been far too few for the number of settlers it had brought out; and that, anyway, many of the pur-

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*Above: Thorndon flat, Wellington, 1841. The large unfenced building contains the police station, post office, church, and courthouse and was popularly called the “barn-of-all work”. Anonymous sketch, Wellington Public Library.*

chases were dubious ones which – taking the most charitable interpretation – did not take into account inter- and intra-tribal complexities. The police needed, on behalf of the state, to mediate very carefully between the Company and tribal leaderships. The Company claimed that Crown impediments to its efforts to get its clients rapidly onto the land had *encouraged* Maori resistance; that without the interventions of officialdom and its policing agents, Maori would quickly realise that their best future lay with assisting the rapid Europeanisation of the colony; that British codes of law and behaviour were superior.<sup>4</sup>

As it was, the state *did* believe that Maori needed to have British mores imposed upon them: it was all a matter of timing. The police *were* attempting to encourage chiefs in and near the settlements to influence their followers to adopt pakeha ways of seeing and doing. But it was of necessity as yet a delicate business: imposition by coaxing and cajoling rather than by coercion. For it was clear that Maori authority constituted, like the Company, another arena of rival sovereignty. Indeed, there is evidence to suggest that Maori believed that the promise of rangatiratanga in the second article of the Treaty of Waitangi preserved both chiefly authority and the Maori way of life insofar as they wished this to continue; that Maori sovereignty could coexist with that of the Crown. For now, particularly given the huge population discrepancies, officials tried to persuade the chiefs that a regulated movement from customary mores and modes towards 'Britishness' was not incompatible with retention of their tribal authority base. In this way there should emerge, in the words of a police official, 'the quiet possession of the land by the Settlers'.<sup>5</sup>

In the earliest years of the colony the Crown saw nothing else as being viable; given the lack of coercive Crown resources, the process of turning its nominal sovereignty over the Maori into substantive sovereignty could only come about through suasion.<sup>6</sup> For their part, while the chiefs apparently saw their own sovereignty as guaranteed by the Crown in the Treaty, they were generally prepared to cooperate to a greater or lesser degree in reaching a *modus vivendi* with the Crown and the settlers. It suited Maori to participate in the colonial economy, in particular. Police chiefs Murphy and Dawson both reported in 1842 that Maori of the Wellington region were 'inclining very visibly from month to month more towards habits of industry, cleanliness and civilization'.<sup>7</sup>

The warrior chiefs of Ngatitōa, Te Atiawa and other tribal groupings did not attempt to repel the pakeha from their shores, which they could have done, because at the time it did not suit them to do so. This the police and other state authorities understood, but the Company leaders and settlers generally did not. In their ethnocentric contempt for the martial and other abilities of the Maori they jeopardised steady progress towards an accommodation of Crown and Maori sovereignties, in the process

threatening to unleash race warfare at a time when the Crown was ill prepared for it – and challenging the very foundations of the Crown's sovereign right by dint of annexation to regulate control of public order.

The Company had in effect attempted to assert itself as a sovereign entity when its first settlers arrived in Port Nicholson [Wellington Harbour] in January 1840, an effort viewed by the New South Wales authorities as being 'in opposition to the authority of Her Majesty'. When Lieutenant-Governor William Hobson sent his top official, together with troops and New South Wales mounted police, down to Port Nicholson that May, he did so primarily to establish a very clear constitutional position: there could be only one source of sovereign authority in New Zealand. To reinforce the point, soon after the expedition landed a very strong local police was recruited under the auspices of the New South Wales institution of the Police Magistracy, and the previous Company-controlled force was disbanded. The Wellington settlers, who took pride in the fact that unlike New South Wales theirs was a 'free' colony, were horrified to see heavily armed New South Wales and Police Magistracy constables ostentatiously patrolling their streets.<sup>8</sup>

Founding Police Magistrate Murphy reported 'strong hostility' among Wellington pakeha towards Hobson's northern governing establishment, but after a shaky start the Company elite had a cordial enough relationship with him: Murphy was socially of their ilk, and as one who shared their general aspirations he was considered to be 'a gentleman who has the true interest of the colony at heart'. Wanganui's Police Magistrate Dawson had tried his hardest to persuade local chiefs to let settlers onto the land pending a final outcome to the disputes, and was similarly accorded a place in the ranks of the fledgling colonial elite of the 'southern settlements' despite his arrogant and overbearing personality. Murphy was even courted for a senior Company post in 1842 by none other than Principal Company Agent William Wakefield, who testified that the chief of police had been his 'coadjutor and support in every measure I have considered beneficial to the settlement and the Company which he could, consistently with his official capacity, countenance'.

But the phrase *consistently with his official capacity* was the clue to why he and Dawson lost their careers as a result of Company-propagated scandals. Their positions as the local representatives of state meant that they could not accept the New Zealand Company's assessment that 'prospects of Security and wealth' in the new colony depended upon 'the increasing power of the Company'. As state officials tasked with 'order and regularity' throughout the region they believed the actions of the Company's staff and immigrants towards the Maori power centre often to be foolishly provocative. The Company did not heed their warnings: 'The hostility of the local Government must either give way or be removed.' When the

officials failed to 'give way' and effect rapid settlement of the land whatever the dangers, the Company worked to remove them, determined to make it 'a matter of history that the Government were in the habit of employing the vilest characters in situations of trust and responsibility'.<sup>9</sup>

It is true that neither of them was above reproach. Murphy, for example, had been sending one of his constables out on the beat every night so that he could join the man's wife in bed – at some cost to his physical wellbeing when the constable discovered the affair. But the Wakefield family itself was scarcely beyond reproach in such matters, given its propensity for running off with nubile young heiresses. Moreover, the police chiefs' warnings proved tragically prophetic a few months after their disgraced exit from officialdom. It was a Police Magistrate, succumbing to settler pressures to get quickly onto the land whatever the opposition from Maori, who led a tragic expedition from the Company settlement at Nelson in an attempt to arrest Ngatitōa's leaders at the Wairau.<sup>10</sup> Yet even with 22 settlers, policemen and officials dead as a result of the ensuing battle, and few state coercive forces available, Company settlers sought an attempt at punitive action against Ngatitōa and were infuriated when this was vetoed by the Crown. 'There never was a more ignorant, extravagant and dangerous exhibition of the folly of despising your enemy' commented the Protector of Aborigines.

Despite the Wellingtonians' flailing of Murphy's successors, A E McDonogh and Mathew Richmond (who was soon to gain even greater powers as Superintendent of the Southern Division), the police officials continued to apply the old policing maxim regarding 'the wisdom of caution' when dealing with resistant indigenous populations of size and strength. In the event this proved to be efficacious for the development of the settlement. The two officials, with the support of the new Governor Robert FitzRoy and particularly after the investigations of Land Claims Commissioner William Spain, were able to make meaningful moves towards getting greater pakeha access to the land by working on compromises between Maori and Company. The Crown even attempted to reduce friction with the leading southern settlers by the tactic of 'incorporation' – appointing police and judicial officials from among the Company elite in Wellington (Henry St Hill) and Wanganui (Samuel King).

This was a move not without its dangers given the degree of reprogramming 'poacher into gamekeeper' that was needed. St Hill, for example, had been a member of the 'government' the Company had set up in rivalry to the Crown in 1840 and had been known for 'hot headedness' during earlier Maori scares. However the new bureaucrats and the several other officials tasked with imposing 'order and regularity' in the Southern Division did work hard as brokers between the other two power centres and helped secure a land deal with Ngatitōa

in 1844. But when this proved to be a considerably smaller step than believed – officials had underestimated both the degree to which Ngatitōa held tangata whenua status in the Wellington area, and the complexity of rights between various hapu and iwi – the reprogrammers came to give *some* credence to views amongst the milieu from which the new state agents had emerged. The sacking of Russell and the ensuing northern war added fuel to such beliefs.

By the end of 1845, Spain had reported on the validity of the Company's purchases of Maori land. Even though extra payments for Maori had been wrung from a reluctant New Zealand Company, tribespeople continued to work farmlands believed to have been purchased, some of these after recently negotiated settlements. During the year Richmond and others had been coming to believe that, while negotiated agreements with the Maori remained the best way forward, their achievement and/or implementation required a demonstration of military might. Crown officials were even coming to support the Company view that counteractive measures against Maori might justifiably include moving pakeha onto lands that had clearly never been sold by *any* tribe or sub-tribe, knowing that this risked war.

In the event armed confrontation in the south arose from a string of events in the north. The war waged by sections of Ngapuhi had demanded an expensive investment in imperial military resources, and George Grey was selected as a Governor able and willing to efficiently superintend the suppression of 'rebels'. Moreover, now that warfare had broken out and troops were stationed in the colony, the state had less imperative to accommodate the effective continuance of indigenous sovereignty in areas where this would impede settlement. Grey, in fact, was an imperial expert in the theory and practice of *rapidly forcing* 'civilisation' upon subject races, of subjecting them to the full panoply of British laws and official mores. If necessary, 'order and regularity' as the Crown understood and desired it would be imposed by force of arms. This new imperative coincided with the increasingly revisionist views of Superintendent Richmond and his fellow Wellington officials, and troops were soon available for use in the region.

But (expensive and disruptive) military subjugation of what was perceived as a rival sovereignty was never intended to be more than a short-term means to a greater goal of peaceful race coexistence, albeit on Crown terms. What would replace subjugation as a means of socio-racial control? The Police Magistracy forces in the Wellington region had been able to keep order in the earliest years of the settlement but were decreasingly able to control even the pakeha in and around the settlements. In particular, Company control over its immigrants had greatly lessened as a result of its inability to fulfil its promises to them, and in any case non-Company 'men of desperate character and irreclaimably criminal habits' had

drifted in and created problems for the relatively unsophisticated control measures of the constables. Moreover police numbers were low. In 1842 the Chief Constable of the Wellington urban area (2,600 people) had 13 subordinate constables; that of Wanganui had three. In the sense of town policing this was a very high percentage of police to population. But these 16 and their superiors were also tasked with coverage of the entire southern North Island, as best as they were able.<sup>11</sup>

Ironically, the ultimate coercers available to the Crown, soldiers, created some of the biggest problems for the police given their propensity to consume alcohol more prodigiously than ordinary colonials – which was prodigious enough by anyone’s standards – and thereby produce public disorder. This problem intensified when Grey’s suppression of southern tribes commenced. Right through the Crown Colony period, in fact, soldiers stationed in and around Wellington were said to have ‘drunken, quarrelsome and thieving habits’. Other sectors of society also caused disproportionate trouble. Whalers, for example, after a good season when they sought to spend up large on alcohol and women; whalers after a bad season when a hundred or so near destitute men would descend on town, with obvious consequences.

Locking offenders up in the primitive and overcrowded gaol was scarcely very efficacious. In a typical gaol escape in 1843, six prisoners violently overpowered all four police in the vicinity and locked them in the cells. Occasionally there were so many escapees that all police were off hunting them and unavailable for street duty. Police could not guarantee the safety of informants in gaol; a sergeant had to put one such prisoner up in his own house for 10 weeks to protect him, itself a disruption to his policing routines.

The colonial elite, when themselves subjected to police attention for drunkenness and riotousness, would accuse the constables of ‘committing the most unprovoked and unnecessary aggressions upon the inhabitants’. But given the type of individuals and groups the constables were usually dealing with, generally the settlers approved of what were by modern standards very rough policing methods. Before a Police Magistracy force was established in Wanganui, for example, much robbing and pilfering was reported (as well as drunkenness, de-

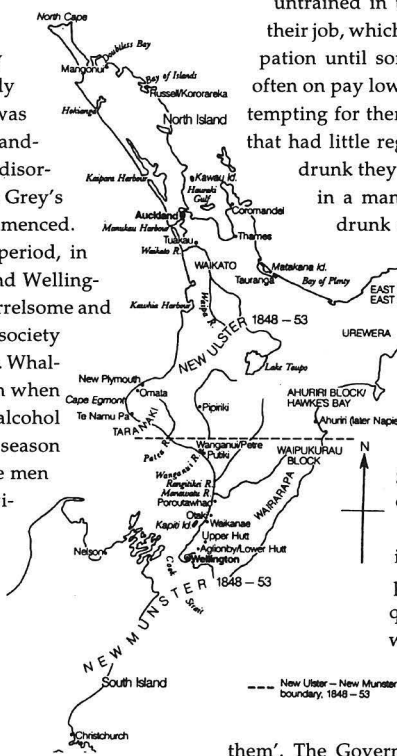
bauchery and disorderly behaviour from Edward Gibbon Wakefield’s son Jerminham and his circle). After a police establishment was set up and the constables applied con-dign force to the problem, offending virtually ceased for a time. The only recent offender in November 1841, the Police Magistrate reported, was the Sergeant of Police himself – who was sacked for being drunk and riotous on duty.

Draconian police methods reflected the rawness of colonial society. The Magistracy police were untrained in the law or anything else to do with their job, which was regarded as an ephemeral occupation until something better came up. They were often on pay lower than that of a day labourer. It was tempting for them to supplement their pay by means that had little regard to niceties. If they brought in a drunk they did not get a reward. If they brought in a man who was later convicted for being drunk and disorderly they did, so many a drunk was taunted or otherwise provoked by constables into disorderly behaviour. Their superiors tended to turn a blind eye: the main problem of order in urban society was a result of drunkenness, and a bit of creative police activity in the service of the greater goal of reducing overall drunkenness could be tolerated.<sup>12</sup>

But too much transgression would impair the task of the Crown to impose increasingly high behavioural requirements upon the populace. As with the fate of the Wanganui sergeant, so Murphy reported of the region’s constables that he was ‘obliged for bad conduct constantly to change them’. The Governor himself was so worried in 1842 about oppressive behaviour by police that he decreed that ‘firearms must not be placed in the hands of constables except on pressing occasions’.<sup>13</sup> By May 1845, however, the police were in a bind on such matters. Retrenchment arising from state financial difficulties had so reduced their numbers that those left had frequently to resort to main force to overbear or overwhelm an offender. Sometimes even this was inadequate: when Chief Constable Burgess Sayer and a boatload of his constables tried to prevent the former proprietor of Barretts Hotel fleeing an embezzlement charge in an American brigantine, the boarding party was repelled with armed force and had to watch helplessly as the ship sailed out of Port Nicholson. Even if he had taken his entire force, the result would have been the same.

As 1846 neared, Wellington and the Hutt had a population approaching 4500 (including well over 500 Maori).

NORTH ISLAND, 1840 – 53



Above: From Policing the Colonial Frontier, Richard Hill.

Yet their authorised strength of NCOs and men had fallen to five men. The chief of police felt that this was 'barely sufficient to efficiently perform the duties of the Town and district', let alone provide (usually reactive) police coverage for the rest of the southern North Island – particularly given that Wanganui's police establishment now comprised a single constable. The addition of two extra policemen after a spate of disturbances in the town was of little comfort to the Wellington authorities, particularly as the possibility of race warfare loomed.<sup>14</sup>

#### IMPOSED CONTROL

By now Governor Grey had in effect decided that time was apposite for the Crown to link with the Company power centre against that of resistant Maori. He had arrived in February 1846 with 500 military to begin the process of dominating and if necessary suppressing 'rebel' Maori. He quickly turned his attention to the police. The Police Magistracy system had been imported into the colony to provide control of a situation in which settlement was small and nucleated. Grey's plan to *force* 'civilisation' on Maori required moving actual state power well out of the settlement environs. Seven ill-trained constables based in Wellington to 'watch a tract of forest country, without roads, more than a hundred miles in length, and to control about five thousand Europeans and many thousand savages' was (he agreed with the Wellington police leadership) manifestly inadequate to 'ensure the permanent tranquillity and welfare of this country' once refractory Maori had been conquered.

In fact Grey's new police would be a sizeable semi-military body that would be able to actually participate in the suppression of 'rebels', as with the Irish Constabulary on which it was modelled. Once Maori had been shown the futility of resistance to the might of the Crown, the new force would superintend the imposition upon them of European ways and means of doing and seeing. Moreover, given recently increased disorder in the urban streets, the new police would not just supplement the Police Magistracy force but eventually replace it. It was an Armed Police Force that would now handle the 'control of both races'. Although ironically the new force would be far more ostentatiously coercive than past policing modes which the Company settlers had complained about, because its *primary* target was Maori there was no opposition from the settler establishment.

Indeed, Wellington settlers were generally delighted: they no longer needed to constitute in effect a rival sovereignty. Their interests and those of the Crown had merged now that the balance of military power had changed: Maori who still resisted the implications of the accession of kawanatanga in New Zealand would see their rival power source crushed. A Wellington paper summed up feeling in crowing that the advent of an Armed Police Force 'must have a great affect in overawing the aborigi-

nal population'. Grey was depicted as the first Governor who had shown 'desire to promote the welfare and advance the interests of the colonists at Port Nicholson'. Insofar as pakeha were to be targeted by the Armed Police Force, these would perceivedly be mostly non-Company pakeha who had recently been drifting into the settlement and who required the application of harsh control.

In April 1846 the Armed Police Force was established and, significantly, placed in the charge of locally recruited officers headed by prominent Company settler David Stark Durie – another member of the rival regime of 1840. Fifty-five men were carefully selected by Grey to be armed police, and numbers peaked at 70 later in the year, at around the time an 11-man detachment was established in Wanganui. In both places one of the first tasks was the cleaning up of a burgeoning trade in illegal liquor sales which were said to be 'affecting no small portion of the community'. Unregulated drinking disrupted public order and rhythms of work, and was all the more important to suppress now that sizeable numbers of soldiers were based in the Wellington region.<sup>15</sup>

Over the winter of 1846 Grey sought to conquer Ngatitōa and their allies, having established a defensive line between Porirua and Upper Hutt. The Armed Police Force focused on preventing and mopping up resistance south of this line, although it also participated in the fighting along and forward of it. A detachment, for example, patrolled Karori to prevent incursion into the rear of Wellington, while armed police participated in the raids that led to the capture of Te Rauparaha and of Rangihaeata's pa at Pauatahanui. That August the rebel forces under Te Rangihaeata and Te Mamaku withdrew to the Manawatu and the Wanganui Valley. Between their forces and the settled areas near Cook Strait, settlement could expand so long as caution towards the remaining Maori prevailed. The Armed Police became the spearhead for the gradual expansion of the Crown's authority up the coast from Porirua. In 1847, indeed, the headquarters of the Wellington police was moved to strategically-placed Waikanae.

That same year warfare broke out in the Wanganui area. Here too the Armed Police participated in both fighting and post-war pacification in the hinterland. Peace was signed with both Te Rangihaeata and Te Mamaku in 1848, and in case of further disturbance the military garrison that remained at Wanganui kept close surveillance of the coast. But although a start on changing nominal into substantive sovereignty in the region had been made, much needed to be done. Grey was determined to do it quickly, and the police were an integral part of his plan. He had indeed first come to prominence with the imperial authorities over a keynote paper that argued – apropos Australian Aborigines – that indigenous subjects should be compulsorily assimilated so that they would rapidly

become British in fact as well as in name.<sup>16</sup>

Grey overrode the caution of the authorities in Britain who, as with Governors Hobson and FitzRoy, were willing to entertain not only the temporary continuance of most Maori customary practices, but also of districts where Maori authority and law prevailed. Grey wanted full and rapid adoption by Maori of European ways of thinking, seeing and doing. He enshrined the existence of the Armed Police Force in law in October 1846, and its detachments had soon completely superseded the old Police Magistracy Forces. In a parallel development, a new judicial agency, the Resident Magistracy, was established. The Resident Magistrates, who headed the local state establishments in the outer areas, were tasked with pushing European laws and mores ever further into the countryside.<sup>17</sup>

Chiefs were expected to cooperate in this grand endeavour. From the beginnings of the first Armed Police Force, that in Wellington, and in the others that followed in Auckland and New Plymouth (the three technically policed the entire colony), Maori were enrolled. There was already a long history in New Zealand of co-opting Maori, particularly chiefs, into assisting the state, includ-

ing swearing them in as constables. This had mostly been to utilise their specialist knowledge of and control over their own tribespeople for reasons relating to intelligence and tribal mobilisation in the cause of the state. There was still an important element of such thinking behind the Maori Armed Police enrolments: most Wellington enrollees were Te Atiawa, including leading 'friendly' chief, Wi Tako Ngatata. But Grey's plans were more ambitious than those of his predecessors: Maori would learn 'civilised' behaviour through chiefs who had been living and working with pakeha in an intimate fashion – particularly in the Armed Police Forces and in the Resident Magistrates' establishments. Once they had 'emancipated themselves from their former prejudices' they would go back to their villages, invigorated by the vast potentialities of 'British civilisation', and in turn set about to convert their people to the benefits of becoming brown-skinned pakeha.<sup>18</sup>

Pay in the Armed Police had been higher than that of its predecessors, mostly in order to attract a 'better class' of pakeha able to teach the Maori police by example. Recruitment in Wellington had, indeed, been among relatively sober tradespeople, a more sophisticated recruiting ground than for most colonial police. It was seen as a successful experiment. The head of regional police, Inspector Durie, felt in 1848 that the 'effect the Police Service has on the habits and conditions of the Natives is not only apparent, as far as their amelioration is concerned, but is evident in their cleanliness, smartness, intelligence and general bearing, after their period of service expires'. Settlers not usually disposed to say a kind word about Maori were soon commenting favourably on progress in Europeanising the Maori police privates.<sup>19</sup>

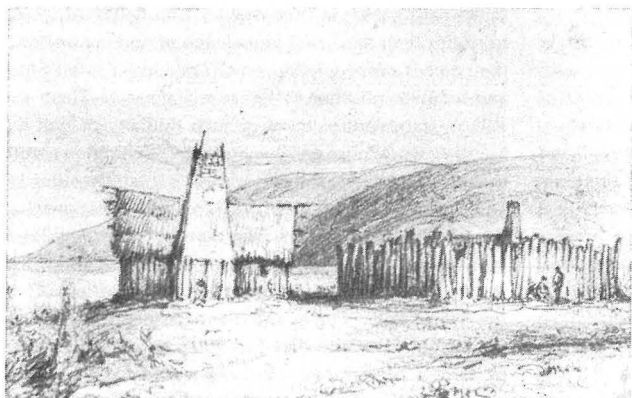
But not all was well. One factor militating against the civilising influence of police life was lack of adequate finance for the police detachments. In particular, the conditions of the police barracks in which they lived and worked was scarcely a civilised environment even by colonial standards. Inspector Durie described the Wanganui police station as 'a most disreputable hole that attracts the notice of every passer by', and the local Resident Magistrate described



Top left: David Stark Durie, Inspector in charge of the New Munster Armed Police Force, photographed later in life. Wanganui Regional Museum.

Top right: Te Rauparaha, 1843 (the year of the 'Wairau affray'). Sketch by John Gilfillan, Alexander Turnbull Library.

Below: Wanganui, 1841. The original police office is above the smoke. Sherrin and Wallace, Early History of New Zealand, 1890.



it as a 'shed ... so dilapidated as to be unfit for any but Maoris' – presumably referring to Maori who had yet to be 'civilised' through policing or other state service. The NCO's house next to the barracks was a 9 by 10 foot structure in such bad repair by 1850 that it had driven 'the last corporal of Police to the Public Houses – which led to him disgracing himself and the force'. Eventually, with the permanently damp barracks in danger of imminent collapse, the police had to be given permission to sleep away from barracks, the Maori in their pa. This was deemed to be 'manifestly to the subversion of all order and discipline', but there was no choice.

Wellington's main police station at Kumutoto, rented off Wi Tako himself, was 'unsafe and unhealthy' as a result of the Crown's inability to find the money for repairs. When the lockup at Thorndon had fallen into such a 'ruinous state' that the prisoners had to be incarcerated in the police barracks, non-rostered constables had to try and sleep through drunken singing and general disturbance. Poor conditions made for a deterioration in policing standards, especially when coupled with a lessening of discipline as a result of headquarters being at Waikanae. In fact, former Chief Police Magistrate McDonogh was made Sub-Inspector of Police in Wellington town to improve discipline among the men. It was not until 1852 that the Wellington police gained for the first time relatively decent living and working conditions, on Lambton Quay. But an endemic accommodation problem remained. So flimsy were some outlying stations that a report that the police station at Paremata had been 'blown down by the late boisterous weather' evinced no surprise at all in officialdom.<sup>20</sup>

Despite all the problems, as early as 1847 'peace and good order' were developing so rapidly that the Armed Police of Wellington could be reduced to its original complement, and further cuts were to follow. By 1848, in the eyes of the Crown an adequate degree of order had been imposed on both races in the settled areas of the southern North Island. Various assessments refer to a relative stabilisation of pakeha society and a considerable better-

ment of race relations. At the beginning of the year even the autocratic Governor-in-Chief Grey was happy to devolve control over the state coercive apparatus in the southern North Island to Lieutenant-Governor Edward Eyre, who now had hands-on supervision of all of New Zealand south of a line stretching eastwards from the Patea river mouth, i.e. over the Province of New Munster.

The Wellington settlers had not regretted their decision to set aside their dislike as 'free citizens' of the sight of armed police in the streets, in return both for the protection of their persons and property from rogue

pakeha, and for the Government's new push to get Europeans onto the land in face of Maori resistance. Their prospects had not seemed good before this. A recent fall in the urban population to below 2,000 had been partly caused not just by people leaving to settle on the land but also by an outflow born of disillusionment. The 'blue jackets are a set of good well-behaved men, much liked here', a newcomer noted. By the end of 1848 there was said to be 'a comparative absence of any serious cases [of crime or disorder] in this province which are not immediately detected by the vigilance of the police'. All agreed that disorder was decreasing within and between the races.<sup>21</sup>

This had been assisted by a very high number of police per head of population in the urban areas where the stations were located. There were still 26 constables in the Wellington urban area alone, together with eight in Waikanae, six in Wanganui and two in Porirua. The Wellington-based men doubled as a reserve force, ready at immediate notice to travel anywhere in New Munster at the potential or actual outbreak of 'disturbance'. This high degree of mobility, characteristic of Irish Constabulary-styled forces, was complemented by another feature of repressive police: frequent transfer between stations, if possible at three monthly intervals. One benefit of this was that all police personnel would gain some familiarity with the entire region, its terrain and its people, which would be useful in the event of expeditions to trouble spots. Even more importantly, in this way policemen and policed remained strangers to each other, the most appropriate circumstance when one is *imposing*, perhaps down the barrel of a gun, discipline upon others.<sup>22</sup>

#### 'ORDER AND TRANQUILLITY'

The paramilitary 'stranger policing stranger' policing mode was, however, expensive to maintain in its classical, personnel-intensive form. When state decision-makers assessed – in Eyre's words – a 'prospect of continued tranquillity', it was only a matter of time before modification of the police system occurred. By early 1849, with



Rangihaeata's defiance from his swampland pa at Poroutawhao ended, with settlers poised to move their stock into large areas 'opened up' through Crown purchases from Maori, and with what was seen by the authorities as generally an adequate standard of behaviour prevalent in the towns, it was time to modify the policing system of the North Island portion of New Munster.

In the view of the powerful New Munster Colonial Secretary Alfred Domett, the practice of rotating occupation-style police around the various stations was in particular fast becoming anachronistic. Police were increasingly seen to be most useful to the Crown if they knew the land and the people intimately. The expensive 'stranger policing stranger' model could now be gradually superseded, particularly in the urban areas, by a new and more benign model. Since the targets of policing were increasingly the marginalised with whom police were not supposed to be mixing socially, there were far fewer dangers of any 'over-familiarity' with the populace, which was believed to lead to dereliction of duty by constables. In the first step towards applying the new policing ethos in a structural sense, on 1 May 1849 the North Island section of the New Munster police was reduced to a total of 27, the number of stations reduced, and the periods between transfer times greatly increased.

The now essentially urban-based force was even more than before a mobile constabulary needing to be able to travel extensively and, in particular, to suppress any pockets of Maori resistance to pakeha expansion or to European codes of behaviour. But the postwar situation had led to organisational change in the police interface with Maori as well. Most initial Maori Armed Police Force members had been selected not only because of their specialist knowledge of Maoridom and their assigned roles as missionaries of Europeanisation in their tribes, but also because they belonged to tribes hostile to the 'insurgents'. In the world of the 'stranger policing stranger' syndrome, police from one tribe would be readily prepared to discipline, even to kill, men from tribes with which they already had an adversarial relationship.

But now the generality of southern North Island Maori were perceived to be pacified, in need only of some guidance on how to behave and think in a 'civilised' fashion. Maori police were therefore increasingly needed mostly for their specialist knowledge of their own tribal milieu, and their ability to provide firm behavioural guidance to their tribespeople. Grey's idea of chiefs becoming

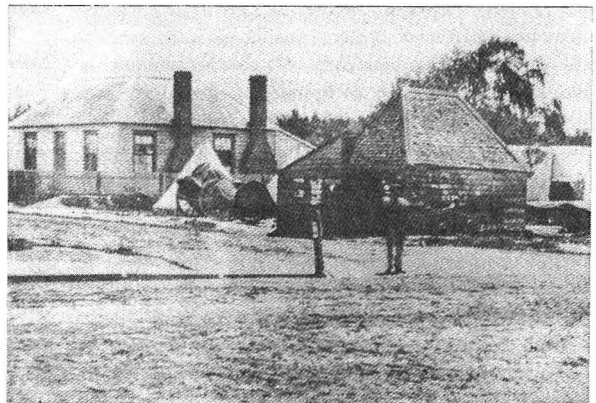
programmed with appropriate attitudes and actions, and then in turn both reprogramming their people and disciplining those who resisted, remained operative – the equivalent in the Maori countryside of the 'like policing like' ethos that was coming to prevail in the towns. The merging of town and countryside modes of policing can be seen in Wanganui in 1850, a town yet to surpass 350 people. Its entire police complement of privates (three of them) were Maori, and because their knowledge of and influence over local Maori was invaluable they were given exemption from the need to transfer elsewhere. A year later a protest by prominent Hutt settlers about to see their sole constable transferred away from the district led Governor-in-Chief Grey to sanction transfers at *annual* intervals as a general rule – itself a rule increasingly observed in the breach.

By 1851 creeping retrenchment including the big cuts of 1849 was causing concern among observers and police officers alike that the trend towards benign, low-level policing had gone too far. That October there were only 37 police in New Zealand south of the Patea River mouth, including in the new planned immigration settlements at Canterbury and Otago. The North Island portion of New Munster totalled 23 members of the Armed Police Force, including eight Maori: 15 in Wellington, one apiece in Porirua and the Hutt, four in Wanganui and two at Waikanae. So stretched was police coverage that even in Wellington Sub-Inspector McDonogh could sometimes muster only two men for beat duty at any given time. In 1852 he was forced through lack of resources to confine beats to 'the beach part of the town' from the Thistle Inn to Willis Street, leaving two 'great portions of the town, viz Thorndon Flat and Te Aro Flat out of the pale of the perambulations of the police'. Durie, now Resident Magistrate in Wanganui and in charge of that town's Armed Police Force detachment, was lucky if he could spare a sole policeman for beat duty at *any* time.<sup>23</sup>

The political authorities acknowledged that the New Munster police complement was 'to a certain extent inadequate to the exigencies of so extensive a country'. But

*Opposite: Porirua, 1849. Police stockade. Sketch by William Swainson, Alexander Turnbull Library.*

*Right: Wanganui's new police station and lockup, built in 1842 by John Garner. New Zealand Police Museum.*



state coffers remained stretched and, as early as 1849, in Grey's assessment (admittedly with an audience of his superiors in England, to whom he was inclined to greatly exaggerate) 'probably no measure has been so totally successful in its results' as the Armed Police Force. Because the region's police *was* able to cope now that a relative quietude had descended upon the land, both within and between the races, albeit cope in a stretched fashion, the men would just have to continue working long hours and with little immediate backup.

On a randomly selected but typical policing day in Wellington and the Hutt in 1851, for example, 10 of the 16 strong local police complement were rostered on police duty (five of the others were carrying out 'necessary subsidiary duties' required by the political authorities, while one was off sick). The lone Hutt private patrolled whenever he could. The Armed Police Force concept of duty was particularly hard on sole charge police: 'Constables being always liable to be called on to preserve the peace of the Town, are in one sense never off duty unless they have express leave of absence for a given time' – a very rare thing in these circumstances. On that day in 1851 seven privates patrolled the Wellington streets. Three of these covered 'daytime beats' from 8am- 1pm and 6-8pm, and were back on duty for the midnight to 4am night watch. The other four took the 1-6pm daily watch; two of these went out with the sergeant on the 8pm to midnight beats, one on the 4-8am night watch. Sub-Inspector McDonogh made surprise supervisory visits at 1pm and 10.30pm.

Such visits were integral to beat policing, but were the more necessary in Wellington at that time given a decrease in the calibre of recruits, a consequence of a recent falling behind of pay rates relative to both rising prices and to increases in wages in other sectors. The new men who were signing on for the yearly contracts were allegedly allowing Wellington to turn into a 'vortex of dissipation' while they lounged around on street corners joking with prostitutes. Worse, Sub-Inspector McDonogh was in despair over his lack of resources. He had previously been removed from officialdom as a result of his gambling-induced financial entanglements, but reinstated because of his policing knowledge. He now retreated to his old vices, lowering morale by begging, borrowing and even stealing from his men to maintain his gambling addiction – a matter on which, in a paramilitary force of rigid chain-of-command discipline, the subordinate police were reluctant to act. There was such a general feeling of crisis in the policing of the New Munster provincial capital that Grey himself began to investigate. Then in October 1852 most of the Wellington policemen risked 'severe punishment' under their military-styled regulations by striking for decent pay – the first strike by sworn police personnel in the country's history (and one of the few ever).

Although he considered the strike heinous in the extreme, Grey appreciated that retention of a set of police with some experience was preferable to a new group of inexperienced men from what would be dubious backgrounds given the current pay rates; he was also acutely aware that something was terribly wrong at the top of the Force. So negotiations with the strikers took place and led to a return to work. Sub-Inspector McDonogh, humiliated by these experiences and under renewed investigation, went to pieces. He drank even more than usual, stole the entire police pay packet, gambled it away and then killed himself.

His successor, Richard Baker, was as forthright in his assessment that retrenchment had gone too far – that 'order and tranquillity' remained quite some way from being fully established, and so more police were needed. He sought, for example, more constables so that police could 'protect the ... unprotected parts of this straggling town' by extending the beats through Thorndon to the 'Kaiwarra Road' in one direction, and in the other through Te Aro to Mount Cook gaol. This request was to no avail. With the age of representative and provincial government almost upon the colony it would be up to the Wellington Provincial Government to put in place its own policing regime commensurate with what it could afford – and that is another story altogether.<sup>24</sup>

#### CONCLUSION

Police Sub-Inspector Baker, who went on to head the Wellington Province Police, was the same Major Baker who had been the 'Police Magistrate' in the illegal New Zealand Company rival government of 1840, a reflection of the degree to which the two centres of European power in the region were now well and truly fused. Finally, with the establishment of the Province on 1 October 1853, the settler elite could get their hands on at least a devolved degree of sovereignty. But by now, as we have seen, they had long since ceased to be viewed by the Crown authorities as aspirants to a rival sovereignty – with good reason, for a more sizeable role in governance was satisfactory enough for most of them.

To a lesser degree the Crown had ceased to regard *Maori* as antagonists to Crown sovereignty. But here the state authorities were blinkered by the apparent success of those 'rapid amalgamation' policies in which the police had played a prominent part. Although *Maori* were militarily quiescent and those within the purview of European settlement were taking up pakeha ways of doing things, in general tribal leaders had not abandoned their aspirations for meaningful exercise of the rangatiratanga they had been promised under the Treaty. Even those who had felt that this was compatible with the Crown's exercise of *kawanatanga* were becoming disillusioned. The leading 'friendly' chief in Wellington, the chiefly policeman Wi Tako, was a saddened man by the end of the

Crown Colony period. He had sought to meld Maori and European ways so successfully that even when a fellow Maori policeman was caught having an affair with his wife he forebore to take out customary Maori *utu*. Instead he presented the situation to the European legal system, which treated it as a criminal matter. The culprit was incarcerated, then sacked from his job and despatched up north.

By 1853 Wi Tako was of the opinion that he and his people had received few *quid pro quos* for their cooperation with the *pakeha*. Inspector Durie had described him as 'one of the most intelligent and energetic, as well as one of the best conducted Maoris in the district'. This related to his willingness to collaborate with the policies of 'amalgamation', but it took no heed of the reciprocity Wi Tako expected, namely the preservation of Te *Atiawa's* *rangatiratanga*. When the Crown behaved badly over a land sale he complained bitterly: 'You buy as much as you can of our lands and then you try to cheat us out of the rest.' In 1853, the year that Grey declined to establish any of the Native Districts allowed for in the new constitution, Wi Tako took a significant role in deliberations at Otaki which promoted the Maori King movement, itself soon to become another centre of rival sovereignty.

The wars which resulted in the 1860s did not directly affect most of the Wellington region, but are clearly linked thematically with the struggle for control in the early Wellington settlements. In colonial New Zealand, war was virtually inevitable sooner or later, given the incompatibility of Crown and Maori aspirations with regard to sovereignty. The ramifications of this incompatibility had potentially been particularly severe in Wellington because of the proactive presence of the third rival sovereignty, the New Zealand Company. The fact that warfare in the region proved to be limited and ephemeral can partly be ascribed to the Crown policing officials' early efforts to mediate between the other two rival sovereignties. It also resulted from the ongoing efforts of the police to impose what the government defined as 'peace and tranquillity' upon those of both races who resisted. Despite all the problems, the police system of early Wellington had worked well in its pursuit of state aspirations.<sup>25</sup>

## NOTES

- All archival references cited in this paper are to sources at the New Zealand National Archives, and footnotes are composites. For this paragraph refer to IA 4/265, 43/34 and 43/50; IA 1/19, 43/268; IA 1/30, 44/608; *New Zealand Colonist and Port Nicholson Advertiser*, 18 and 25 July 1843; entry M60, *Dictionary of New Zealand Biography, Vol 1* (Wellington 1990). The phrase 'the control of both races' was used by Governor Grey in a letter to the Secretary of State for the Colonies, CO 209/38, 22 November 1845.
- The process of altering modes of control in New Zealand, broadly speaking from an overtly coercive strategy to a more benign and ultimately hegemonic mode, can be seen in the author's contributions to the History of Policing in New Zealand series: *Policing the Colonial Frontier* (Wellington 1986), *The Colonial Frontier Tamed* (Wellington 1989), and *The Iron Hand in the Velvet Glove* (Wellington 1995).

- IA 1/6, 41/444; IA 1/8, 41/1201; for military/race interaction in early Wellington, see Ian McL Wards, *The Shadow of the Land* (Wellington 1968); for the early economy of Wellington see M K Watson and B R Patterson, 'The growth and subordination of the Maori economy in the Wellington region of New Zealand, 1840-52', *Pacific Viewpoint*, 26(3), 1985, pp521-45; B R Patterson, *Early Colonial Society through a Prism: Reflections on Wellington's First Anniversary Day* (Wellington 1994); B R Patterson, 'A 'half Australian, half American' sort of town: the economic foundations of nineteenth century Wellington', in R P Willis and J McConchie (eds), *Dynamic Wellington* (forthcoming).
- Refer, eg, to W Wakefield's letter to the New Zealand Company Secretary, 12 December 1843, NZC 3/3; for a general account of the Company see Patricia Burns, *Fatal Success* (Auckland 1989).
- IA 1/12, 42/674; for Treaty perspectives, Claudia Orange, *The Treaty of Waitangi* (Wellington 1987).
- For concepts of nominal and substantive sovereignty refer to James Belich, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict* (Auckland 1986).
- IA 1/13, 42/1021 and 42/115.
- For a contemporary official New South Wales perspective on the constitutional gravity of the Company's actions, see IA 1/2, 40/235.
- New Zealand Journal*, 19 June and 7 August 1841; NZC 112/1; IA 1/12, 42/674; IA 1/30, 44/608; re vilification of officials, see B R Patterson, 'Reading between the lines. People, politics and the conduct of surveys in the southern North Island, New Zealand, 1840-76', PhD thesis (Wellington 1984), ch 5.
- The 'standard' interpretation of the events at the Wairau in 1843 is in Ruth Allan, *Nelson: A History of Early Settlement* (Wellington 1965); for other interpretations see the previously cited works of Burns and Wards, and Hill's *Colonial Frontier*.
- IA 1/15, 42/1544; IA 1/17, 42/2005, *New Zealand Colonist*, 21 April 1843.
- New Zealand Journal*, 7 August 1841; NZC 108/1, enclosure; IA 1/5, 41/58; IA 1/10, 42/198; IA 1/17, 42/2128; IA 1/22, 43/973, 1032, 1034; *New Zealand Colonist*, 6 January 1843; *New Zealand Journal*, 18 December 1847.
- IA 1/5, 41/171; IA 4/265, 42/150.
- NM 10/5, pp156, 166; *Great Britain Parliamentary Papers*, 1847.763, Grey to Stanley, 19 April 1846; CO 209/43, desp 36, 22 April 1846; IA 1/14, 42/1278.
- Independent*, 15 April 1846; IA 1/49, 46/859; NM 8/6, 47/60; NM 10/6, pp151, 153, 200.
- NM 8/4, 46/150; NM 10/6, p 43; NM 8/5A, 46/477A; for warfare see Wards and Belich.
- Alan Ward, *A Show of Justice* (Auckland 1973); Hill, *Colonial Frontier*, ch 4; *New Zealand Journal*, 5 February 1842.
- CO 209/45, despatch 102, 7 October 1846: enclosure.
- New Zealand Journal*, 27 February 1847; NM 10/8, 48/340A: enclosures; *New Zealander*, 18 July 1846.
- NM 8/21, 50/711, 781; NM 8/22, 50/1036; NM 8/24, 51/105; NM 8/34, 52/110: enclosure; NM 8/35, 52/1485; NM 4/2, pp53f; NM 6/1, p12.
- NM 10/6, p180; *New Zealand Journal*, 11 September 1847 and 18 December 1847; NM 18/14, 49/70.
- NM 8/10, 48/3460A: enclosures; NM 8/13, 48/1378: enclosures; NM 10/10, 49/1045.
- NM 8/21, 50/781; NM 10/9, 49/270, 278; NM 10/11, p334; *New Zealander*, 10 October 1846; *New Zealand Spectator*, 12 May 1849 and 4 December 1852; NM 8/17, 49/1079; NM 8/28, 51/1433; NM 8/36, 53/3; NM 8/31, 52/417 and enclosures.
- NM 10/11, 52/302; *Great Britain Parliamentary Papers*, 1856.1136, p197; entry M5, *Dictionary of New Zealand Biography, 1*; NM 8/34, 52/1302; NM 8/33, 52/861; NM 8/36, 53/3. For policing in the Wellington Province period see Hill, *Colonial Frontier* and *Frontier Tamed*.
- CO 209/62, despatch 73, 19 August 1848; NM 10/9, 236; entry N10, *Dictionary of New Zealand Biography, 1*.