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SAVING THE CHILDREN IN NEW ZEALAND:  
A STUDY OF SOCIAL ATTITUDES TOWARDS  
LARRIKINISM IN THE LATER NINETEENTH  
CENTURY

A research exercise presented in partial  
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PREFACE

A concern for the wayward nature of the younger generation would seem to have been a fairly constant theme in the history of society. This research exercise explores the attitudes of articulate New Zealanders towards the problem as it appeared to them in the late nineteenth and early twentieth centuries.

In dealing with the history of opinion, one of the greatest difficulties encountered is that there is no way of deducing the views of the inarticulate from those of the articulate. The silent majority who did not express their opinions publicly, cannot be identified or described. However, since articulate opinion is fairly widespread and persistent, its existence is at the very least a proper subject of study. In the body of the exercise I have at times been forced to use fairly general phrases to describe public opinion, due to the difficulty of constant qualification, but these should be understood in the light of this discussion.

The scale of the exercise has precluded a long-term search of newspaper and manuscript sources, but I have attempted to achieve some balance by using two newspapers from large centres, and one from a smaller community. I have also limited myself to the material available at Massey University.

As is always the case, the preparation of this paper has involved the assistance of a great number of friends and advisors. In particular I would like to thank my supervisor, Professor W.H. Oliver, who suggested the topic and showed considerable enthusiasm during its development. I am also grateful to the postgraduate history students at Massey University for their comradeship and help throughout the year; to Mrs Diana Steffert for typing this paper at such short notice; and to my parents for their interest and encouragement.

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LIST OF ABBREVIATIONS

AJHR	<u>Appendices to the Journals of the House of Representatives</u>
JALC	<u>Journals and Appendix to the Journals of Legislative Council</u>
JHR	<u>Journals to the House of Representatives</u>
NZPD	<u>New Zealand Parliamentary Debates</u>
NZH	<u>New Zealand Herald</u>

INTRODUCTION

Throughout the last decades of the nineteenth century, it is clear that the public conscience of New Zealanders had become greatly aroused in relation to the conduct of the colony's youth. It seemed that the process of creating a democratic utopia was in danger of being overwhelmed by the disorderly, riotous behaviour of too many uncontrolled youngsters. Those concerned citizens who kept their eyes alerted for evidence had little difficulty in identifying what seemed to be a growing element of unruliness amongst the younger citizens. At public meetings and at women's committees, in newspaper columns and in the halls of Parliament, fears were expressed that the future of the colony was being shaped on very wayward legs.

The observation of such behaviour naturally led the colonists to investigate its causes, for only by a good understanding of the problem could they hope to eliminate it from the Antipodean scene. And to eliminate it was certainly their aim. In the interests of society generally, the State was urged from all quarters to take action both to prevent and to punish larrikin behaviour. The activities of delinquent youth must be replaced by the norms of obedient childhood.

The intense public concern for the labelling, processing and management of troublesome youth which became a feature of New Zealand society at this time, involved much more than the mere special treatment of adolescents. Although the movement was responsible for a number of minor changes in the gaols and reformatories, its main aim was to bring within governmental control a whole range of youthful activities which did not conform to the social stereotypes of middle class citizens. Congregating in the streets, staying out late, and using unsavoury language were all part of the syndrome which public-minded citizens strove to overcome. Neither was the concern strictly limited to young people, for much of the trouble was felt to emanate from irresponsibility at the parental level. Discipline needed to be instilled not only into the minds of the young, but into the habits of parents as well.

The way in which these different forms of behaviour came to be defined as deviant by various social groups within the society reveals a very significant aspect of the nature of the movement. In the words of the American sociologist, Howard Becker, delinquency and deviance are not inherent in human behaviour, but are ascriptive labels which are conferred upon actors in particular social situations:

Social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labelling them as outsiders. From this point of view, deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an 'offender'.<sup>1</sup>

By applying labels to the behaviour of troublesome youth, persons well entrenched in the social system were defining, classifying and recording certain behaviour as deviant. Our focus is thus on the rule-makers and their actions, rather than the persons to whom the rules were applied.

Against this background, the concern surrounding the incidence of larrikinism can best be viewed as an effort on the part of middle-class citizens to extend their authority over the realms of the poorer classes of people, and bring them into line with the mainly middle-class ethic of respectability. Those who interested themselves in what went on in the streets tended to make a very significant distinction between the children of respectable parents, and those who were of the 'street class'. Larrikin behaviour was felt to be typical of untended children of the poor, towards whom the rest of society felt a charitable urge. As if to confirm this gulf, the ideas of Spenser and Social Darwinism permeated the New Zealand scene sufficiently to popularise notions of the character and existence of a class more disposed to criminal behaviour as a result of the inheritance of certain biological traits.<sup>2</sup>

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1. Platt, A.M. *The Child Savers, The Invention of Delinquency*, Chicago, 1969, p.8.
  2. The great contemporary exemplar of such views was Dr Duncan Macgregor. See Noreen Murray, "The Life and Work of Dr Duncan Macgregor", M.A. thesis, Otago University, (1944?).

At the core of the larrikin concern the ideas and activities of middle-class women can be seen to have played a vital role. Despite some male disapproval that women should be involved in any activity which might be deemed "political", there was fairly broad support for women to interest themselves in the welfare of children. Such work was a reputable task for the better educated middle-class woman, for it allowed an extension of her housewifely role into public service. The network of women's organisations which flourished through the 1890's defended with energy the importance of the home, of family life, and of parental supervision, and while their own children were assumed to be well provided for, they made it their business to watch over the children of other, less fortunate, citizens. It was their claim that crime would diminish if only children could be controlled in their homes.

The larrikin concern was by no means an isolated outburst on the New Zealand scene. Its roots went deep into contemporary social conditions, touching a multiplicity of problems which had emerged from the rapidly-changing environment. The increasingly urban focus of the colony presented new migrants, whether from rural areas or from across the seas, with the prospect of economic insecurity, unemployment and poor living conditions, so that it is hardly surprising that juvenile lawlessness was felt to be a problem closely associated with the larger towns. Other, less tangible, changes in the environment were also recorded in the attention given to youth. The role of the family in this uprooted British society, and the decreasing influence of religion on society in general, are two of the more important issues which lay in the soil of the larrikin outcry.

The movement to restore young people which flourished in New Zealand at this time was not a specifically New Zealand phenomenon. The 'Child-Saving' movement in Britain and America had captured the imagination of social reformers, and it is in their recognition and

and treatment of delinquent norms that the origins of delinquency may be found.<sup>3</sup> The movement had inspired a new upsurge of interest in youthful crime, reflected in the increasing number of books on the subject which appeared after 1870. This flood of information and awareness did not by-pass New Zealand thinkers and legislators, and there is ample evidence that it provided the basis for much New Zealand thinking. In this regard, the work of the American penologist William Douglas Morrison on the subject of Juvenile Offenders, was frequently quoted in the House, and formed the basis for the thinking of at least one prominent citizen, George Hogben, Inspector General of Schools from 1899.<sup>4</sup> Similarly, the development of attitudes towards Juvenile Offenders can be seen to run parallel to ideas that were evolving in Britain and America in the nineteenth century. Gradually the young offender came to be recognised as different from the adult criminal, and to be treated so, all in response to ideas that flowed from other centres in the world.

The ideas of these distant thinkers were thus applied with considerable relevance to the New Zealand situation, and so provided an important influence in the development of concern. It was from a closer quarter, however, that the real impetus for concern emanated. Both the geographical and historical proximity of the Australian colonies made their example a very pertinent study for New Zealanders, so that it was with considerable alarm that the situation in Victoria was observed. An admission in the Melbourne Argus that "the youth of Victoria is running wildly into riot of every kind" was quoted in the Legislative Council in 1877, and the Honourable Dr Grace noted with consternation that "the larrikins in Victoria have proceeded almost to manslaughter".<sup>5</sup> The word "larrikin" itself was Victorian

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3. Platt, p.3.

4. See Hogben's investigation into delinquency, AJHR, 1900, Vol.2, E.-3.

5. NZPD, 1877, Vol.26, p.126-7.

in origin, said to have been coined by the press in Melbourne in 1870.<sup>6</sup> By the 1880's the newspapers had featured larrikins so often that the word came into common usage to describe a street rowdy. In a similar way the word "push" found its way from the pages of the Melbourne Argus to depict a gang of larrikins.<sup>7</sup>

The prevalence and publicity of larrikinism in Victoria naturally led many New Zealanders to give careful consideration to their own vulnerability. In order to ensure that such a debacle might be prevented from occurring across the Tasman, the possible causes of the Victorian situation were eagerly analysed.<sup>8</sup> Yet despite such conclusions as, "secular education is at the bottom of that social rottenness"<sup>9</sup>, there was little New Zealanders could do to avert the disorderly behaviour of their own young people.

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6. There are several alternative explanations for the origin of the word "larrikin", one of which attributes it to an Irish police officer in Melbourne who gave evidence that several youths were "larrikin around", being his pronunciation of "larking". See The New Zealand and Australian Encyclopedia, Vol.1, World Reference Library, 1964.

7. Partridge, Eric. The Routledge Dictionary of Historical Slang, London, 1973. p.736.

8. e.g. NZPD, 1877, Vol.26, pp.124-131.

9. *ibid.*, p.127.

One of the earliest references to the larrikin problem in New Zealand was phrased by the Hawkes Bay Herald in terms of the Australian experience:

We are sorry to hear that 'larrikinism', one of the crying evils of Melbourne, where special legislation has had to be resorted to on the Subject, is making itself unpleasantly felt in Napier. <sup>10</sup>

There was thus in New Zealand considerable awareness of the wider context of juvenile concern. As attention became focused on the behaviour of young people in other parts of the world, so it became increasingly easy to observe similar symptoms of disturbance within New Zealand. Against the background of distant events, public-minded citizens in New Zealand were brought to the realisation that in this Antipodean Land of Promise there existed the same, if not greater, tendencies to youthful vice as in the older world.

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10. Hawkes Bay Herald, 30 September 1875, p.2. I am indebted to Mrs Sharron Cole for this, and a following reference to the Hawkes Bay Herald.

## I

## 'A Matter for Public Concern'

Although the experience of distant populations provided the backdrop for the formation of New Zealand attitudes, the movement in New Zealand was by no means a vicarious one. Evidence of juvenile lawlessness, albeit readily sought, was readily found, and served to confirm the views of those who demanded government interference. Larrikinism became a matter for public concern in response to a spectrum of behaviour which provoked alarm amongst community-minded citizens. It seemed that merely by taking an evening stroll along a city street, it was possible to come face to face with a set of youthful activities which did not conform to the social stereotype.

While ultimate concern was naturally centred around the prevention of a life of crime, a large proportion of the agitation was focussed on behaviour which could not be classified as "criminal". Of particular importance were "the numerous cases of disorderly and indecent conduct"<sup>1</sup> to which it was felt a large proportion of boys in a large town were too much addicted. The growth of the street-larrikin nuisance was referred to by the Commissioner of Police, Colonel Hume, as perhaps the most important question the police had had to deal with during 1891.<sup>2</sup> Such objectionable conduct as collecting at street-corners and obstructing footpaths was a constant source of annoyance to innocent passers-by. One member of the House of Representatives reminded Honourable Members that they must have often noticed, in walking through the principal thoroughfares of their towns,

groups of very young boys, at all hours of the night, smoking cigarettes; and these boys had got so cheeky that they would scarcely walk out of the way for a person to go past. They blocked the thoroughfares, and had<sup>3</sup> become a regular nuisance in the towns.

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1. AJHR, 1891, Vol.3, H.-4, p.1.
  2. AJHR, 1892, Vol.3, H.-21, p.2.
  3. NZPD, 1896, Vol.94, p.326, Thompson.

The incidence of larrikinism was seen to be a problem which belonged overwhelmingly to boys. The numbers of males to females in the police convictions against offenders under fourteen years of age for the years 1887, 1888 and 1889 is 224:1, 263:4 and 259:6 respectively.<sup>4</sup> By 1909, however, the proportion of females had risen considerably to an average of 21 percent for the four main centres.<sup>5</sup> Most of this increase falls into the categories of "dwelling with drunkards or prostitutes", or "indigent children". Girls were not charged with the same range of offences as boys, and tended to figure more prominently in the type of activity referred to euphemistically as juvenile "immorality" or "depravity". Girls who walked the streets at night were seen as especially susceptible to this sexual misconduct. A description of an Auckland street scene in the Auckland Star in 1892 points out the behaviour of both sexes:

Karangahape Road is becoming a regular beauty parade in the evenings. Shortly after seven o'clock girls of all ages, sizes and descriptions begin to wander up and down the footpath for the benefit of the boys, who line the kerbstone, the constables having already succeeded in breaking up the groups who used to block the causeway. Last night, however, the loitering youths were 'chivied on' . . . . This means plenty of work for the police, but it will be a great improvement, as occasionally the conduct and language of those knights of the kerbstone was anything but agreeable to respectable passers-by. Nor are the youth[s] alone to blame, for some apparently respectable girls make as much<sup>6</sup> noise as the larrikins of the sterner sex.

The numerous complaints of the existence of larrikinism which flowed from all parts of the country demonstrated a marked readiness to attribute anti-social tendencies to young people collectively.

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4. AJHR, 1890, Vol.3, H.-40.

5. ~~AJHR, 1910, Vol.3, H.-20A.~~ AJHR, 1910, Vol.3, H.-20A.

6. Quoted, Margaret Mutch, "Aspects of the Social and Economic History of Auckland, 1890-1896", M.A. thesis, Auckland University, 1968, pp. 146-147.

The growth of "pushes", as groups of larrikins were labelled, was seen as a threat to an orderly society. In 1896 the Christchurch Press expressed its disapproval of "the larrikin 'pushes' which infest the city as congregations of human jackals".<sup>7</sup> According to a Report of the Architects to the Auckland Education Board there was apparently a Brown Street "push", a Newton "push", a Karanga-hape Road "push" and an Alexandra Street "push". The Architects were particularly upset at the extensive and wanton damage of school properties which they attributed to

the vile conduct of certain gangs or 'pushes' of impudent and ferocious young scoundrels who appear to have neither respect nor fear for God, man, law, order, decency or rights of property, and who perambulate the streets, enter upon the Board's and other properties, take bad women there into, break the fences, locks and fastenings, damage roofs, windows, drains and other fixings, spit, curse, damn, smoke, card-play and cause the properties or parts thereof to present a thoroughly disreputable appearance, keep the headmaster in constant hot water, defy the Committees, tax the Board's funds and the time, patience and resources of its architects in attempting to cope with their depredations.<sup>8</sup>

As could be expected from enterprising young lads, the larrikin nuisance did not confine itself to any particular form of mischief, but made itself felt in a variety of ways. One Christchurch citizen was moved to demand the intervention of the authorities to halt the activities of

a lot of youths, or hoodlums, as they would be more properly named, who congregate on the Stanmore Bridge and amuse themselves at the expense of the occupants of the boats which pass by dropping dust and stones, and occasionally spitting on the heads below.<sup>9</sup>

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7. Press, 20 April 1896, p.5.

8. Quoted, Ian Cumming, Glorious Enterprise: The History of the Auckland Education Board 1857-1957, Christchurch, 1959, p. 207.

9. Press, 6 March 1896, p.5.

The Hawkes Bay Herald reported that in Napier, "young hopefuls fill their mouths full of sulphur, and, by setting it alight, terrify timid pedestrians on a dark night".<sup>10</sup> And in the town of Wanganui it was understood that the shock of larrikins firing a cannon at midnight had retarded the recovery of the Rev. J. Treadwell, who then lay in a very critical state of health\*.

One of the most common complaints which was levelled at the larrikins concerned the language used. In 1894, for example, the Auckland City Council received a series of complaints referring to the "increasing number of larrikinlads who congregate about the Opera House doors during the performance, and given expression to very bad language," and also to the "simply disgraceful language to be heard at Khyber Pass Reservoir".<sup>12</sup> In a letter to the Christchurch Press in 1896 one citizen who had often observed the "young blackguards that infest our street corners on Sunday evenings" was of the opinion that "the use of filthy language is one of the street abominations of our times, not only in Christchurch, but in every country village".<sup>13</sup>

While no-one in New Zealand could remain oblivious to the larrikin nuisance, some disagreement existed as to the amount and the seriousness of such behaviour. The heightened public awareness of the situation naturally caused attention to be focussed more intently on any signs of disturbance. As a consequence the line between increased perception and an actual deterioration in behaviour is a difficult one to trace. Certainly the volume of complaints grew as the 1880's swelled into the 1890's, and by 1896 the situation seemed to have reached a peak of intensity. In that year the residents of the Mount Roskill District of Auckland felt that larrikinism had become so rampant that they purposed appealing to the Minister of Defence!<sup>14</sup>

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10. Hawkes Bay Herald, 30 September, 1875, p.2.
  11. Press, 31 August 1896, p.5.
  12. Mutch, p.149.
  13. Press, 23 June 1896, p.6.
  14. Press, 17 July 1896, p.5.

By far the most insistent cry expressed the concern that juvenile lawlessness was on the increase, especially through the 1890's. A meeting of Wellington Justices of the Peace in 1889 had concluded that there was no more than a pro rata increase in the amount of juvenile neglect and crime and that although the rate was "altogether too high", it tended to fluctuate.<sup>15</sup> By 1896, however, an editorial in the New Zealand Herald used the evidence of the Annual Prison Report to demonstrate that "the tendency to youthful crime is growing apace". While crime in general was not seen to be increasing in proportion with the increase in population, the records of juvenile offenders presented a "considerable and continuous increase". This situation was seen to have a real significance, for "it shows our social life in some ways has a tendency to produce a fresh crop of criminality, whatever may be done to reform or eradicate the old offenders".<sup>16</sup>

Any attempt to interpret the statistical evidence available for police convictions against juvenile offenders does not produce a valid picture of an actual increase. Variations in the number of convictions can be more properly related to a new eagerness to prosecute than to any significant alteration in behaviour. An examination of the distribution of prosecutions does however reveal a tendency for the pattern of growth to be unevenly distributed across the spectrum of offences. The rise in "indictable" crime (in particular larceny and breaking and entering) is far less than the increase in certain categories of "non-indictable" offence, such as "disturbing congregations" and "malicious injury to property".<sup>17</sup> This pattern can be observed for the years between 1887-1892. In 1887 "larceny" accounted for 69.7 percent of the total convictions

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15. AJHR, 1891, Vol.3, H.-4, p.3.

16. NZH, 17 August 1896, p.4

17. This pattern of growth parallels the findings of John Gillis for the city of Oxford, England. See John R. Gillis, "The Evolution of Juvenile Delinquency in England 1890-1914", Past and Present, No. 67, May 1975, pp. 98-103.

and thereafter the percentage shows a general decline, to 36.7 percent in 1890, and 31.8 percent in 1892. The figures for "breaking and entering" remain fairly static, at around 5 percent, while those for such offences as "throwing stones" and "malicious injury to property" show an overall increase throughout the six years.<sup>18</sup> The list of juvenile offenders brought before the police courts in the four main centres in 1909 reveals a continuation of this trend, with the average convictions for larceny numbering only thirty-four percent of the total.<sup>19</sup>

Perhaps of even greater interest in the distribution of offences, is the marked flowering in the number of categories of non-indictable offence under which young people were charged. The growing concentration of offences into such novel categories as "putting filth into Post-Office Box", "disorderly conduct in park", and "mischief"<sup>20</sup> reveals the growing community concern for behaviour which was rather less than "criminal". Types of behaviour which had previously been dealt with in informal ways came to be regarded as subjects for prosecution, to the extent that new offences were "invented". As Mr Pirani noted in the House, the stringent legislation proposed to deal with youthful activities would have the effect of "making a new crime out of what was not really a criminal offence".<sup>21</sup> The result of this focussing of attention was that large numbers of the "larrikin class" were constantly summoned before the Courts, at the instance of the Police, for various breaches of the Police Offences Act, such as throwing stones, using insulting language, or committing assaults on unoffending citizens. To the chagrin of Inspector Broham of Christchurch, however, they too often escaped punishment, largely due to the difficulty of identification.<sup>22</sup>

An issue which was perhaps of more importance at the time than the relative amount of larrikin behaviour, was the seriousness

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18. Figures based on AJHR, 1890, Vol.3, H.-40 and AJHR, 1893, Vol.3, H.-45.

19. AJHR, 1910, Vol.3, H.-20A.

20. *ibid.*

21. NZPD, 1896, Vol.94, p.326.

22. AJHR, 1896, H.-16, p.7.

of its implications. The postulation of a definite relationship between an increase in the numbers of children running the streets and an increase in more serious forms of juvenile crime was fundamental to the mounting concern. One newspaper correspondent expressed it succinctly:

The coarse and unseemly conduct and language of young men in our public thoroughfare is quite a new disease in our social organism. Although larrikinism of the streets may be just a harmless development of the times, it contains an element which is laden with immeasurable possibilities for evil.<sup>23</sup>

A subleader in the Christchurch Press in June 1896 went so far as to make the blunt statement that

The great majority of young criminals who are now in the gaols and reformatories of the colony probably owe their position to the training which they received on the street corners at night.<sup>24</sup>

The custom of young people parading the streets at night, "congregating under hedges and at street corners" was felt to lead very frequently to "immorality", or "sexual misconduct."<sup>25</sup> According to one correspondent to the Christchurch Press in 1896, who was avowedly aware of "cases of youthful vice which would simply horrify readers", the root of the problem lay in young men tempting younger girls to leave their homes for a walk at hours when the latter should be preparing for bed.<sup>26</sup> The Wellington Branch for the Society for the Protection of Women and Children confirmed this opinion by noting in its First Annual Report, 1898, that "In almost all cases of seduction which have come before the Society the girls assert that walking out at nights has led to their ruin".<sup>27</sup>

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23. Press, 18 June 1896, p.3.

24. Press, 19 June 1896, p.4.

25. e.g. JALC, 1899, Appendix No. 6, p.20, Mrs Kate Milligan Evans.

26. Press, 21 February 1896, p.3.

27. Wellington Branch, Society for the Protection of Women and Children, Annual Report 1898, p.5. I am indebted to Mrs Margaret Tennant for this and other references to the Society for the Protection of Women and Children.

This concern for the connection between larrikinism and "immorality" was in large part a reflection of the considerable alarm which had been generated about the growth of juvenile "depravity". There were many who felt that the moral standard of the colony's youth was deteriorating rapidly,<sup>28</sup> and who could cite instances of youthful depravity by way of proof. As early as 1886, a Report on the Contagious Diseases Act of 1869 had cited cases of young girls 14-18 years old who were so diseased by syphilis as to prevent them from walking or sitting.<sup>29</sup> During the 1890's came reports of Venereal Disease from some Auckland schools - two boys at Huntly School had been infected by a schoolgirl, and Helensville School was apparently in an "alarming state of immorality" throughout 1895.<sup>30</sup>

The frequency of "painful disclosures" made in various parts of the colony throughout the decade is a sign of the hushed regard given to the subject. In almost all cases it was considered absolutely wrong that publicity should be given, lest young minds be poisoned by the information. Justifying the contention that immorality was more than ever rife in 1905, a member of the House stated that the local press, with a due sense of their responsibility, usually kept cases from the public gaze. "If any honourable members would take the trouble to ring Dr Ewart at Wellington hospital, however, and ask him for the number of cases he had in a year connected with children under fourteen years of age - thirteen, ten, and even nine years - they would be surprised." The member himself knew of a recent case involving a girl of four years of age and two boys of the age of nine.<sup>31</sup>

In January 1896, the alarm aroused by this kind of revelation was sufficient to cause the Auckland City Council to begin an investigation into the alleged juvenile depravity. A Council Resolution in June recommended government action on "the matter of contagious diseases and like disorders, including juvenile immorality and prostitution".<sup>32</sup>

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28. e.g. Press, 23 June 1896, p.6.

29. AJHR, 1886, Vol.3, H.-39.

30. Mutch, p.147

31. NZPD, 1905, Vol.133, p.163.

32. Mutch, p.147.

As a result of representations from the Auckland Rescue Society and other similar groups, a Conference was held on 8 July 1896 to discuss the question of juvenile immorality and its suppression. According to delegates, juvenile immorality in Auckland had reached a point where it was decidedly difficult, if not impossible, to cope with it.<sup>33</sup> Earlier in the year a similar conference had taken place in Christchurch, at which leaders of religious denominations, experienced medical practitioners and influential laymen had met to consider "what steps, if any, could be adopted to check the alarming growth in our midst of juvenile depravity".<sup>34</sup>

Despite this obvious concern, it is difficult to find any substantial basis for the fears expressed. The evidence given before a Select Committee set up in 1899 to investigate the need for the Young Persons Protection Bill contains some factual information, but rather more unsubstantiated opinion. Inspector Pender, an enthusiastic advocate of the Contagious Diseases Act, asserted that it was general knowledge that a certain amount of immorality went on in large towns amongst girls under sixteen years of age, and that he himself had known cases down to twelve or thirteen years of age.<sup>35</sup> A number of other witnesses gave their opinion of the state of youth, citing examples they were familiar with. The only really substantiated opinion, however, came from Dr John Ewart, medical officer in charge of Wellington hospital. He reported that in the seven years since June 1892 he had attended twenty confinements of girls under sixteen, in the Alexandra Home. Of that twenty, six had been under fifteen. He also added that boys and girls, sometimes as young as twelve or thirteen, came as outpatients for V.D. every month. Despite this evidence he was certain that the numbers had not increased out of proportion to the population.<sup>36</sup> As Sir Robert Stout pointed out with regard to an earlier Select Committee on the same subject: "The Report did not say whether juvenile depravity was increasing or decreasing, but only that it existed."<sup>37</sup>

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33. NZH, 9 July 1896, p.6.

34. Press, 21 February 1896, p.3.

35. JALC, 1899, Appendix No. 6, p.5.

36. *ibid.*, pp.8-9.

37. NZPD, 1897, Vol.100, p.8.

In the midst of the prophets of doom a few calm voices decried the agitation as exaggeration and demanded that more substantial proof be obtained before stringent action was considered. The Honourable Mr McLean was convinced that very little juvenile depravity existed, even in Wellington where the current hue and cry ~~was~~ centred. He ventured to say New Zealand was as free from juvenile depravity as any colony in the British dominions.<sup>38</sup> A confidential paper, circulated as evidence for the Young Persons Protection Bill of 1897, was described by the Honourable Mr T. Kelly as "mostly hearsay", and it was noted that even the magistrate who had dealt with the recent cases in Wellington had felt that the evidence pointed to "the existence of one, and only one, small group of child prostitutes in Wellington, and that even in regard to that group the statements made by the girls themselves must be largely discounted".<sup>39</sup> It was the Honourable Mr Kelly's opinion that young people had been grossly slandered by irresponsible scandal-mongers.<sup>40</sup>

The Honourable Dr Grace held a similar view of the confidential report. In his opinion it had succeeded in giving one impression: that those anxious to prove the existence of juvenile depravity in the colony had signally failed. With considerable astuteness he remarked that "the public conscience and the sensitiveness of the public in relation to their responsibilities in these matters is vastly increased", and that as a result a small evil was seen in an exaggerated light. Urging the need for commonsense in appreciating the real character of young people, he suggested that perhaps the fact of children spending a great deal of time in the streets was only thought of as a crime because as a northern race from a cold, raw climate, the British were not accustomed to being out on the streets.<sup>41</sup> After all, another member pointed out, so long as boys and girls were running about openly, why worry?<sup>42</sup>

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38. *ibid.*, p.834.

39. *ibid.*, p.833.

40. *ibid.*

41. *ibid.*, pp. 834-835.

42. NZPD, 1900, Vol. 111, p.430, Pinkerton.

The exaggerated outcry was seen by a number of its critics as the work of the "shrieking sisterhood". In the words of one eloquent member, "a few hysterical women get up a cry that is not justified", and as a result a serious infringement of liberties was under consideration in the legislation.<sup>43</sup> Considerable mention was made of the "discreet woman" who was to play the role of Protection Officer in proposed legislation; but the Honourable Dr Grace was rather more afraid of the "indiscreet woman". He felt that when a woman touches such a subject, she loses all balance of judgement: "Her reasoning power is gone and she is like a fluttering hen cackling over her fifteen chickens when a thunderstorm threatens."<sup>44</sup> It was obviously not only the women who were somewhat prone to exaggeration.

The proliferation of women's societies certainly played a fairly prominent part in drawing the attention of the community and the government towards the behaviour of young people. The Society for the Protection of Women and Children, the Canterbury Women's Institute, the Auckland Rescue Society, the Auckland Women's Democratic Union and the Women's Political Association were all involved in sending resolutions or deputations to the government, on the question of juvenile immorality. The Society for the Protection of Women and Children was itself the outcome of a movement inaugurated by the Women's Christian Temperance Union to consider means for the prevention of juvenile depravity, the prevalence of which had been forcibly brought before the public by the revelations made before the Magistrate's Court during September of 1897.<sup>45</sup>

The women's societies must have kept the government very well-informed of their views, judging by the amount of correspondence on the subject. It seems very likely that the Juvenile Depravity Suppression Bill introduced by Seddon in 1896, was in direct response to requests from these groups. In June 1895, for example, the Auckland

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43. NZPD, 1899, Vol. 108, p.254, MacLean.

44. NZPD, 1897, Vol. 100, p.835.

45. Wellington Branch, Society for the Protection of Women and Children, Annual Report 1898, p.3.

Branch of the Society for the Protection of Women and Children wrote to Seddon asking for the government "to provide some more drastic punishment to meet the case of hordes of larrikins who infest many of the roads in Auckland in the evening to the danger and discomfort of Women and Children".<sup>46</sup> The response of the Seddon government to such requests was so favourable that an article in the Christchurch Press in September 1896 accused Seddon of "fooling the women" so that their vote would be cast for the Seddonians.<sup>47</sup>

Despite the criticism they received for overreacting to the situation, not all women's groups emphasized the prevalence of immorality. A particularly moderate and perceptive view was expressed by the Auckland branch of the Society for the Protection of Women and Children in 1895:

Our experience would tend to show that in the main immorality is not on the increase, but the various instances are more promptly laid bare and exposed than formerly. In the past very many of the cases which are now dealt with would have been hushed up for fear of shocking the proprieties.<sup>48</sup>

The role of women's societies, in both a political and a social welfare capacity, was thus of considerable importance in the public concern for juvenile misconduct.

The evidence of all this vociferous condemnation of juvenile behaviour leads one to speculate as to the manner in which a possible ideal youth may have conducted himself. Certainly the qualities of parental obedience, respect and dependence were among the most important social ideals of adolescence. The independent youth who did not display respect for his elders, and who sought solidarity in the companionship of his mates, presented a real threat to the ideal. The model adolescent was undoubtedly the organized youth who knew his place and would fill it inconspicuously.

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46. Henry Wilding to Richard Seddon, 3 June 1895. Auckland Branch, Society for the Protection of Women and Children, Letter Book Number 1, April 1893 - December 1895, Alexander Turnbull Library.

47. Press, 5 September 1896, p.8.

48. Auckland Branch, Society for the Protection of Women and Children, Annual Report 1895, p.9.

What seemed to be a moral distinction between rough and respectable youth was repeatedly made on the grounds of conformity to a set social pattern. The Christchurch Press, for example; highlighted this distinction while commenting on an epidemic of larrikinism which broke out from time to time in the pit of the Christchurch theatre. The offenders who delighted in hurling insults and ridicule at ladies and gentlemen in the stalls, were not believed to be "the ordinary type of street larrikin, but so-called respectable lads in offices, who have been to decent schools and ought to have acquired the rudiments of manners".<sup>49</sup> One member of the Legislative Council pointed out that a stricter definition of "immoral conduct" should be written into the legislation, for in a small community a person might well be considered "immoral" because he didn't go to Church.<sup>50</sup>

One youthful virtue the absence of which appeared especially sinister at the time was that of innocence. A young person, and especially a young girl, was supposed to be kept well sheltered from any facts which might increase her knowledge of temptations of the flesh. A special committee meeting of gentlemen of the Auckland Society for the Protection of Women and Children, held in 1898, could not agree over whether girls should be taught more about physiology - some thought that most children knew rather too much about their own bodies.<sup>51</sup> Mr W. Hutchison, a member of the House who concerned himself greatly with the condition of youth, described what he considered to be wrong with congregating in the streets:

These mere children got together at the street corner - under a dark verandah; they talked, or they listened to talk, not the sweet babble of childhood, mixed with its laugh of innocence, but talk that need not be described; they got into temptations of all kinds before they understood the disastrous results which certainly followed.<sup>52</sup>

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49. Press, 23 May 1896, p.6.

50. NZPD, 1873, Vol.15, p.1216, Scotland.

51. Auckland Branch, Society for the Protection of Women and Children, Minute Book December 1898 - December 1911, Special Committee Meeting of Gentlemen, 3 July 1900.

52. NZPD, 1896, Vol. 94, p.323.

There seemed to be few among the more outspoken on the subject of youth, who could remember with any clarity their own experience as children. One member of the House reminded his fellows of the good old saying that "Boys would be boys, and girls would be girls", and added that "most of them had been boys at one time". For himself, he could well remember the days when he and his friends did not go home until after ten o'clock.<sup>53</sup> One other Member displayed a similar attitude, noting that "there are, unfortunately, a class of people who, if they see a young person laughing in the street, or show any lightheartedness, which is engendered owing to the freedom that prevails among New Zealanders, attribute something wrong with those young persons".<sup>54</sup> On the whole, however, the ideal of an orderly, respectable and innocent young person seemed to have obliterated their own childhood from the minds of a great many citizens.

No area of New Zealand had a monopoly on larrikinism and its various manifestations. The larger centres of population naturally came in for the greatest amounts of anxiety, because greater numbers made the combined effect more noticeable. Moreover, it was felt that conditions in the city were especially conducive to illicit activities. Seddon was of the opinion that juvenile depravity was an "evil known to exist to a greater extent in larger centres than in country districts and smaller towns".<sup>55</sup> Auckland, Wellington, Christchurch and Dunedin seemed to vie for the reputation as the most contaminated city, as "painful disclosures" were periodically forthcoming from each.

Within the towns and cities there was some discussion as to the heartland of larrikin activities. While many felt that the worst offences were taking place under their very eyes as a result of congregating on the main streets, there were others who considered that most of the activity took place well away from the beat of the

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53. *ibid.*, p.325, Hogg.

54. NZPD, 1900, Vol. 111, p.424, Jennings.

55. NZPD, 1897, Vol. 98, p.490.

policeman. One astute~~e~~ observer, Mrs Annie Dudfield, a visitor for the Ladies Christian Society and for the Benevolent Society in Wellington, expressed the fear that if the young people were driven off the streets they might well be forced to continue their activities in such out-of-the-way places as the Wellington Botanical Gardens or the Basin Reserve, where the possibilities for evil were infinitely greater.<sup>56</sup>

In the smaller, country districts the problem was generally felt to be much less acute, and certainly much easier to cope with. Seddon felt that in the smaller places the situation was restrained by the fact that everyone knew everyone, and the local constable was well aware who the unruly children were.<sup>57</sup> Nevertheless, the illusion of the idyllic rural setting could not always be kept intact: the rural district of Epsom had its troubles in 1896, as evidenced in a report from the Road Board that larrikins had broken lamp posts and rolled stones onto the footpaths.<sup>58</sup> The town of Feilding, which had reached a population of 2045 by 1896, was also the scene of a serious larrikin nuisance. In 1895 the Feilding Star observed that "No-one taking a stroll through the streets of Feilding in the evening can fail to observe knots of young men and lads loitering about, evidently oppressed by the fact that there is nothing particular for them to do".<sup>59</sup> In consequence considerable thought was given to the formation of a Vigilance Committee which would exercise some restraint over the larrikins and other law breaking persons in the community.<sup>60</sup>

As participants in the colonisation of a land which seemed destined to avoid the failings of its older or larger relatives, New Zealanders appeared particularly sensitive to comparisons. It was a "well-known fact" and a point for considerable pride among those New Zealanders who believed~~it~~ at least, that New Zealand had the record of

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56. JALC, 1899, Appendix No. 6, p. 10.

57. NZPD, 1896, Vol. 94, p.331.

58. Mutch, p. 150.

59. Feilding Star, 9 April 1895.

60. Press, 2 July 1895, p.4

being one of the least criminal countries in the world.<sup>61</sup> Consequently, the justification for special legislation on the subject of juvenile "depravity" had to be phrased delicately enough so as not to threaten that image. In introducing the Young Persons Protection Bill to the House of Representatives in 1897, Seddon referred to it as a "painful necessity", stressing that New Zealand was not worse than other colonies and certainly not near so bad as the older world.<sup>62</sup> One of the most oft-repeated grievances against the proposed legislation involved the fear that New Zealand's reputation would be affected. Typically, one member of the Legislative Council stated his objection: "I believe the Bill is casting a slur on the colony which it does not deserve".<sup>63</sup>

Some commentators however were bold enough to venture the opinion that New Zealand did in fact deserve the censure. Despite the fact that "boys and girls are very much alike all the world over", the Honourable Mr Fraser was convinced that according to evidence given before the 1899 Select Committee on the Young Persons Protection Bill, the children in New Zealand were really more "cheeky" or "forward" than in other parts. He went on to describe his own feelings on arriving in New Zealand many years previously:

I may say I was astonished at what I saw and heard in regard to the boys and girls here .... One of the things that astonished me here was the independence and 'cheekiness' of the boys and girls.<sup>64</sup>

Miss Elizabeth Spargo, a recent arrival from Melbourne, incurred the wrath of the Select Committee before which she was giving evidence, by asserting that there was a great deal more juvenile immorality in Wellington than in Melbourne.<sup>65</sup> By 1896 New Zealand's glossy self-image must have been under considerable strain for the Christchurch Press to have noted with consternation that "nearly every traveller

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61. e.g. NZPD, 1900, Vol 111, p. 485, Grace.

62. NZPD, 1897, Vol. 98, p.490.

63. NZPD, 1899, Vol. 110, p.167, MacLean.

64. *ibid.*, p. 170.

65. JALC, 1899, Appendix No. 6, p.16.

expresses surprise at the undisciplined behaviour of colonial youth and the great want of parental control".<sup>66</sup>

It was clear that, despite a sprinkling of moderate views, the majority of New Zealand's welfare-minded citizens were appalled at the size and nature of the juvenile problem. Although the evidence tends to show that the agitation was largely the result of a small evil seen in an exaggerated light, this does not diminish the anxiety it aroused. Urged on by the women's organizations and other concerned citizens, public opinion rose to a height of intensity in the mid-1890's. A social stereotype of respectability was firmly imprinted in the colony's consciousness, but it seemed to be a stereotype which featured more often because of its absence than its fulfillment.

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66. Press, 25 August 1896, p.6.

## II

## 'The Root of the Evil'

The perceived deterioration in the behaviour of the younger citizens naturally generated an increasing enthusiasm to discover the causes, for only by understanding what lay at the ~~root~~ ~~of~~ the problem would it be possible to apply remedies and thus eliminate the evil. Isolating the causative factors of delinquency or crime has ~~never~~ been a straightforward exercise, but it is most often performed by laymen dogmatically confident of their ability to explain the faults of society. Those who applied themselves to the task in the 1890's were by no means an exception. While their various diagnoses may not tell us much about delinquency, they do however highlight those aspects of society which were causing concern at the time.

Significantly, enough, discussion of the factors which had produced the outcrop of larrikinism centred around those areas of contemporary social life which were undergoing change or were matters ~~of~~ contention. The colonial society, uprooted from its British soil and beginning to experience some profound social changes, seemed to have become a breeding ground for social ills. Some analysts tended to fasten on any obvious physical points of distinction between the old land and the new in order to explain the decline of British standards. For others, the role of the family, the growth of cities and the accompanying economic and social instability, the task of the schools, the matter of religion and even the influence of immigrants were all important social issues believed to have a profound effect on the vulnerability of youth. The very nature of colonial society came under question as reasons were sought for the departure of young people from the social pattern ascribed to them.

Although it was the larrikins who excited the anger of the community, it was not upon the heads of the mischief-makers themselves that the majority of the blame was poured. They were seen as the unfortunate victims of an evil far greater than their own misdemeanours;

an evil which seemed to threaten the very foundations of society. It was the careless, irresponsible behaviour of too many neglectful parents which provided the real cause for alarm:

There can be no doubt that the source of this juvenile offending rests with parents and guardians who, instead of carrying out their parental obligations towards their offspring, shamefully neglecting them and care little whether the children attend school or not. These, and not the unfortunate children, are the real criminals in these matters.<sup>1</sup>

The weak point of colonial life was thus felt to be the utter want of proper parental control, in consequence of which young people were not so well looked after as the previous generation had been. A great many parents throughout the colony, but more particularly in the larger centres, were depicted as failing to do their duty as the proper and natural guardians of young people. It was because parents did not ensure that their children kept proper hours, and because they did not keep them away from evil companions, that the opportunities for deviant behaviour were encountered:

We know very well that the trouble lies at the door of the parents, as they do not look after their children properly .... I have no doubt that many boys and girls are to be found on the streets at night simply because their fathers and mothers have no control over them.<sup>2</sup>

The importance of parental neglect as a cause of juvenile crime was highlighted by the resolutions passed at a series of meetings of Justices of the Peace held in various parts of the colony during 1891. In every report the gross neglect of parental duties was discussed with considerable emphasis. The Thames meeting, for example, in stressing that "it is certain that in many instances the faults of the children are directly traceable to the neglect of their parents", elaborated that in many parents the sense of moral responsibility was

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1. Press, 15 August 1896, p.7.

2. NZPD, 1899, Vol.110, p.170, Fraser.

not strong enough to induce them to exercise the care necessary to guide and restrain young people, or even to send them to school.<sup>3</sup> For this reason they recommended that the moral responsibility of parents ought to be replaced by some form of legal liability, a transformation which was attempted a number of times throughout the 1890's.<sup>4</sup>

The decline of parental control gave particular cause for concern because it lay at the very point where Utopian dreams might well become nightmares. The stabilizing force of domestic tranquility was vital to the maintenance of order and discipline in a British society, yet in the minds of those who took alarm, its decay seemed imminent in this new land. The laxity of parental discipline seemed to imply that, not only had many of the evils of the old world been carried on into the new society, but moreover, the virtues of the old were rapidly being eliminated in the new. Citizens whose idealistic hopes of a new and better society had been smouldering on the fires of reality for some time, were now forced to accept that the new land needed urgently to reinforce some elements of its heritage, or the reality might well overwhelm the dream. This point was given emphasis by a statement in the Annual Report for 1895 of the Society for the Protection of Women and Children:

It is imperatively necessary that attention should be directed to the fact that the domestic authority and those influences which have combined to make British home-life such a vast and blessed power are rapidly on the wane in our midst; this should cause all our ablest thinkers, writers and leaders of opinion to bestir themselves ere we sink to the low moral level of but too many states placed under the same climatic influences as ourselves.<sup>5</sup>

Such a pessimistic outlook surrounding the role of the family and its effect on the children as is found in New Zealand during this period, naturally leads one to examine its possible foundations.

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3. AJHR, 1891, Vol.3, H.-4, p.2.

4. To be discussed in Chapter III.

5. Auckland Branch, Society for the Protection of Women and Children, Annual Report 1895, p.9.

Certainly there is evidence that many of the traditional patterns involved in family life were under some strain in parts of later nineteenth century New Zealand. The rigours of adapting to colonial life and in particular the need for many men to range far afield in search of work must have set up a new context into which the family was forced to adapt. The gumfields, goldfields and timber-felling provided a fairly significant source of employment for fathers, but often left the mothers in the towns to bring up the children. In 1863, for example, a visitor to Dunedin described colonies of tents inhabited by women and children whose husbands and fathers were on the goldfields.<sup>6</sup> The possibility of work in Australia was another factor in the problem of deserted wives, for the New Zealand delegate to an Australasian Conference on charity held in Melbourne in November 1890 stated that in every important New Zealand town charity organisations were supporting scores of women whose husbands were in Melbourne.<sup>7</sup> Wife and child desertion thus appears to have been a fairly common feature of New Zealand life, and this is borne out by the number of court cases relating to family disruption.<sup>8</sup> With the male either often or normally absent in a relatively significant proportion of families, it is reasonable to presume that gang behaviour and delinquency might well have been encouraged.<sup>9</sup>

Contemporary analysts were well aware of the connection between desertion, destitution and the development of child crime. According to George Hogben, Inspector-General of Schools, a child who was an orphan or destitute or both, would rarely be able to escape

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6. P.J. Whelan, "The Care of Destitute, Neglected and Criminal Children in New Zealand 1840-1900", M.A. thesis, Victoria University, 1956, p.20.
  7. Rollo Arnold, "Some Australasian Aspects of New Zealand Life, 1890-1913", New Zealand Journal of History, Vol.4, No.1, April 1970, p.57-8.
  8. W.H. Oliver, "New Zealand about 1890", The Macmillan Brown Lectures 1972, p.6-7. (unpublished typescript).
  9. *ibid.*, p.7.

a perceptible taint of evil.<sup>10</sup> In the House of Representatives Mr Sidey went even further, stating that it was generally recognized that a great many criminals came from among the class of neglected or abandoned children.<sup>11</sup> Amongst those committed to Industrial School throughout the 1890's, over two-thirds were there as a result of faults on the part of one or both parents. In 1893, for example, it was estimated that of a total of 225 children committed, in only 53 cases were the parents probably not to blame. In 43 cases the father was at fault, the mother in 54, and in 43 cases both parents were held responsible. In a further 32 cases ~~the~~ the evidence was insufficient to allow an estimation of the parents' characters.<sup>12</sup>

The actual physical inability of one or the other parent to contribute to the family solidarity does not however give a complete picture of the situation which was alarming the colonists. Contemporaries rarely expressed any concern that parental absence was an overwhelming problem. In fact, the Honourable Mr Waterhouse was one who felt that, in sharp contrast to England, the colony was fortunate in not having such a large number of neglected children that they could not easily be managed, or could not be absorbed by the population.<sup>13</sup> It seemed that able-bodied parents were as guilty of neglect as their less fortunate counterparts.

In looking briefly at the question of the parental status of larrikins convicted in Auckland through the early 1890's one recent analyst, Margaret Mutch, has reached the conclusion that the absence of one parent was not a significant factor in the general weakening

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10. AJHR, 1900, Vol.2, E.-3, p.2.

11. NZPD, 1906, Vol.137, p.285.

12. AJHR, 1893, Vol.2, E.-3, p.2. See also the corresponding tables for the rest of the 1890's e.g. AJHR, 1890, Vol.2, E.-3, p.2.

13. NZPD, 1874, Vol.16, p.745.

of family authority. She asserts that when children were brought before the courts they were often not accompanied by either parent. When the parents did appear, it was as likely to be both as just one, a fact which suggests that simple neglect rather than inability lay at the centre of the problem.<sup>14</sup> Thus, while some children undoubtedly joined the larrikin ranks in the absence of either or both parents, others arrived there from being without the control of parents, and still others were believed to suffer from the vicious example of parents.

While contemporaries found it easy enough to observe that simple neglect lay at the heart of the juvenile problem, it was somewhat more difficult to determine why colonial parents should have lapsed so. Any feature of the new and changing society which could be seen to intervene in some way between parents and their offspring came in for its share of the censure. In this regard, the frequency with which young children were to be found roaming the streets without parental supervision was regarded not only as a result of parental neglect, but also as part of the cause. The streets seemed to provide endless opportunity for learning to disobey and disrespect one's elders, so that if a child was out of control, it was no doubt because he had been roaming the streets at improper hours.

The tendency for young people to be on the streets more often in the milder climate of the Antipodes was thus to be seen as an exacerbating factor in the weakening of parental authority. The warmer evening temperatures in New Zealand were felt to lend much encouragement to those young people who were in the habit of frequenting the streets at night. The Honourable Mr Walker was one Member of Parliament who felt that the temptation to be out on the streets in the mild climate was overwhelming: "Some of these young people get into such an Arab vagabond state of life that they camp out in the streets for days and nights altogether".<sup>15</sup>

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14. Mutch, p.150.

15. NZPD, 1899, Vol.108, p.259.

Another particularly striking reason for the lack of parental supervision was given by the Bishop of Wellington, the Right Reverend Wallis. He expressed the common belief that there was much less control by parents over children in New Zealand than at Home, an observation which he attributed in part to the fact that houses in New Zealand were generally built on one floor, thus making it easier for children to escape the parental haunts.<sup>16</sup>

The advent of compulsory education and the work of the schools was another feature of society which was at times severely criticized for the extent to which it increased the wedge between parents and children. There were many observers who recognized that the school was imposing more and more on the traditional prerogatives of the home, and who saw a real danger in too easily relieving parents from a sense of responsibility in regard to their children. An editorial in the New Zealand Herald in 1896 protested that year after year the State Schools were taking over more and more subjects from the parents. The teaching of cooking, household economy, sewing and knitting, among other things, was felt to weaken family ties, and to have a tendency to lessen the respect of children for their parents:

The universal complaint in these colonies is that children are getting out of the control of their parents at an age when they cannot exercise any control over themselves, and it is a very grave consideration if it is found that the tendency is increased by the manner in which the State is assuming the duties and tasks which ought to fall upon the parents. The tendency now is to cast everything upon 'The State', and it is not uncommon to hear a mother grumbling if her daughters are not taught sewing and cooking in the school.<sup>17</sup>

The ways in which the traditional role of women had begun to alter in tune with the demands and opportunities of society was another phenomenon not ignored in the apportioning of blame. The

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16. JALC, 1899, Appendix No. 6, p.27.

17. NZH, 7 May 1896, p.4

increasing number of mothers who felt the necessity for paid employment, together with the new political potency of women, were two factors often connected to the lessening of family influence on a child. A woman who did not concentrate all her energies on bringing up her own children was not yet a completely acceptable member of society. Thus the above-quoted editorial in the Herald went on to suggest the need for a school to teach parents, and especially mothers, their duties, and to express a wish that the Women's Leagues would devote their attention to educating mothers, and leave politics alone: "Mothers cannot cast all their duties upon the State-paid school-teacher, and take to politics".<sup>18</sup>

Other commentators felt they could observe rather more subtle forces behind the weakening of parental authority in New Zealand. The Honourable Dr Grace presented a particularly interesting theory based on the existence of a "morbid sympathy" so easily shown among inhabitants of the new world towards any child that might cry or make trouble:

In older countries if a child disobeys it gets a remarkable good 'whacking' and goes to bed without any supper. In this country if you beat your child the whole neighbourhood cries out, and if you send a child to bed without any supper you are accused of starving it. Children know perfectly well that they have nothing else to do but spread extravagant stories about parental conduct to raise an outcry in the neighbourhood.<sup>19</sup>

While the Honourable Doctor's case may in this instance be over-stated it stands as an important indication that attitudes towards children were undergoing a change which was not always understood or approved. Where harsh discipline had once traditionally surrounded a child's upbringing, any movement towards a less authoritarian attitude might well be viewed as anarchy. In the minds of many contemporaries there lurked the overwhelming fear that the authority of parents was being undermined by the laxity of their

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18. *ibid.*

19. NZPD, 1899, Vol.110, p.275

discipline. More than this, any weakness or want of control on the part of parents was commonly believed to produce as its fruit an absence of self-control on the part of the children.<sup>20</sup> Frequent complaints by parents about their children were scattered through the newspapers of the day, with examples of children "cheeking" their parents featuring prominently.<sup>21</sup> A leader in the Auckland Star in 1892 commented that "it is a humiliating spectacle to see able-bodied parents ... plead inability to control [their child]".<sup>22</sup>

It seems possible to surmise that some part of this concern for discipline sprang from a real void in the new society. With the support of many relatives cut off by the process of migration, it is likely that the protective and disciplinarian roles of older relatives were initially rarely filled. Where parents suddenly found themselves the only supervisors of their children's behaviour, they may well have been unable to cope adequately. In a similar way, a child coming from the country into an urban environment, may not have been so well controlled and protected. There were no doubt many New Zealanders who would have read and agreed with the words of the American penologist W.D. Morrison, when he described the transition:

The restraining eye of the village community is no longer upon them. In many cases they find themselves in a large city without friends, without family ties, and belonging to no social circle in which their conduct is either scrutinised or observed.<sup>23</sup>

Those who looked closely could discover many reasons why family discipline, that great bulwark of the English nation, seemed to be gradually ebbing away.

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20. e.g. AJHR, 1900, Vol.2, E.-3, p.2.

21. NZPD, 1896, Vol.94, p.331, Seddon.

22. Quoted, Mutch, p.151n.

23. Quoted, A.M. Platt, The Child-Savers, The Invention of Delinquency, Chicago, 1969, p.39.

The concern that the authoritarian essence was being sapped out of family relationships was at times extended beyond the family, to encompass the whole of society. The Honourable Dr Grace was of the opinion that:

the whole of our social conditions and the social drift of society induces everybody to rebel against every form of authority, and this impresses and influences the children.<sup>24</sup>

A similar diagnosis was expressed by a columnist in the Herald, who began an outburst against larrikinism with this comparison:

There is a variety [of larrikin] well known in old and settled communities - a starved, hungry-looking thing, maddened by privation and suffering, but cowed and fear-stricken in the presence of the law. Our creature braves the law undaunted, and, sprung from the prevalent laxity of domestic discipline, and nurtured in the free atmosphere of democracy, it fears neither man nor devil.<sup>25</sup>

There seemed then, to be a strain of independence about New Zealand children which was in some important way related to the nature of the colonial family. But while the irresponsibility of parents was the foremost peg on which blame was hung, a good many other diagnoses of the larrikin problem were aired. Many of these were seen as factors which served to compound the problem of parental neglect, others were separate pressures, yet all could have been resisted within the ideal family.

One aspect of colonial life which received considerable emphasis for the part it was felt to play in the development of larrikinism, was the habit of roaming the streets. The streets were seen as a nursery of vice because they provided many avenues for children to consort with evil companions. And as Seddon expressed it, "consorting with evil companions led to a life of degradation, infamy and vice".<sup>26</sup> Seddon seemed well aware of the temptations of the streets, for

he had often thought, when he saw boys of tender years about our streets at nine, ten, and eleven o'clock at night, congregating at the street

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24. NZPD, 1899, Vol.110, p.276.

25. NZH, 8 May 1886.

26. NZPD, 1896, Vol.94, p.331.

corners, that although they started, no doubt with innocent intentions, the ultimate result, as they advanced in years, was that they came to be of the larrikin class, and by meeting evil companions, along with the opportunities given by these late hours, they oftentimes found that children of very respectable but wholly neglectful parents came into the hands of the Police, and were brought before the Courts of Law.<sup>27</sup>

One contemporary who expressed a similar conclusion was George Hogben, appointed Inspector-General of Schools in 1899. During 1900 Hogben carried out an intensive investigation into the cause of juvenile delinquency, and reported his findings to the House of Representatives. He divided the course of delinquency into three stages, the first of which was "The acquiring of nomadic habits exhibited in truancy and vagrancy". In the great majority of cases he felt that potential young criminals began by forming the habits of vagrancy, and that this "incipient nomadism" should be dealt a firm blow from the outset.<sup>28</sup>

It was apparently not only the morals of those young people actually on the streets, which stood to be contaminated by such freedom of the streets. The Honourable Mr Twomey felt that

those who go out in the darkness of night and cultivate habits which we need not mention, and acquire knowledge which is not for their good, go back amongst their neighbours and contaminate the children of respectable parents, and in that way do damage throughout the whole community.<sup>29</sup>

The popularity of the streets was thus a phenomenon which many colonists were naturally keen to reduce and this involved discovering what attracted the young people. As has been already mentioned, the lack of parental supervision was seen as a primary factor, together with the encouragement afforded by the mild climate. Due to its northerly situation, the city of Auckland was regarded as an obvious illustration of the association between warm weather and

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27. *ibid.*, p.319.

28. AJHR, 1900, Vol.2, E.-3, p.3.

29. NZPD, 1899, Vol.110, p.172.

juvenile misconduct. Like many other New Zealanders, Mr W. Thorne, a member of the Auckland City Council, considered that there was more juvenile immorality in Auckland than in any other centre in New Zealand - "a fact due to the climate".<sup>30</sup>

Apart from such obvious incentives, there were other lures which were recognized as contributing to the amount of street activity. Some citizens were convinced that in many cases the trouble arose after evening meetings which parents permitted their children to attend because they had fine-sounding names.<sup>31</sup> A letter to the New Zealand Herald from W. Edward Lush condemned the Bands of Hope, the Christian Endeavourers, and every other society, for taking children out at night:

The religious bodies are seriously to blame for keeping nurseries for prostitutes, as many of these societies have in cases been .... Once you form the habit of going out of an evening in a town with a climate and facilities like this, temptation will come.

This letter concluded by denouncing the habit of going out as "an infraction on home life, and an excuse for lazy parents to neglect their first duty".

The taste for being out, and the quasi-educational excuse to get out is a strongly-developed evil habit in the whole community.<sup>32</sup>

In less extreme tones, other colonists were aware that many young people congregated in the streets simply because they had nothing much else to do. Some, like Mr T. Mackenzie, considered that lads had too little work to do and too much liberty. He believed they should be put to work at fourteen unless they were going into some profession, because if lads were kept doing nothing until they were fifteen or sixteen, they would surely join the larrikin class.<sup>33</sup>

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30. NZH, 9 July 1896, p.6.

31. e.g., NZPD, 1896, Vol.94, p.328, McGowan.

32. NZH, 13 May 1896, p.6.

33. NZPD, 1896, Vol.94, p.328

On the other hand, some felt that the problem was caused by too little play, at least of the organized kind. Many noted a lack of cheap public amusements or organized groups at which children could be profitably occupied. The town of Feilding seemed to be particularly oppressed by the number of young lads loitering about with nothing particular to do. An editorial in the Feilding Star discoursed fully on the situation as background to the setting up of a gymnastic club:

Youth is full of energy which must find vent in some form or other, and if there is no safe and wholesome outlet provided, the chances are that this reservoir of muscular strength and animal spirits - so infinitely valuable if directed into the right course - will overflow into irregular channels, and instead of proving a blessing, will be a nuisance and a danger to the whole community .... Young men will congregate together; congenial companionship is a necessity of youthful life and whether that companionship shall result in larrikinism, or in a united effort for what is useful or right, largely depends upon whether provision is made for innocent enjoyment and wholesome occupation of the hours of leisure or whether these young people are allowed to drift into mischief simply for want of something better to do.<sup>34</sup>

While all these reasons, (and in particular the lack of other activities) would seem to have been significant factors in populating the streets, there must exist some doubt as to how grave the consequences really were. It seems likely that, being unused to staying outdoors in the colder British climate, colonists tended to over-react to the new freedom of the streets. In addition, the growth of the towns must have made the problem appear much more marked than it would otherwise have appeared. Nevertheless, the activities of the street remained in many colonists' minds as the foremost pathway to larrikinism.

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34. Feilding Star, 9 April 1895.

The growth of towns had been one of the most marked social phenomena of the 1870's in New Zealand, and it brought with it a great many social upheavals which the colonists readily connected to the prevalence of larrikinism. By 1881 most of the town-dwellers were concentrated in the four main centres and by the end of the 1880's the impact of the depression had made urban social welfare a very compelling problem.<sup>35</sup> The combination of economic instability and overcrowding caused the city to be regarded as the main breeding ground for subversive activity. One member of Parliament described the city scene:

People are poor and live in small houses, and they have large families, and have no interesting occupations in the evenings; and even if they had, they have no place to sit where they can be quiet and enjoy themselves. Under such circumstances the parents and guardians are glad to get rid of the children, and the children are glad to get rid of their parents and guardians, and they go into the streets, and become wanton; not knowing where to go or what to do.<sup>36</sup>

Too often, it seemed, the home environment was a repulsive one, from which the children were glad to escape onto the street. Crowded neighbourhoods and crowded houses were aspects of the social scene which were understandably deplored, and which seemed inevitably to lead to trouble:

There are cases where it is difficult to keep boys and girls inside a house, when there are only three or four rooms in a house and five or six children all huddled together. But surely these children are not fit company for one another roaming about the streets. If they are not contaminated now, they will get contaminated by and by.<sup>37</sup>

Against the disenchantment with urban life which such conditions encouraged, the virtues of the country were proclaimed widely. In his

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35. W.H. Oliver, The Story of New Zealand, London, 1960, pp.122-129.

36. NZPD, 1899, Vol.108, p.255, Jones.

37. NZPD, 1899, Vol.110, p.170, Fraser.

investigation into delinquency George Hogben emphasized strongly "the temptations that result from overcrowding, and from the greater facility for committing petty thefts with impunity that exist in towns as compared with the country".<sup>38</sup> Following the American penologist W.D. Morrison, he depicted human nature as somehow different in the country. There, Morrison had written, social relationships were wholesome, honest and free from corruption, while in the city such natural agrarian virtues were lost.<sup>39</sup> Hogben was concerned that in New Zealand the great loneliness of country life in remote places, the absence of opportunities for reasonable recreation, the greater attractiveness of town life, and, to some extent, the too exclusively bookish training given in the public schools (a hobby-horse of his), were all causing an influx into the towns. He therefore recommended an amelioration of the economic condition of the rural population so that they would not be tempted to forsake the comparative wholesomeness of the country for the temptations and vicissitudes of the towns.<sup>40</sup>

As premier throughout many of these years, Seddon was also well aware that the burgeoning of juvenile depravity was to a considerable extent consequent on urban social conditions. His legislative enthusiasm for urban social welfare reflects his approach to the problem. It was his desire

to remove that which is the foundation of the sore - the cancer that is at work. If we can make our people more comfortable in their homes - if we can do away with this crowding in our cities; if we can give employment to the fathers so that the mothers might stop at home and look after their children - I say if you are doing this you are striking at the root of the sore; you are removing what, in my opinion, has to a great extent brought this evil upon us.<sup>41</sup>

Amongst all this discussion it becomes obvious that attention was centred fairly heavily on poverty as the milieu most conducive to juvenile error. The Victorian view of a link between crime and poverty was still well entrenched in the minds of the social

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38. AJHR, 1900, Vol.2, E.-3, p.2.

39. Platt, p.37.

40. AJHR, 1900, Vol.2, E.-3, p.2.

41. NZPD, 1897, Vol.98, p.490

reformers of the day. Traces of a belief in the inherited low physical and moral nature of the poor classes, as associated with Social Darwinism, can also be discerned in the attitude of many colonists. Hogben, in his dissertation on the origins of delinquency included "Inherited low physical and moral nature" amongst his various causes.<sup>42</sup> As was the case with the child-saving movement the world over, the concern for the moral and social welfare of the young was centred on the young of a certain social group: The "Children of the Poor".

Those children whose homes were in the social gutter seemed almost expected to exhibit tendencies towards larrikinism; the so-called "street class" were something like a race apart from the higher social strata. In giving evidence before a Select Committee on the Young Persons' Protection Bill, Dr John Ewart referred to a number of girls known to be prostitutes as "belonging, of course, to the poorest class. They usually have not very comfortable homes".<sup>43</sup> This same kind of moral and social distinction between the social classes led to some consternation during discussion of the provisions of the various bills designed to keep young people off the streets. In a typical example, the Women's Political Association sent a resolution to the Premier protesting about the Juvenile Depravity Bill, "inasmuch as it places young girls who, of a frivolous disposition, are not of the street class, too much in the hands and power of the police".<sup>44</sup>

Despite such emphasis on poverty however, there is some indication that a stage of life, adolescence, had begun to be considered equally with station in life, class, as the perceived cause of misbehaviour. The vulnerability of youth was readily acknowledged and it seems too that there was a growing awareness of the critical

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42. AJHR, 1900, Vol.2, E.-3, p.2. Hogben's views on the importance of inheritance in criminality were shared strongly by Dr Duncan Macgregor. See Noreen Murray, "The Life and Work of Dr Duncan Macgregor", M.A. thesis, Otago University, (1944?).

43. JALC, 1899, Appendix No.6, p.9.

44. Press, 24 August 1896, p.3.

nature of the early teen years. In this respect a case reported in the Manawatu Times under the heading "Developmental Larrikinism" is of considerable interest. A "rather remarkable youth" named John Rose, fifteen years of age and the son of a "most respectable settler of Wanganui" was brought before the Police Court in 1883, on a number of charges resulting from a night's activities. Amongst other things, he apparently stole a horse, pulled the firebell, broke into a blacksmith's shop, stole a clock and hid it in a bakehouse, dissected the interior of a harmonium in a place of worship, set fire to a gorse fence, stole a pair of boots and poured ink all over the tables of the local school. Two medical attendants examined the boy and gave an opinion that he was not responsible for his actions, one doctor saying that he attributed the cause to developmental changes to which the boy was liable at his age. The Bench accordingly dismissed the charge and ordered a fresh charge of lunacy to be brought under the Resident Magistrates Act.<sup>45</sup>

One influence on a child's life, the absence of which was believed to lead to deplorable consequences, was that of religion. The clause of the 1877 Education Act which made public education secular, served as the focus for endless debates on the importance of religion in a child's upbringing. The lack of religious instruction in the schools was felt by a good many citizens, among whom adherents of the Bible in State Schools League were the most vocal, to have increased the tendency towards lawlessness. A letter to the Christchurch Press in June 1896, for example, proclaimed that the moral standard of the colony was deteriorating rapidly, a situation consequent on the activities of "those children who were brought up without any religious training, and those who drifted away from their religious moorings [and] have floated further and further out into the wild and turbid sea of crime until they were lost beyond recovery".<sup>46</sup>

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45. Manawatu Times, 15 November 1883; 22 November 1883. I am indebted to Roger Wigglesworth for this reference.

46. Press, 23 June 1896, p.6.

It was not only the impact of secular education which could be seen to have lessened the influence of religion. The letter quoted above went on to declare that "the religious instinct of the rising generation appears to have been blunted by contact with the materialism of the present day, and the consequence is that the virility, the manhood of the nation, is being sapped at its very core".<sup>47</sup> The place of religion in the changing society had thus become something of a contentious issue, and any lessening of its influence naturally produced sharp reactions, as displayed in this second letter to the paper:

It is generally acknowledged that children of the present day are losing respect for parental authority and reverence for holy things just in proportion as they are freeing themselves from the restraints and obligations of religion.<sup>48</sup>

The availability of that type of literature or entertainment which was felt to taint the naive minds of young people was another feature of society which was host to a periodic outburst. The Reverend G.B. Monro, Convenor of a Religion and Morals Committee of the Presbyterian Church in 1889, drew the attention of that body to the amount of literature available, and added that he had been informed that a life of prostitution might well arise from "seeing in a tobacconist's windows pictures that at once awakened evil desires."<sup>49</sup> A letter to the New Zealand Herald in 1896 declared that "A vast amount of injury is done to the youth of both sexes by the reading of immoral books and the penny horrible". The letter went on to urge the government to put a stop to the importation of this class of literature and thereby do a good service to the young, for several recent cases of crime had apparently resulted from the reading of such books.<sup>50</sup>

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47. *ibid.*

48. Press, 18 June 1896, p.3.

49. AJHR, 1891, Vol.3, H.-5, p.10.

50. NZH, 3 August 1896, p.3.

The burgeoning of the cinema throughout World War I provided a great deal more ammunition for the moral crusaders. An article in the Auckland Weekly News in 1917 described the fifth case in Auckland in which small boys had got into trouble after seeing the "Stingaree" series of pictures. The parents of these boys were held to be respectable people, and the boys bore good characters, yet due to the influence of the picture they had gone to a house in Mount Roskill during the owner's absence, and smashed everything they could. "They smashed the chairs with an axe, slashed the mattresses with a sheath-knife, committed a nuisance on the sheets, and behaved like regular little blackguards". The boys had even stolen eye-glasses to emulate a famous character in the picture. The chief detective read a statement by the eldest boy, in which he said that after seeing the picture, in which banks were robbed and coaches held up, they decided to emulate what they had seen. Accordingly, they broke the window of the house and went inside "to play Stingaree". The Magistrate prohibited the boys from visiting picture theatres, and sent a telegram to the Under-Secretary for Internal Affairs, suggesting the picture be banned.<sup>51</sup>

Another particularly striking explanation offered for the decline of moral standards was related to the amount of meat New Zealanders ate. As has already been noted, any obvious differences between life in Britain and the Antipodes were readily seized upon by those who sought to explain the decline of British standards. In this respect it is interesting to note that a great deal more meat was eaten in the colony than at Home and that meat was thought to encourage immorality. The Reverend G.B. Monro was of the opinion that one cause of the juvenile problem might be found in "the great amount of flesh that was eaten here, heating the blood and causing sensuality."<sup>52</sup>

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51. Auckland Weekly News, 13 September 1917, p.22. I am indebted to Simon Johnson for this reference.

52. AJHR, 1891, Vol.3, H.-5, p.10.

A final corrupting influence which these colonists, sure of their British superiority, could discern in the environment was that of the Asian immigrants. In keeping with the sentiments of the times the "Chinese dens" came in for a good deal of censure as the refusal of the Chinese to be assimilated increased the hostility towards them. Many colonists, and prominent ones amongst them, were convinced that the Chinese corrupted young girls into a life of degradation. Not infrequently, the public sense was shocked by "painful disclosures" made in connection with very young girls, in which the Chinamen<sup>53</sup> figured conspicuously.

Concerned colonists of later nineteenth century New Zealand were thus able to find in their social life a multiplicity of factors which they felt were increasing the tendency to youthful misdemeanour. The potential influence of almost all of these would have been lessened, however, if the solidarity of the family had always been intact. By far the greatest amount of blame was placed firmly at the feet of neglectful parents. The distance-tinged ideals of the home country seemed suddenly remote as the problems of living in the new land began to come into focus.

Looking back on these theorists of the 1890's with the static view provided by the passage of time, one recent historian has dismissed the activities of parents as a causative factor, and instead has seen the behaviour of young people as a direct response to the pressures foisted on them by society. In her study of aspects of the social and economic history of Auckland, 1890-1896, Margaret Mutch suggests that

at its roots, larrikinism represented a revolt against a society which forced children to grow up at a very early age; a society hostile, or at best unconcerned.

She goes on to note that the year book classed children above twelve years of age as adults, and that many of that age worked long hours in

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53. e.g. NZPD, 1896, Vol.94, p.322, Hutchison.

factories, despite government legislation. While acknowledging that "it is impossible to find information to prove the correlation between early employment and larrikinism", she nevertheless feels that it cannot be denied that "those employed at an early age did cause trouble", and she cites an example of boys employed at the Auckland Fibre Company who were reported to have wantonly destroyed vegetable plants in a nearby market garden.<sup>54</sup>

While it is certain that young boys in employment must have contributed to the larrikin problem, it seems doubtful that they would have had any monopoly on such behaviour. In fact, there seems every reason to follow the lead of the nineteenth century analysts, and attribute as much blame to boredom, as to excessive responsibility. Rebellion against society would seem to be a fairly constant theme in any outbreak of juvenile transgressing, but the reasons behind it may be many. Modern theories of juvenile delinquency stress the multi-causal nature of such behaviour, and it would therefore seem simplistic to try and isolate any single causative factor. The multiplicity of diagnoses which the social life of the 1890's inspired the colonists to produce, stand as an important record of their attitude to contemporary society. While we, with the benefit of hindsight, may apportion the blame with differing emphasis, we cannot escape the social context in which the problem arose.

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54. Mutch, p.152

## III

## "What is to be done?"

For those young people who failed to meet the requirements of good citizenship, New Zealanders were by no means slow in proposing remedial action. Once convicted of an offence against the law a young person might be imprisoned, whipped, or sent to an Industrial School, all with the hope that he would learn not to transgress again. But while a number of important developments in the area of reform took place at the end of the nineteenth century, public attention tended to be focussed on an earlier stage of transgression. The question which most occupied the minds of colonists was how to prevent larrikinism from menacing the streets at all, and, where this was unsuccessful, how to prevent it from developing into something worse. Towards these ends a great number of proposals, some quite novel, some quite unrealistic, were discussed throughout the colony.

The question of clearing the streets of larrikinism was one which went much deeper than merely brushing away an irritation. It was for the sake of society generally that this "social gangrene" was to be cut out of the body politic.<sup>1</sup> Larrikin behaviour represented a weakness in the social machinery, a weakness which seemed to threaten the very image of a Utopian future. For this reason, the duty of the State to those who would one day become the rulers of the country was well recognised in New Zealand:

Every waif reformed and reclaimed is a distinct gain to the State, every failure is an equally distinct loss and source of expense in the future, as well as an element of danger.<sup>2</sup>

The elimination of juvenile lawlessness was thus not just an isolated sector of concern; its implications seemed to spread throughout the very foundations of society.

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1. NZFD, 1896, Vol.94, p.324, Hutchison.

2. AJHR, 1908, Vol.5, H.-21, p.ii.

But while the importance of treating the problem was well recognised, the colonists were also aware of the great difficulty of getting results. Unlike any physical disease, there was no set remedy to apply. But yet, in the nature of a disease, the principle that prevention is better than cure provided a sure basis on which to commence action. Any means of eliminating one of the various causes of larrikinism was readily investigated. Children must be kept off the streets and, to achieve this, they must be kept occupied and their parents must be brought to realise their responsibilities. In addition, any means by which the moral tone of young people might be uplifted, would further decrease the possibility of misbehaviour. In the words of a resolution drawn up by a group of Auckland Justices of the Peace,

[It is our] conviction that no mode whatever of dealing with offences after they have been committed can offer any prospect of a radical cure of the evil of juvenile crime, which must be sought in a more thorough and systematic moral<sup>3</sup> training in the home and in the school.

The State could do little to influence the tone of home life. As one correspondent to the New Zealand Herald declared, "You cannot make people, even children, moral by Act of Parliament."<sup>4</sup> The Honourable Mr W.C. Walker elaborated on this point to the Legislative Council: "It is a matter that the people must take into their own hands, and through the medium of the home they must interest the young people in better things."<sup>5</sup> Yet it did seem to many to be within the limitations of the State to legislate so as to enforce parental authority. The Honourable Mr Bowen expressed such an idea:

There is a great deal of juvenile depravity which might be checked if the parents would pay a little more attention to their children's training. If they will not do so, I say it is an advisable thing that the State should interfere, and, at any rate, take such steps as will draw the attention of parents to their shameful neglect and to the necessity of doing their duty.<sup>6</sup>

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<sup>3</sup> NZHR AJHR, 1891, Vol.3, H.-4, p.1.

<sup>4</sup> NZH, 13 May 1896, p.6.

<sup>5</sup> NZPD, 1897, Vol.100, p.833.

<sup>6</sup> NZPD, 1900, Vol.111, p.484.

The idea that ~~some~~ means might be found of compelling parents to look after their children was one which caught on rapidly in New Zealand. Every report received from the meetings of Justices of the Peace held throughout the country in 1891 affirmed this principle, and contained suggestions towards this end. The Christchurch meeting, for example, hoped

to amend the law to throw upon parents the responsibility of exercising proper control over their children, and, failing their doing so, to punish such parental neglect by such means as may be deemed effectual for the purpose.<sup>7</sup>

If the moral responsibility of parents had been eroded, then a legal one ought to take its place.

One of the most popular suggestions as to how to make parents feel the restraining influence of the law, was to touch their pockets. The Christchurch Justices of Peace felt that Magistrates should be enabled to

heavily fine parents who allow their children to drift into crime, and make them responsible in damages for any acts committed by children they habitually neglect to keep in proper restraint, and in all cases in which children are ordered by Justices to be sent to gaols or reformatories the parents should be made to pay for their maintenance while they are inmates of such establishments.<sup>8</sup>

The Auckland Justices were somewhat more cautious:

To impose a direct pecuniary penalty on the parent for an offence committed by his own child would seem, no doubt, a novelty in English law, but at least there would be no injustice in empowering the Bench to order that the parent should pay a certain sum to go towards the cost of maintenance of the young offender.<sup>9</sup>

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7. AJHR, 1891, Vol. 3, H. 4, p. 4.

8. *ibid.*, p. 4.

9. *ibid.*, p. 2.

The latter principle seemed of particular importance to George Hogben. He felt that negligent or weak parents should not expect to be relieved from the burden of maintenance too easily, or they might well give up sooner.<sup>10</sup>

Another proposal intended to punish parents for the sins of their children was put forward by the Auckland Justices. They recommended the "disenfranchisement - for whatever term might be deemed just - of parents who are shown by the misconduct of their children to have grossly neglected their parental duties." Such a drastic measure seemed to need little justification, for the Justices declared they could see "nothing unsound in the principle that the exercise of the highest function of citizenship should not be permitted to those who habitually ignore its plainest duties".<sup>11</sup>

A further means of saving children from the neglect of their parents was simply to remove the children from their control. The Christchurch magistrates advocated that the children of neglectful parents should be apprenticed to tradesmen and farmers, or, in pre-criminal cases, sent to a naval training ship.<sup>12</sup> Sir Robert Stout was one colonist much in favour of this idea, for he felt it was

better to take the children when young and impressionable and give them a good moral education, than to allow them to grow up criminals, and thus cost society far more than their education costs.

He noted the many instances of children "whose parents were criminal, low and degraded who have, through being taken in time and placed in our Industrial Schools, turned out good members of society."<sup>13</sup>

Other colonists, however, were rather less in favour of removing children from their proper and natural guardians. The danger

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10. AJHR, 1900, Vol.2, E.-3. p.3.

11. AJHR, 1891, Vol.3, H.-4, p.2.

12. *ibid.*, p.4.

13. NZPD, 1885, Vol.52, p.116.

of too easily relieving parents of a due sense of their responsibilities seemed a very real one, and so George Hogben urged:

It is not therefore desirable to diminish the burden of maintenance, or to take away from parents the duty of control so long as there is any reason to hope that the evil will cure itself without depriving the child of its natural guardianship.<sup>14</sup>

The desire to encourage rather than discourage parental responsibilities was so strong in fact, that P.J. Whelan has asserted that the facilities for the care of destitute, neglected and criminal children were kept poor partly as a deliberate policy, because the authorities were afraid that parents might otherwise be encouraged in their neglect.<sup>15</sup>

While all these proposals for the encouragement of parental duties were habitually aired in the colony, they were in some cases too novel and impractical to ever become law. Besides, as one Member of Parliament pessimistically observed, even fining and imprisonment would not educate some parents.<sup>16</sup> Yet, despite the lack of action the principle of attacking the problem at the parental level continued to be explored. For after all, "if parents did not properly train children in the habits of rectitude and morality, the churches or schools could do little".<sup>17</sup>

Limited as their influence might be, the schools did however come to assume a very important role in the State's preventative programme. Sir Robert Stout conjectured that in a possible ideal state of society there would be no state schools, "for parents and others will have so recognised their duty to teach children that the state will not require to interfere".<sup>18</sup> Meanwhile back in the colony, however, children had to be protected from "the cruelty, the selfishness and the ignorance of parents".<sup>19</sup> The schools' task was thus to be a kind of supplementary one in the interests of the State, aiming at inculcating the youth of the colony with those accomplishments and that standard of behaviour as might befit a model citizen.

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14. AJHR, 1900, Vol.2, E.-3, p.3.

15. Whelan, p.192.

16. NZPD, 1899, Vol.108, p.256, Bonar.

17. NZPD, 1900, Vol.111, p.484, Jennings.

18. NZPD, 1885, Vol.52, p.118.

19. *ibid.*, p.119.

One of the most important concerns which underlay the provision of public education was that the schools should provide a beneficial means of occupying and hopefully reforming, those youngsters whose disorderly, riotous behaviour disrupted the streets. During the debate on the 1877 Education Bill this point had been emphasised by the Honourable Mr Bonar, in referring to the extreme disorderliness of the youth of Victoria:

If those children had obtained an elementary education under the care of the State it is impossible that they could have manifested any of this rowdyism or larrikinism.<sup>20</sup>

Schooling for all thus came to be regarded as a necessary form of social insurance, and this was reflected in the provisions of the 1877 Act which made education national, free and compulsory.

The establishment of a national system was prompted largely by the desire that education should reach more children more efficiently. It was described as, "the system most likely to reach the children of all classes". In time even the "gutter children and children of the very poor" would be reached, while "under the denominational system those children would not have been reached at all".<sup>21</sup> Education was made free for similar reasons: it should be extended to those who could not afford it in the interests of society generally.

The compulsory<sup>22</sup> nature of the new system was established in order that the right of a child to education should be protected against the "criminally negligent parent".<sup>23</sup> While some had felt that this involved an infringement of liberties, Professor Hunter from the Department of Mental and Moral Philosophy at Victoria University College, elaborated on its necessity:

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20. NZPD, 1877, Vol.26, p.131.

21. *ibid.*

22. "Compulsory" in this sense was defined as at least half of the period of the school year, and thus does not compare with modern ideas of compulsory education. See Butchers, A.G., Education in New Zealand, Dunedin, 1930. p.12-13.

23. NZPD, 1877, Vol.24, p.34, Bowen.

It is the children of the careless and irresponsible section of parents that will grow up to be the greatest menace socially, morally and financially if the handicap of heredity and environment is not to a great extent defeated by a sound elementary education.<sup>24</sup>

The stricter enforcement of the compulsory clauses of the Education Act was a method frequently suggested to prevent children wandering un-cared for about the large towns.<sup>25</sup> The Christchurch Justices of the Peace even felt it desirable that the amount of attendance required under the Act be greater,<sup>26</sup> and Hogben advocated a substantial increase in the fines for irregular attendance and habitual truancy.<sup>27</sup>

For those children whose school attendance remained unsatisfactory, Hogben put forward an interesting alternative which, however, was never put into practice. Since distaste for school or for any mental effort was often the first incentive to truancy, he recommended the setting up of day schools, or truant schools, where the instruction would be shaped to overcome such objections on the child's part. By this means, the parents would still have the onus of maintaining and controlling the child, but the teacher at the truant school would have duties and powers outside of school hours, such as visiting the home and reporting any irregularities.<sup>28</sup>

The schools were not only useful as a means of keeping children off the streets. They were also expected to have a beneficial effect by virtue of the development a child would undergo. In introducing the first reading of the 1877 Education Bill, the Hon. Mr Bowen asserted:

I am not going to argue that education makes men virtuous, but we do know that education teaches the self-control that is absolutely necessary for a civilised state of society; and we know, practically, that where statistics have been taken, there is a remarkable

24. AJHR, 1914, Vol.3, I.-138, p.35

25. e.g. AJHR, 1891, Vol.3, I.-138, p.35

26. *ibid.*, p.4.

27. AJHR, 1900, Vol.2, E.-3, p.3.

28. *ibid.*

correspondence between the crime and want of education in different countries. In countries where the statistics have been taken the proportion of criminals who are absolutely destitute of education is eighty percent.<sup>29</sup>

In view of the high hopes attached to the educative process, it seems somewhat incongruous that the clause which made education secular should have passed into law. Secularism, however, was not considered the ideal basis by most of the community. Rather it represented an acceptable compromise in the face of great denominational rivalries. In default of religious education, the needs of the child's moral nature were not to be completely ignored. John Caughley, Head of West Christchurch District High, expressed the common view that children receive moral training through the teacher's personal influence and through direct moral training: "The teacher is always training character". After all, "if religion is confined to one lesson, what is to become of character during the rest of the day?".<sup>30</sup>

The movement of New Zealand educational opinion into the worldwide experience of "new education", culminating in the 1904 Education Act was a development not unrelated to the widespread concern about larrikinism in the 1890's. The 1904 Act approved an entirely reformed primary school syllabus, and with it a broader concept of the schools' task. This movement was largely the result of the influence of such leading educationalists as John Dewey and Froebel and of the Cross Commission (1888-1890) in Britain, but it must also have been a response to the activities of the streets. Moral and physical instruction were made compulsory in the new syllabus, all with the hope of turning children into more respectful and healthy citizens.

Despite the importance placed on education as a means of combatting larrikinism and its associated crimes, there was some disappointment that it was not having the desired effect. An

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29. NZPD, 1877, Vol. 24, p. 32, p. 56.

30. AJHR, 1914, Vol. 3, I.-13B, p. 56.

editorial in the New Zealand Herald in 1896 was uncertain whether the increasingly good educational record of prisoners was a cause for joy or grief. While it was good to see that education had so far pervaded the masses that a high proportion of any random sample could read or write, yet it was not a very flattering testimony to the moral and elevating results of education that over 3,000 out of 3,400 prisoners in gaol had had the benefits of average school teaching.<sup>31</sup> Those who bewailed the shunning of religious education were especially quick to criticise. The Rev. T.H. Sprott of St. Paul's Cathedral bemoaned from the pulpit that juvenile lawlessness was still spreading in 1896, "notwithstanding their glorious system of national education, for which so much had been claimed and from which so much had been expected".<sup>32</sup>

In addition to the public schools, a number of other organisations were expected to have an effect on the colony's youth. The influence of the Churches was felt to be vital, but not all citizens were convinced that they were doing a good enough job. The Hon. Mr T. Kelly was one such critic, who declared:

The towns are filled with Christian Churches, supposed to look to the moral condition of the masses. But instead of doing it, they leave the moral condition of the back slums to the school-teachers of our public schools and to the police.

The Churches were expected to keep parents up to their duties and not to confine themselves to preaching to respectable congregations who could take care of themselves.<sup>33</sup>

Schemes for organised recreation were a further facet of the preventative programme which flourished as a result of the larrikin threat. Young people needed places where they could come together healthily for mutual instruction and enjoyment, and a great deal of

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31. NZH, 17 August 1896, p.4

32. *ibid.*, p.5

33. NZPD, 1897, Vol. 100, p. 833. *Meredith.*

thought was given to providing such opportunities. The Boys' Institute in Wellington, for example, apparently attracted a class of youth who might otherwise be about the streets selling newspapers. They were mostly children of wharf-hands and had been very largely neglected, yet observers felt able to note a gradual improvement in the behaviour of the boys who gathered there.<sup>34</sup> It was not coincidental either that the school cadet scheme burgeoned during the 1890's.<sup>35</sup> At a parade of children receiving military drill on Queen's Birthday, 1895, Major F.Y. Goring declared that one of his objects was "to have the boys under discipline, and so abate the larrikin nuisance".<sup>36</sup>

As the 1890's progressed and the streets did not appear to be any less populated by larrikins, the legislature began to consider the possibility of more direct action. In their 1891 report the Thames Justices had noted a suggestion for restraining the liberty of the street and highway to young children after dark, but had treated it lightly in view of obvious practical difficulties.<sup>37</sup> In the mid-1890's however, such a notion formed the basis of a number of attempts at legislation. Although none of these ever passed into law, the Seddonian Parliament debated the bills at length, considering that they had no higher function than the preservation of the colony's young people.<sup>38</sup>

The first of these bills to come before the House was introduced by Mr W. Hutchison, the Member for Dunedin, and a keen observer of the plight of young people. His Bill for the Better Protection of Children and Young Persons received its first reading on June 25 1896, but passed no further.<sup>39</sup> Confessedly brought forward in

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34. NZPD, 1896, Vol. 94, p.329, Meredith.

35. See Openshaw, Roger, "The Patriot Band - The School Cadets from their Evolution to the Great War", M.A. thesis, Massey University, 1973.

36. Cumming, p.299.

37. AJHR, 1891, Vol. 3, H.-4, p.2.

38. NZPD, 1899, Vol. 110, p.169, Bolt.

39. JHR, 1896, p.XL.

view of the many complaints made in various parts of the colony about the increase in juvenile lawlessness, the bill dealt with the question of how much freedom should be allowed to children and young people in the matter of wandering the streets at night. The model for Hutchison's bill, and for those that followed it, was a Curfew Act in force in at least one town in the United States, which made it a punishable offence for any young person under a certain age to be found in the streets after a given hour. Hutchison's bill also incorporated the constant theme of parental encouragement, for it provided that, "any person who permits a child of his to wander about or frequent any street or place of public resort at night, (defined as 8 p.m. in winter and 9 p.m. in summer) unless accompanied by himself, or some other adult of good character, shall be liable to a fine, on summary conviction, of not more than twenty shillings". Some of the responsibility for keeping the law remained with the children as well, for any young person (defined as 12-17 years for a male, or 12-18 for a female) who persisted in loitering after a warning from a policeman was liable to a fine, or on a second or third offence, might be sent to prison.<sup>40</sup>

Described as a "tolerably drastic measure" by the Christchurch Press, there yet existed some doubt as to whether Mr Hutchison's Bill was quite the right method of removing children from the streets.<sup>41</sup> There was no chance for debate, however, before Prime Minister Seddon introduced his own bill, entitled the "Juvenile Depravity Suppression Bill". This second bill provided in essence that a police constable on his beat would have the right to arrest any young person he considered to be under sixteen, found loitering in the streets or out of way places after 10 p.m. He would then take the offender to another constable on the beat, or to a Justice of the Peace, a clergyman, or "the nearest house of some married person of good repute", and there put questions to him, or her.<sup>42</sup> There was also provision for the police to enter any house, shop, building, or other premises occupied

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40. Press, 19 June 1896, p.4.

41. *ibid.*

42. NZH, 8 August 1896, p.4.

by, or frequented by Chinese or by prostitutes.<sup>43</sup>

Seddon's bill, however, was to fare only a little better than Hutchison's attempt. While a great number of people expressed themselves in sympathy with its objective, as "an attempt on the part of the Government to suppress larrikinism among both sexes",<sup>44</sup> there were too many objections of a practical nature. The constables, Seddon explained, would need to be warned not to bring themselves and the Force into discredit by hasty or inconsiderate action. But there were few other colonists who shared Seddon's faith that policemen, who were after all just ordinary men, would be able to cope with such powers. The women's societies in particular were very vocal in their concern that the bill gave too much power to the police. The Christchurch Women's Christian Temperance Union sent a letter to the Prime Minister proposing that, in the case of a girl offender, the interrogation should be conducted in the presence of some well-known woman of good repute, who was resident on the beat of the constable. For this purpose, names and addresses of such women might be registered at the police station.<sup>45</sup> Both the Women's Political Association, and the Auckland Women's Democratic Union sent resolutions asking that women might be appointed members of the police force for the purpose of the Juvenile Depravity Suppression Bill.<sup>46</sup> One member of the House was of the opinion that the police should not be involved at all, as their presence would tend to put the brand of criminal on any loitering youth.

Another common objection stated that the bill was an unwarranted interference with the liberty of the subject. Moreover, the possibility that the children of respectable parents, sent out late at night on messages, might be stopped by constables not gifted with adequate reason, was a further cause for concern.<sup>48</sup>

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43. NZPD, 1896, Vol.94, p.321, Seddon.

44. *ibid.*, p.322, Lewis.

45. Press, 21 August 1896, p.5.

46. Press, 24 August 1896, p.3; 28 August 1896, p.5.

47. NZPD, 1896, Vol.94, p.328, McGowan.

48. *ibid.*, p.320, Seddon; p.326, Willis.

Finally, in contrast to Hutchison's bill, this one seemed to have overlooked the importance of punishing the parents. Here again the Women's Societies were full of suggestions. The Christchurch Women's Christian Temperance Union felt that the names and addresses of parents should be extracted from the apprehended loiterers, and that such parents should be summoned before the court to show why their children were so neglected.<sup>49</sup> The Women's Political Association proposed a similar procedure, in which a (woman) constable would take a loiterer home to her parents, whom she would caution, and whose names and addresses would be taken. On a second offence the said parents would be summoned before the Magistrate, and fined on conviction of neglect.<sup>50</sup>

Despite the commendable objective of the bill as presented, it was obviously not refined enough in practice to satisfy the community. In fact, there were those who were not above ridiculing it. Mr Parata asked the government when all the "faddish legislation" was going to end,<sup>51</sup> and an editorial in the New Zealand Herald accused the bill of making a farce of the whole subject: "It has an air of Gilbert and Sullivan about it. It would seem as if 'the assembled wisdom' had decided to get up an extravaganza to burlesque legislation". The editorial went on to describe the working of the bill:

Every citizen of good repute ... is liable to be knocked up out of his reputable bed at any hour of the night .... We believe that a considerable portion of our reputable citizens would shut the door in the constable's face, and would be guilty of so much profanity as would further demoralise the girl taken charge of. 52

In response to these criticisms hurled at the Juvenile Depravity Suppression Bill the government drew up another variation on the same legislative theme. This new attempt, entitled The Young Persons

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49. Press, 21 August 1896, p.5.

50. Press, 24 August 1896, p.3.

51. NZPD, 1896, Vol.94, p.325.

52. Press, 8 August 1896, p.4.

Protection Bill was first introduced in 1897 and went through a succession of debates and Select Committees before being finally discarded in 1900. The changes it incorporated were basically those suggested by the women's groups, a fact which caused Seddon to be accused of pandering to the women. Under the bill, Seddon proposed to call in the assistance of "those good and noble women who are prepared to help us".<sup>53</sup> A number of "discreet women" and other persons, were to be appointed protection officers by the Government for administration of the provisions relating to girls. Such a Protection Officer would have powers to deal with any young person found loitering at unreasonable hours, whom she had reason to believe was there without proper control or for immoral purposes.<sup>54</sup> While some Members of Parliament were confident that the "discreet woman" would have a wholesome effect on roaming youth,<sup>55</sup> others professed themselves to be afraid of her actions, with the result that the words "discreet woman" were carefully left out of the 1899 version of the bill. But the Honourable Mr McLean was still not satisfied:

There is no mention of the 'discreet woman' in this Bill, but she is here, all the same, under another heading, and I do not think there are many people who will care to trust this 'discreet woman' that we hear so much about with the young people of the colony.<sup>56</sup>

The second major change involved in the Young Person's Protection Bill was that, at the insistence of the women, it took up the principle in Hutchison's Bill of punishing the parents for their neglect. The Honourable Mr Walker suggested that the title of the Bill might well be amended to read "A Bill to Restore Parental Authority" for that was its essential aim.<sup>57</sup> He also hoped that the bill would act more as a warning to those parents who might offend,

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53. NZPD, 1897, Vol.98, p.490.

54. NZPD, 1897, Vol.100, p.744.

55. *ibid.*, p.832, Walker.

56. NZPD, 1899, Vol.108, p.254.

57. NZPD, 1899, Vol.110, p.277.

than to be often used.<sup>58</sup> Above all, then, the bill was to be a deterrent, designed in the interests of the State, to keep young people at home. As the Honourable Dr Grace saw it,

The police - whether male or female - shall gently take a child by the left arm, shall march the child steadily and deliberately to its mother, and report to that mother that this little rascal is running about the streets in such a manner as to endanger the interests of the State.<sup>59</sup>

A further piece of legislation which occupied the colonists with regard to their young people, was the Contagious Diseases Act. This Act had been passed in 1869 as a means of checking prostitution, but had been ceased by ordinance in 1884 because of the grave offence it gave to women of the colony. There were still, however, a great number of male supporters of the Act, among them Magistrates and Inspectors of Police, who wanted to see it back in force again. In 1886, a Report on the Act by Inspectors of Police declared that there was "no doubt that the working of the Contagious Diseases Act in Auckland has a deterrent effect on young girls, who would lead a life of prostitution if it were not for the Act".<sup>60</sup> In the same year, during one of the many unsuccessful attempts to repeal the Act, William Rolleston expressed his views on its worth:

There is no doubt whatever in my mind that in some of our large towns the rising population are growing up without that sense of decency and modesty and without that horror of this form of vice that they ought to have, and that any restriction, any restraint, that can be imposed by this Act, even if it is enforced only partially, is one that we ought not to neglect.<sup>61</sup>

Despite the belief that the Contagious Diseases Act had helped to check juvenile prostitution, it was finally repealed in 1896, much to the relief of the women's societies. The Honourable Mr Jones aptly described its operation as "using a blacksmith's hammer to crack an egg",<sup>62</sup> and it was likely that the experience with this Act was one

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58. NZPD, 1899, Vol.108, p.253.

59. NZPD, 1900, Vol.111, p.485.

60. AJHR, 1886, Vol.3, H.-39.

61. NZPD, 1886, Vol.57, p.114.

62. NZPD, 1900, Vol.111, p.429.

of the factors inhibiting the transformation of the "curfew" legislation into law. Juvenile prostitution continued to be a subject of concern and the idea of raising the age of consent was put forward frequently in answer to the problem. The Christchurch Justices wanted the age raised to fourteen<sup>63</sup> and a public meeting held in Auckland in 1889 was of the unanimous opinion that it should be sixteen.<sup>64</sup>

All these legislative attempts to deter young people from the crimes of the streets form an important part of the preventative attitude which colonists displayed towards their youth. Although few of the suggestions were ever transformed into law, they reveal the lengths to which many were prepared to go, in order to suppress problem behaviour before it was allowed to develop. But in many cases it was obviously too late for prevention, and some suitable means of dealing with the offender had to be found. In this area, too, ideas flowed more freely than action, and only a small proportion of the intellectual development was transferred into practice.

The question of how to deal with a young offender found one outstanding answer from a columnist in the Herald in 1886 who, probably prompted by the activity of "hoodlums" at the time of the bootmakers' strike wrote:

What shall we do with our larrikin? is the question. Kill him, would be the answer of reason .... The law should not regard a larrikin's life as sacredly as a citizen's .... Of what use is he to civilization? and what ill would it do to him if he was cut off in his youth before piling up mountains of sin on his head? .... Our tender way of dealing with the ruder forms of social life is producing a crop of evils with which it will soon be difficult to cope ...<sup>65</sup>

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63. AJHR, 1891, Vol.3, H.-4, p.4.

64. AJHR, 1891, Vol.3, H.-5, p.8.

65. NZH, 8 May 1886.

While few other colonists would have entertained such extreme notions of dealing with offenders, the majority were well aware of the great difficulty of finding suitable punishment. In his Annual Report on the Police Force of the Colony for 1892, and also for 1896, the Commissioner of Police, Colonel Hume, drew attention to the powerlessness of the police in dealing with such objectionable conduct as collecting at street-corners, or obstructing footpaths. It was his opinion that the larrikin nuisance would never be effectively put down until police were given power to arrest, instead of merely summon, those lads and boys who made a nuisance of themselves. The difficulty of identification and the unity of statement of the accused too often resulted in boys escaping punishment.<sup>66</sup>

In their 1891 Report, the Auckland Justices of the Peace also drew the attention of government to the necessity for devising some improved system of dealing with offenders, for the existing means seemed inadequate. The Justices of the Peace Act, 1882, provided for the summary trial of indictable offences by the imposition of fines and whipping in some cases instead of imprisonment. While this was useful, it related only to those cases which were per se matter for indictment, and not to the numerous cases of disorderly conduct. Offences against the public order were punishable under the Police Offences Act, 1884, by fine or imprisonment, but ~~this often meant that if~~ a boy's parents refused to pay the fine, as sometimes happened, all the evils of sending a boy to prison had to be incurred or the offence would go unpunished. Moreover, the offence of using indecent language in public places could only be punished by imprisonment, without the option of a fine.<sup>67</sup> The Justices from every area, therefore recommended that whipping should be authorised as a punishment in the class of cases involving outrages upon the public order and decency, in particular larrikinism and the use of obscene language.<sup>68</sup>

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66. AJHR, 1892, Vol.3, H.-21, p.2; AJHR, 1896, Vol.3, H.-16, pp 2,7.

67. AJHR, 1891, Vol.3, H.-4, p.1.

68. *ibid.*, pp.1-5.

In their concern to find suitable punishment New Zealanders became increasingly aware of the need to prevent larrikinism developing into something worse. The Auckland Justices of the Peace stated that their object in punishment was:

to suppress the offences without making the offender worse by unduly degrading him, destroying his self-respect, or subjecting him to moral contamination; and in suitable cases to adopt such means as may conduce to his reformation.<sup>69</sup>

The practice of sending young people to gaol was thus obviously contrary to these principles, and it excited an annual protest from Colonel Hume, the Inspector of Prisons. Every year in his Annual Report on the Department of Justice, Prisons' Branch, he reiterated that it was a public scandal to send children under ten years of age to gaol. In 1891, for example, he noted that twenty "mere infants" under ten years of age had been imprisoned:

What can these twenty infants under the age of ten years - a tender era when these unfortunates should be inmates of some home or school - develop into but criminals, no matter how they may be kept isolated when in gaols? The fear of the police-cells, the dread of the prison-walls, are all blunted in their child-minds, and so they commence their downward career, and are successfully made into hardened criminals long before they reach man or woman-hood.<sup>70</sup>

The practice gradually diminished through the 1890's, but in 1899, four under-ten-year-olds were still admitted to prison.<sup>71</sup>

The problem of providing some alternative place of confinement for young people was one which exercised the minds of many colonists. The Auckland Justices of the Peace were adamant that:

some special mode and place of confinement should be provided for youths under a certain specified age, whereby the danger of contamination from prison associates, perhaps also the stigma of 'having been in gaol' may be avoided.<sup>72</sup>

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69. *ibid.*, p.1.

70. *AJHR*, 1891, Vol.4, H.-14, p.2.

71. *AJHR*, 1900, Vol.3, H.-20, p.7.

72. *AJHR*, 1891, Vol.3, H.-4, p.1.

Although the latter objective would not be achieved by the separation of a special portion of prisons for the confinement and seclusion of young offenders, it was felt that this would at least be better than the existing system in which any separation from ordinary criminals depended upon special arrangements made by the gaoler in compliance with the expressed wish of the Bench.<sup>73</sup>

The question of removing young people from the criminal law process was finally attacked in 1906 in the form of the Juvenile Offenders Act of that year. This provided that no juvenile offender should be either detained or confined in any place used for ordinary persons charged with any offence, and thus ensured that the practice of keeping children in police cells or gaols while awaiting trial, or after conviction, was stopped. It also aimed to keep children out of the open court-room, all from the conviction that familiarity with such institutions would only confirm children in a life of criminality.<sup>74</sup> In the words of one Member of the House, it had finally been realised that "the child should not be treated as a criminal".<sup>75</sup>

This growing awareness that child offenders were different from adult criminals was largely the result of ideas which were evolving in Britain and America in the late nineteenth century. These may be grouped into three distinct stages: firstly, the criminal child was recognised as different from the adult criminal, and so the need for separate institutions was accepted; secondly, the concept of the lesser moral responsibility of a young delinquent led to the notion that punishment was often unjust; and thirdly it was recognised that a juvenile delinquent was morally and socially re-educable.<sup>76</sup> The first legal enactment dealing with neglected, dependent and delinquent children in New Zealand came in 1867 in the form of the "Neglected and Criminal Children's Act", which made provision for separate industrial schools where children under fifteen years of age could be committed for a period between one and seven years. Under this Act the Caversham Industrial School was established in 1869, and the Burnham Industrial

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73. *ibid.*, p.2

74. NZPD, 1905, Vol.133, p.158, Baume.

75. NZPD. 1906, Vol.137, p. 283, Baume.

76. These stages are outlined in T.H. Sargent, "From Retribution to Reformation - A Study of Changes in Legislative Attitudes towards Juvenile Offenders in Nineteenth Century England", Dip.Ed.thesis, Massey University, 1971.

School in 1873.<sup>77</sup>

An important extension to this system was made in 1882, when the "boarding-out" idea was adopted. This involved placing infants or uncontrollable children in homes where they would get the care and attention of good parents. Friends and relatives were chosen where possible, and preference was given to country or suburban homes, so that congested localities would be avoided. The idea seems to have worked with success, because an inquiry made in 1900 revealed that at least ninety percent of those under the Department since the 1882 Act had been able to take their places in the life of the community with credit.<sup>78</sup> A further method of reclaiming youngsters for society was explored in the Kohimarama Naval Training School, established in 1874. Boys between the ages of ten and fourteen could be committed to this school for reasons ranging from vagrancy to association with bad companions. The school was not found to be particularly successful however, and in 1881 the special character of the institution was discarded.<sup>79</sup>

The problem of the classification of the inmates in the various reform institutions assumed vital importance throughout the 1890's as colonists realised that mixing those with a "criminal taint" with those who were "simply destitute" would only compound the problem of reform.<sup>80</sup> George Hogben was especially concerned with the problem of classification,<sup>81</sup> and as a result of his investigations a review of the whole system in 1900 led to the establishment of Reformatories, as distinct from the Industrial Schools which continued to take the more difficult children. The Te Oranga Home opened in 1900 as the only female Reformatory in the colony. Its aim was to improve the moral and social conditions of its inmates, and in this respect the results were believed to be distinctly good.<sup>82</sup>

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77. The information in this paragraph and the following one which deals with remedial institutions is based on J. Beck, "The Development of Child Welfare", in Fifty Years of National Education in New Zealand, 1873-1928, ed. I. Davey, Wellington, 1928.

78. AJHR, 1901, Vol.3, E.-1, pxxi

79. Whelan, p.115.

80. NZPD, 1905, Vol.133, p.160, Sidey.

81. AJHR, 1900, Vol.2, E.-3, pp.3-4.

82. AJHR, 1908, Vol.5, H.-21.

Despite these moves ahead, the treatment of juvenile offenders never matched the progressive thinking of such men as George Hogben. The problem was partly one of finance, but beneath the reluctance to spend money a deeper inertia can be discerned. The Honourable Mr Baume made a striking comparison:

In fact we pay one-tenth the attention to our children that we pay to our potatoes. If there be any disease which is likely to produce a poor crop of potatoes, you have experts sent to the country ~~and all kinds of~~ investigations made in order to see that your potatoes will produce a good crop - to see what is really wrong with them, and help to produce a good crop in future. The treatment of human beings - more especially children - does not receive at the hands of the State anything like the attention that is given to potatoes. All we who seek for reformation in this respect ask for is that the State shall pay, not £120,000 as to the Agriculture Department, but some little sum to provide that that which is, after all the main asset of the State, shall be kept in a healthy condition.<sup>83</sup>

It seems possible to surmise that the discrepancy between the action proposed by colonists to eliminate juvenile lawlessness, and that which was actually taken, may be explained by the fact that such behaviour was perhaps not so widespread nor so threatening as many imagined. The extreme suggestions for preventing the development of larrikinism, as embodied in the proposals to punish parents for their neglect, and to restrict the freedom of the streets to young people, were put forward to satisfy the threatened ideals of the colonists, but were too impractical to have worked. At the remedial end of the process some progress was made in dealing with offenders, but it seems likely that action was suspended where real necessity ceased to be the incentive.

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83. NZPD, 1906, Vol.137, p.283

### Conclusion

The intense anxiety for the state of the colony's young people which a great many New Zealanders expressed throughout the 1890's, reflects much more than a rash of misbehaviour on the part of the younger citizens. While it cannot be denied that many young people were not conforming to the ideals of behaviour set down for them, there is little reason to accept that their behaviour was as bad as the public outcry suggested. The concern for the moral welfare of the young was in the main directed towards the young of a certain social group, and was felt only by those with a strongly developed social conscience. Their efforts to eliminate the problem may thus reflect certain deeper social attitudes.

The sociologist Erikson has pointed out that deviance may play an important part in preserving social stability and in reinforcing the status and prestige of the ruling classes:

deviant behaviour is not a simple kind of leakage which occurs when the machinery of society is in poor working order, but may be, in controlled quantities, an important condition for preserving the stability of social life.<sup>1</sup>

Thus in New Zealand the process of bringing attention to, and in this way "inventing", new categories of youthful misbehaviour, served to reaffirm those ideal values which were held to be fundamental to the stability of social life. The larrikin outcry was in part a symbolic movement which seemed to be defending the sanctity of some of the institutions which were threatened by the social upheaval of the times: the solidarity of the family, parental authority and discipline, women's domesticity, the importance of religion, and the rural values of an agricultural community were all affirmed in the examination of causes.

The response which the colonists adopted towards the problem of their young people reveals that they were by no means "reformers". While a number of novel methods of ensuring that young people did not

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1. Quoted, Platt, p.9.

fall by the wayside were proposed through the 1890's, all these proposals were directed towards conservative ends. The authoritarian impulse remained strong in regard to larrikins, and the "natural" dependence of adolescents on their elders was held up in contrast to the premature independence of the children on the streets. New Zealanders thus displayed a paternalistic, even romantic attitude towards their young people, and it was an attitude which they showed no inclination to discard.

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