

‘The Sensational Scandal which has Worried Wellington’

THE KELBURN RAID, SEX, AND THE LAW IN FIRST WORLD WAR NEW ZEALAND



IN APRIL 1918, ON A SATURDAY NIGHT, police officers entered a house in Kelburn. Newspaper reports said that there were seven women and ten men, the majority of whom were military officers, on the premises. Five women were charged, two others having satisfied the police that they were visitors at the house. One of the five women, Mary ‘Molly’ Griffin, was charged under the Additional War Regulations 1916 with ‘keeping a house of ill-fame’, the others with assisting with the management of the premises.

The ‘Kelburn Raid’, as it came to be known, was described in the *Truth* newspaper as ‘The Sensational Scandal which has Worried Wellington’. The trial of the women in the Magistrate’s Court, their conviction and subsequent successful appeal to the Supreme Court were covered in detail by local and national newspapers. The women charged appeared respectable; their ambiguous status provoked fear and excitement. Though a number of prosecutions had taken place under the War Regulations relating to prostitution, it was the Kelburn raid that enthralled the wartime public.

This paper explores ways of interpreting the significance of the Kelburn raid for the communities of wartime New Zealand. Though what really went on in the house on Upland Road must ultimately remain mysterious, there is much to be gleaned from the story about attitudes to sex and relationships between men and women during World War I. The paper begins by telling the story of the Kelburn raid. It then seeks to place the raid and the wartime regulation of prostitution in legal and social context.

Using this case study, I argue that the regulation of sexuality reflects wider anxieties about social ordering, status and power. Law monitors and assists in creating social boundaries as legal processes inscribe or reinscribe social ordering upon individuals in a public forum. Law appears in this story as both punitive and generative – as a language and a resource both for social control and for those advocating social change.

The story of the Kelburn Raid

The police raid on the rented home shared by Molly Griffin, her two children and Winifred ‘Winnie’ Olsen took place in April 1918. The story of the raid,

however, as it later unfolded in newspaper reports of their trial, begins in January of that year when Constable Tricklebank, sometimes accompanied by his colleague Constable Cattenach, began regular night-time observation of the women's home in Upland Road, Kelburn.¹ The police stated that observation of the home began after neighbours complained about activities in the house. A neighbour, Mr Davidson, giving evidence for the prosecution, testified that he often heard 'noise and loud laughing', saw 'dead marines' or empty bottles taken from the home, and on Wednesday, Saturday and Sunday nights in particular, there was frequently music and step-dancing to a gramophone.² At trial in the Magistrate's Court, however, Molly Griffin alleged that the sister of her ex-husband, Mrs Fuzard, had asked Constable Tricklebank to observe the house. Molly Griffin testified that Mrs Fuzard intended to take custody of Molly Griffin's children. Griffin also claimed Mrs Fuzard had written to the Defence Department to claim the army allotment money due to her brother. Molly had been receiving the allotment for the support of her children.³

Charges against the five women were based upon the testimony of the observing officers. But there was curious evidence at trial to suggest that the officers were themselves observed. Police surveillance was disrupted in early April when Molly Griffin came out to the rear of the house to take some clothes off the line. When she observed Constable Cattenach standing on the verandah, Griffin ran back into the house screaming. The Constable was reported as testifying that he could 'not get near the verandah for a week owing to Molly Griffin keeping a sharp look out'.⁴ The women became aware, although it is not clear when, that their observers were police officers. Winnie Olsen gave evidence that 'some months ago' a Lieutenant Russell had told her that the police were watching the house. Olsen's mother had also visited to tell her daughter that the police were watching the home. Olsen's mother urged her to leave the house. Olsen's evidence was that Molly Griffin inferred that her husband's relatives 'were behind it'. Seeing 'no wrong' at the house, Olsen stayed on.⁵

The raid took place on a Saturday night, 27 April, during what the women described as a musical evening at the house. The officers had a warrant to search the premises issued by a Justice of the Peace under regulation 3(1) of the Additional War Regulations 1916 ('the Regulations').⁶ Five women were charged under the Regulations: Molly Griffin 'with keeping a house of ill-fame', Winnie Olsen, Eileen Pringle and Alma and Marion Elliott, sisters, with assisting with the management of the premises.⁷ In what would become highly controversial, the men present were not detained or charged.⁸ Word spread fast. The women's first appearance in the Magistrate's Court

on Monday 29 April was crowded with members of the public.⁹ In its next weekly publication on 4 May, *Truth*, apparently acting upon information from the police, published the names of the men in the house at the time of the raid.¹⁰ By the time the hearing began on Monday 6 May, public interest in the case was enormous.

The crowd at the Magistrate's Court was, said the *Wairarapa Times*, 'above the average': 'The attraction from such an "elite" suburb as Kelburn drew a crowd befitting the occasion.'¹¹ Amongst them were representatives of eight different women's organizations, including the Teachers' Association in support of the accused, Eileen Pringle, a teacher at Brooklyn School.¹² The group of women was described by the *Truth* as a 'baker's dozen of purposeful ladies, who, commanded by Lady Stout ... disposed themselves in solid phalanx, in a corner'.¹³ The women, whom the *Truth* coined the 'Up-Lifts',¹⁴ were permitted to remain in the Magistrate's Court when other members of the public were cleared.

Whilst the interest of the 'Up-Lifts' was motivated by a concern for the equality of men and women before the law, and in particular by promises that the Regulations would be applied even-handedly,¹⁵ much public interest was undoubtedly spurred by titillation. One correspondent, under the pen name 'Wowser', argued that among friends 'having received a Christian education' not one in ten would be able to tell him the First Commandment but all 'will be able to give the details of the Kelburn Raid'.¹⁶

Evidence of sex at the house was crucial to sustaining the charges but a reading of newspaper reports of trial evidence leaves many issues obscure. The newspaper record is detailed: presenting judgments, witness examination and cross-examination, and discussion between the Judge and counsel, often as verbatim reports of events in court. Whilst the accuracy of the reporting is difficult to assess confidently, reports of the same episodes in proceedings in different publications are frequently corroborating. Newspapers clearly had different policies regarding what detail of the testimony was 'fit to print' – the *Truth* most reluctant to remove detail with the potential to offend – but even a more staid publication, the *Evening Post*, claimed to have relaxed its policy in the name of public duty. In what the *Truth* would describe as a smug apology for deviation from its 'usual practice of "smother"',¹⁷ the *Post* stated: 'Readers of The Post need no reminder that it is not the custom of this journal to give unnecessary details of evidence in such cases as the Kelburn raid. Circumstances demanded that an exception had to be made in this case, in the interests of justice. ... Many letters to the Editor of The Post alleged that the accused women were the victims of persecution, and that the police had exceeded their duties under the War Regulations.'¹⁸

The omission of detailed evidence of sex observed in the house from newspaper reports appears to reflect the approach to testimony regarding sexual activity in court. The magistrate's decision that the 'Up-Lifts' might remain in court was alleged to have handicapped the police. Said one 'Lady Dot', in her *Truth* gossip column 'Sassiety Spice', the ladies' presence 'prevented certain filthy details from being furnished for the information of the magistrate'.¹⁹ Instead, reference to sexual activity in court was often obscure and the language used allusive.

So what can be gleaned about what was really going on Upland Road? Several sexual incidents alleged to have been observed by Constable Tricklebank were canvassed at trial. The Constable testified that on 31 January he saw Molly Griffin lying in bed with a man in the middle and Olsen on the other side of the bed. This was observed through a window, which was 'open five or six inches and the curtain and the blind kept moving in the wind'.²⁰ Griffin and her doctor testified that during that period she was bed-bound and suffering from a gastritis complaint.²¹ A cluster of incidents was allegedly observed on 5 April. The first was reported in this way: 'witness saw Olsen and Gillespie [Olsen's former employer] behave in an improper manner. The other women were in the room all the time.'²² On that same evening, it was alleged that Marion Elliott lifted up Winnie Olsen's clothes.²³ Constable Tricklebank testified that he had certainly seen Marion Elliott on several occasions under circumstances from which only one inference could be drawn.²⁴

Marion Elliott, a young woman of 19, became the focus of the allegations. Three doctors were called to testify that: 'Her condition was consistent with a state of virginity.'²⁵ The debate about Marion Elliott exemplifies the problem presented to the magistrate: who should be believed? In further evidence, Constable Tricklebank was reported as stating: 'He was asking the Court to infer that Marion Elliott was a prostitute. There could be no mistake about that. Everything else he had said was true. He did not think there had been any mistakes of identity made by him.'²⁶

The magistrate hearing the case, Mr S.E. McCarthy, was well known. Upon his retirement from the bench in 1922, the *Truth* said he would be remembered as a 'bit of a martinet', 'a stinger all right' with a 'dead set on certain kinds of offences'.²⁷ McCarthy had come to the bench in Wellington in 1917 after his predecessor, Magistrate Reid, had come to the attention of the Solicitor-General, John Salmond. According to Salmond's biographer Alex Frame, Salmond had written to the Attorney-General criticizing Reid for 'indecision and undue leniency' and suggesting that he be substituted for a 'strong Magistrate' in Wellington. Several months later, Reid was moved to the Wairarapa and Magistrate McCarthy took up his role in Wellington.²⁸

When Magistrate McCarthy then left for Napier shortly following judgment in the Kelburn raid case, a rumour circulated that he had been transferred out of the Wellington area. The Minister, 'deluged with protests' from local government and religious bodies, announced that Mr McCarthy had taken a month's holiday.²⁹ The magistrate's judgment, finding Molly Griffin and Winnie Olsen guilty of offences under the Regulations and sentencing them to 12 months' reformatory treatment, must have contributed to his reputation for severity.³⁰

In his judgment, the magistrate did not explicitly find any instance of alleged sexual activity proved. Regarding Constable Tricklebank's observations outside the window of Olsen's room, McCarthy found, following a site visit, that even on a bright moonlight light, there would be difficulty identifying anyone lying in bed in that room. The magistrate concluded that in identifying particular women in the room: 'I am satisfied he [Constable Tricklebank] testified from inference.' Though Marion Elliott was not found guilty, the Court noted that it regarded the evidence of Marion Elliott's chastity as inconclusive. By contrast, the magistrate found that the evidence of the neighbour, Mr Davidson, 'in conjunction with other evidence, left no doubt in the mind of the court that the house was being conducted as a house of ill-fame'.³¹ The absence of evidence that money had changed hands for sex was not an obstacle to conviction. The magistrate found 'a chain of circumstances which strongly suggested the inference that money did pass'.³²

The two women spent more than a month in prison before Mr Justice Hosking in the Supreme Court upheld their appeals against conviction.³³ Having concluded evidence of sex for hire or gain was necessary to prove the charges, the Judge was reported by the *Evening Post* to find 'the circumstances, taken altogether, are reasonably susceptible of other inference than that unchastity, if it was promiscuous, was practised for hire'.³⁴

In addition, Justice Hosking noted that the magistrate had dismissed charges against Marion Elliott on the basis that 'such acts of immorality as she had committed' could not amount to assisting in the keeping of the house of ill-fame. The Supreme Court Judge stated that in his view the case against Elliott 'wholly broke down on the merits' as 'a conclusion that she was guilty of sexual intercourse would be wholly unjustified by the evidence'.³⁵

The Kelburn raid, the trial and the appeal were over. The women's personal correspondence, relationship history and personal life, finances and physical appearance had been examined by the court and by the public. As one correspondent said, the charges had been dismissed, but only after the women had been 'arrested and figuratively dragged into the market place and stripped, and consequently doomed to life-long disgrace'.³⁶

So, what happened to these women after the Kelburn raid had moved from the headlines? That is a story that is more difficult to trace. Of the five accused, the circumstances of Eileen Pringle were most publicly discussed. Pringle had been a teacher at Brooklyn School but was suspended from her employment during the trial.³⁷ Charges against Pringle were dropped on 9 May 1918 for lack of evidence (the only evidence being that she had kissed a ship's officer on the night of the raid).³⁸ The day following the dismissal of the information against Pringle, a motion was passed at a special meeting of the Wellington Teachers' Association, chaired by Nellie Coad and attended by all the women teachers of Brooklyn, expressing sympathy with Miss Pringle and describing the charges against her as 'reckless and cruel'.³⁹ Pringle's situation must have been made more difficult by comments made by Magistrate McCarthy in his June judgment. After the dismissal of charges against her, Pringle had given evidence for the defence. Of Pringle's testimony the magistrate said that 'the most charitable aspect in which to regard this evidence was to find that she had told an untruth to save her honour'.⁴⁰ Though it remains uncertain, it seems likely that Pringle regained her employment. On 22 June 1918, the *Truth* reported a further women's protest meeting at Brooklyn at which an appeal was made 'to the mothers of that district to welcome [Eileen Pringle] back to the school as a teacher'.⁴¹ The Education Department Report list of teachers at Brooklyn School dated December 1918 includes Eileen Pringle.⁴²

Of the women accused, two were to leave New Zealand. Eileen Pringle left Wellington sometime after the 1919 electoral roll was taken.⁴³ She was no longer listed as a staff member of Brooklyn School in the Education Department list dated December 1919.⁴⁴ Pringle arrived in London from Sydney in 1923,⁴⁵ making a further journey to Cape Town from London in 1925.⁴⁶ Winifred Olsen had planned to move to Sydney before the raid on her home.⁴⁷ On 25 July 1918, a week after Griffin and Olsen were discharged from police custody following their successful appeal, a Miss W. Olsen is listed as embarking for Sydney.⁴⁸ Winifred Olsen returned to Wellington for an annual visit at Christmastime in the early 1920s.⁴⁹ Then, in 1934, she married in Sydney at the age of 42.⁵⁰ Alma and Marion Elliott both went on to marry in New Zealand.⁵¹ Molly Griffin did not marry again but remained in Wellington, living with her daughter for a number of years until her death in 1949.⁵²

The Kelburn Raid in context

One cannot be sure what went on at the house on Upland Road. But the evidence that procured the search warrant, justified the laying of charges under the Regulations, and resulted in the conviction of Molly Griffin and

Winnie Olsen in the Magistrate's Court was thin; the inferences drawn from it, lurid. The raid may well simply have interrupted a musical evening, albeit one at which men, many on final leave before travelling to the front, interacted with women in a way which disturbed some notions of propriety. Justice Hosking acknowledged that war, and soldiers in town, had brought 'a good deal more jollity of a private character than ever before'.⁵³ Said the *Truth*: 'War brings many horrors in its train and loosens the social rein in such a way that the unwary one in search of heaps of daring excitement must come a cropper. "Cham" and high-ball dinners at swelly hotels with "sporty" officers are nice to dream of, but the reality has brought many a rude (and often noisy) awakening.'⁵⁴

The loosening of the social rein brought both opportunity and risk for women, and in the case of the Kelburn raid, that risk was expressed in the coincidence of sexual, social and legal boundaries. The women were labelled both immoral and criminal. In this section, I aim to explore the relationship between these different means of ordering. I begin by contextualizing the legal regulation of prostitution, and the choice to promulgate Additional War Regulations relating to houses of ill-fame in 1916.

The legal regulation of prostitution

Shortly after the beginning of the war, the New Zealand Parliament provided the Governor in Council broad power to make such regulations 'as he thinks necessary for the prohibition of any acts which in his opinion are injurious to the public safety, the defence of New Zealand, or the effective conduct of the military or naval operations of His Majesty during the present war'.⁵⁵ The Bill moved through both Houses without comment, save for the remarks of the Minister of Internal Affairs who expressed 'no doubt' that 'any power that the present Government asks for' would be given. The Minister's sole reservation, however, was whether 'we have gone far enough in asking for the powers in the Bill'.⁵⁶

Specific powers enabling regulation '[f]or the suppression of prostitution, or for the prevention of venereal disease' were enacted by the War Regulations Amendment Act 1916,⁵⁷ and in the weeks following, regulations relating to houses of ill-fame were promulgated.⁵⁸ These listed a series of persons who would be guilty of offences against the regulations, including, at regulation 2(1)(a), 'Every person who keeps, manages, occupies or resides in a house of ill-fame or who acts or assists in the keeping or management of any such house'.

The choice to regulate houses of ill-fame is one which requires some examination. Prior to the promulgation of the Regulations, the criminal law

had a number of means of policing prostitution. But as war disrupted familiar social patterns, women enjoyed greater economic, social and sexual freedom. This social change contributed to public anxiety about sex and purity, which underpinned the further regulation of prostitution under the wartime powers.

Early regulation of prostitution in New Zealand concerned local control of brothels and of acts of indecency and disorder.⁵⁹ With the introduction of the Contagious Diseases Act 1869, the focus shifted to the prevention of venereal disease.⁶⁰ The 1869 Act provided that government could declare an area a contagious disease district. Within such districts, a prostitute might be required by a Justice of the Peace to submit herself for regular medical examination.⁶¹ Those found to be suffering a contagious disease could be detained in a female reformatory institution for treatment.⁶²

The Contagious Diseases Act, versions of which were enacted across the Empire, was fiercely unpopular amongst some women's groups.⁶³ The campaign for its abolition became a focal point of the social purity movement in particular, which sought the elimination of the 'double standard' of sexual morality.⁶⁴ The movement sought to extend to men the ideals of chastity and restraint imposed upon women and, in doing so, challenged deep-seated ideas that men were physically incapable of resisting their sexual urges. In this context, the Contagious Diseases Act, which subjected only women to examination and detention, was characterized as licensing masculine sexual vice whilst punishing women and enabling their degradation.⁶⁵ Reformers viewed the levelling of the double standard as a necessary precondition to broader equality between men and women.

Social purity advocates also sought greater state control of male sexual behavior inside the family, a realm previously privately regulated. In New Zealand, as Barbara Brookes's work outlines, in addition to opposition to the Contagious Diseases Act, the years following the franchise saw women's groups campaign to raise the age of sexual consent, to criminalize incest, and to allow men and women equal opportunity to seek divorce.⁶⁶ These campaigns argued that the state had a duty to protect women and children vulnerable to sexual violence and framed the protection of women's sexual and physical health as a condition necessary for greater equality between the sexes.

Whilst the campaign against the Contagious Diseases Act continued until its repeal in 1910, new legal measures to regulate prostitution were introduced in the Criminal Code 1893. Under the Code those found to be keeping a 'disorderly house', including a 'common bawdy-house', were liable for two years' imprisonment, including hard labour.⁶⁷ By 1908, however, a loophole in the 1893 Code, as interpreted by the common law, was exposed. In *Cassells*

v Hutcheson, a full three-judge bench of the Supreme Court determined that the definition of 'brothel', or in the language of the Criminal Code 'common bawdy-house', excluded those women who operated independently from their own premises.⁶⁸ Legally, a brothel was a place in which more than one woman sold sex. Provided a woman traded alone and did not solicit,⁶⁹ there was no legal barrier to the sale of sex.⁷⁰

The emergence of the category of 'one-woman brothels' in 1908 and the repeal of the Contagious Diseases Act 1869 in 1910 reignited debates about prostitution and venereal disease. These debates intensified with the onset of World War I until, argues Bronwyn Dalley, 'stamping out venereal disease – and with it all forms of prostitution ... came to be regarded as a eugenic endeavour'.⁷¹ Thus whilst the number of women working as prostitutes appears generally to have been in steady decline during the late nineteenth and early twentieth century,⁷² wartime New Zealand was beset with anxiety about prostitution.

The anxiety surrounding prostitution, which contributed to the promulgation of the Regulations, was manifold. Whilst the body of the nation was subjected to war, venereal disease and its ready contagion were perceived to threaten the nation's soldiers. Infection was viewed as a symptom of vice and moral transgression. The 1916 booklet *The Dangers of Venereal Disease: Advice to Soldiers of the New Zealand Expeditionary Forces* warned: 'The moral corruption and the mental degradation of the sensualist are typified by the loathsome diseases which frequently follow sexual sin.'⁷³

Whilst servicemen were subject to controls to curb or treat infection, the control of venereal disease remained gendered, with women blamed as the primary transmitters of disease.⁷⁴ In this regard, the Regulations addressed one perceived source of the venereal problem – prostitution. In a memorandum to Cabinet prior to the introduction of the War Regulations Amendment Bill 1916 ('the Amendment Bill'), the Minister of Defence, James Allen, sought further powers to deal with that 'great curse to our soldiers': 'prostitution and contact with unclean women'.⁷⁵ Assuming that the reintroduction of the Contagious Diseases Act was 'not possible', the Minister asked Cabinet to take action, particularly against the one-woman brothel, referring to the case 'of a woman ostensibly keeping a shop but enticing men to visit her'.⁷⁶ The Regulations that followed specifically defined a 'house of ill-fame' as 'any premises used for the purposes of prostitution, whether by one woman or by more than one'.⁷⁷ In doing so, they targeted particularly the lacuna left by the decision in *Cassells v Hutcheson* and the notorious one-woman brothels or 'lolly shops'.⁷⁸

The choice to regulate prostitution under the War Regulations Amendment Act 1916 was further linked to concerns of restraint and inhibition by its

association with the debate about the control of alcohol. Though the prohibition movement had failed to achieve the requisite 60% in the 1911 and 1914 licensing polls, the Licensing Amendment Act 1918 was to enable prohibition to be introduced by a simple majority. Polls in April and December 1919 would return the sale of liquor by a whisker only.⁷⁹ Whilst the goal remained abolition, temperance campaigners also sought greater control of the sale of alcohol. At Allen's request, the Amendment Bill included a range of powers to further regulate alcohol, including the early closing of pubs and bars.⁸⁰ Though supporters of early closing were ultimately unsuccessful at this time, regulations promulgated under the Amendment Act prohibited 'treating' or shouting alcoholic drink and prevented women from entering or remaining in any bar after 6pm.⁸¹ Wartime had increased existing fears about women's presence in this male environment.⁸²

The debate on the passage of the Amendment Bill through the Houses highlights the perceived connections between liquor, sex and venereal disease. Members emphasized the need for the community as a whole to exercise restraint and self-denial in the face of these temptations, in support of the war effort. Soldiers' health was a focus as men were thought to seek sex with prostitutes when under the influence of alcohol.⁸³ Dr Thacker told the House that Colonel Potter, the Commandant of the Trentham Camp, had warned troops that the draft would fall short if soldiers contracted venereal disease. Colonel Potter reportedly told troops that 'he knew that they were not so foolish as to mix with some of these pests, but it was when they were under the influence of liquor that they were liable to forget themselves and fall victims to the social scourge'.⁸⁴

Mr Wilford described the Amendment Bill as addressing 'numerous flaws in our national life' that had been revealed by public scrutiny, among them these 'significant weaknesses': 'the sly-grogger, the lawless publican, the endangered woman, the generous "pal" and the professional prostitute'.⁸⁵ In response to these weaknesses, those speaking in Parliament invoked the virtue of self-denial and self-control. These values would ensure victory against the Germans, and the preserve of feminine purity. Speaking in favour of further controls on the sale of liquor, Mr F. Newman said 'Besides, I feel, as most men do, that I want to bring about some sacrifice to help the war along. We want to exercise some self-denial, and take our part in the great act of self-sacrifice that is going on throughout the Empire ...'.⁸⁶

Women's sexuality was also restrained. The Hon. Mr Russell, Minister of Public Health, concluded his speech addressing measures to control venereal diseases in this way: 'I desire to assure the women of this country that I recognize the responsibility which has been placed upon me, and to assure

them that it will be my great desire to uphold the sacredness of the pure and virtuous womanhood of New Zealand.⁸⁷

Few women, however, were present in the House during the speech by Mr Russell. When the Minister rose to speak to the Amendment Bill and venereal disease, a Member asked that the ladies' gallery be cleared. The Speaker acknowledged he had no power to clear the gallery but said that he had asked the orderlies to inform women that it was not desirable that they should be present.⁸⁸ On these remarks, the women left the gallery, though half a dozen 'matrons' were reported to have returned shortly afterwards.⁸⁹

Not all Members accepted, however, that the dangers invoked were real and pressing ones.⁹⁰ It seems well established that increases in the rate of venereal disease were associated with greater opportunity for sex for troops on leave in Egypt and England.⁹¹ However, Dalley notes that the army's figures for the number of venereal disease cases in its New Zealand training camps suggest that venereal disease was not a serious problem amongst soldiers yet to leave for the front.⁹² Nonetheless, venereal disease, and fear of both physical and moral contagion, played a significant role in debate about the regulation of prostitution and liquor.

Women's societies opposed the broad regulatory powers proposed in the Amendment Bill, which they argued would enable the substantial reintroduction of the Contagious Diseases Act.⁹³ The introduction of regulations providing for the compulsory detention of those suffering from venereal disease was indeed contemplated at the time of the introduction of the Amendment Bill, again at the request of Allen, the Minister of Defence.⁹⁴ In his speech to the House of Representatives Mr Russell, the Minister of Public Health, outlined his intention to subject to medical inspection those convicted upon a charge of vagrancy. Any person found to be suffering from venereal disease would be detained.⁹⁵ Though Russell gave assurances that the proposed powers would be applied to men and women equally,⁹⁶ some women found such assurances wanting. Only those having no lawful means of support were liable to arrest as idle and disorderly persons.⁹⁷ In practice, one letter to the editor of the *Auckland Star* argued, women prostitutes were more likely to be arrested for vagrancy than their male clients, who were frequently lawfully employed.⁹⁸ In the event, and perhaps due to the protest from women's societies, no additional powers to combat venereal disease were introduced by regulation under the Amendment Act. Russell argued that existing legal powers were sufficient,⁹⁹ and this seems borne out by the increasing number of women incarcerated during the war.¹⁰⁰

The call for equality before the law also characterized the response of the women's movement to the Kelburn raid. Indeed, the advocacy of the 'Up-Lifts'

and others is best seen as part of the ongoing debate about the sexual double standard, and equality in the law and its application.¹⁰¹ The Secretary of the New Zealand Neo-Feminist Association, writing to the *Colonist*, asked that ‘all concerned (of both sexes) in a raided house of ill-fame be punished’ including ‘the ordinary patrons or men visitors’.¹⁰² Such was the outcry that the Minister of Justice gave a statement published under the title ‘Kelburn Raid Equality of the Sexes Exposition of Law’, giving the views of the Solicitor-General and the Commissioner of Police on the criticism of the regulations and their application.¹⁰³

Women’s organizations had sought the engagement of the state in realms previously considered private in order to secure protection from sexual harm and to realize their ability to participate in social and political life. Kristin Luker, however, describes the increased engagement of the state in these areas in the United States as a ‘double-edged sword’ as World War I saw the introduction of new policies that criminally punished female sexuality and reinforced the sexual double standard.¹⁰⁴ Debates in New Zealand surrounding the War Regulations Amendment Act 1916 and the Kelburn raid show women’s societies protested vehemently against policies which would legitimize the double standard, with some success. Brookes has argued, however, that ‘the price of women’s political subjectivity’ was silence on sexual pleasure.¹⁰⁵ This omission became more marked in wartime as opportunities for women to seek social and sexual pleasure increased, together with fears of women as sexual subjects.

Thus, though the Regulations targeted the one-woman brothel, the regulation of prostitution in wartime was also associated with, or contained, anxieties about promiscuity and purity, restraint and abandon. One way of teasing out these associations is to examine why the women of Upland Road in Kelburn became the focus of such fervour, particularly when other prosecutions under the Regulations had not received the same degree of attention.¹⁰⁶ I argue that the status of the women charged was seen as ambiguous. By resisting classification in the traditional categories of respectable or fallen woman, the women of the Kelburn raid both frightened and titillated wartime New Zealand.

Social ordering and the women of the Kelburn raid

Attempts to define prostitution legally had always been unstable, particularly given the prevalence of women who used prostitution as a casual means of supplementing their income.¹⁰⁷ That prostitutes, however, might be recognized and set apart from other women was an important premise of social ordering; one which reinforced moral rules, and allowed for the ‘rescuing’ of women who had fallen foul of them.

Wartime made the categorization of women more uncertain. War increased women's mobility and social freedoms and, through new forms of employment, enabled greater economic independence. Many roles assumed by women in war had traditionally been reserved for men. Women's work ultimately threatened the economic opportunities of returning soldiers and the economic and social status of men generally.¹⁰⁸

With husbands and boyfriends absent, war increased fears of women's infidelity and promiscuity. Familiar patterns of courtship, and expectations of chastity before marriage, were also placed under pressure as the 'boys' shipped out. The perceived weakening of these social constraints prompted public desire to reinforce boundaries. In this way, traditional women's roles of reproduction, mothering and the supporting of men overseas by maintaining a warm (yet faithful) hearth were also reinforced in war. Susan Grayzel argues therefore that women were seen as both a guarantee of, and a potential threat to, conventional morality and social order.¹⁰⁹

The significance of the Kelburn raid women to the wartime public must be seen in this context. It is significant that the case came to be known by the moniker 'the Kelburn Raid'. Kelburn was considered a middle-class, refined suburb. The women accused were apparently respectable and their reputation was defended publicly in court, by their families and by a number of the officers who had visited the house.¹¹⁰ Whilst it is not known how the women financed their legal defence, the status of the lawyers representing the accused women suggests the women and their families had some financial resources or were able to enlist support from those who did.¹¹¹ Percy Jackson, a well-known criminal lawyer, represented Molly Griffin;¹¹² Winnie Olsen was represented by Humphrey O'Leary, who later became Chief Justice;¹¹³ Charles Morison, a King's Counsel, represented Eileen Pringle,¹¹⁴ and Herbert Evans and Michael Myers, later Solicitor-General and Chief Justice respectively, represented the Elliott sisters.¹¹⁵ The accused women were able to engage Wellington's most prominent and well-respected lawyers.

The involvement of Lady Stout and other prominent Wellington women, including Maud England, President of the Wellington branch of the National Council of Women, and Nellie Coad of the Women Teachers' Association, highlighted the status of the women accused. Lady Stout's involvement in the case was seized upon by the *Truth* and its correspondents, who challenged her silence regarding the movement for the release of Alice Parkinson.¹¹⁶ Chief Justice Sir Robert Stout had sentenced Parkinson to life imprisonment with hard labour, despite the jury having strongly recommended mercy due to the provocation Parkinson received. Said a correspondent to the *Truth*, perhaps

alluding to Parkinson's sentence: 'Had it been your sister – or mine – that had been implicated, would she [Stout], or her sister disciples have moved so much as the tip of their holy, little fingers to have shielded them from the evil day? Why, they might have got 12 years instead of 12 months, and you know just as well as I do that there would have been "nothin' doin'" from that particular and peculiar persuasion.'¹¹⁷ A heckler at a public meeting organized by Lady Stout and the women's organizations was reported to shriek at the platform (Lady Stout being somewhat deaf): 'If they were Tory-street girls, instead of Kelburn, we'd never have heard a word from the likes o' you! You ought to be ashamed of yourself.'¹¹⁸

Public fascination with the case frequently centred upon the disjunction between the women's apparent respectability and the enormity of their alleged offences. When the women first appeared in the Magistrate's Court, the *Wairarapa Times* wrote: 'They looked well set-up and attractive young girls, were neatly and by no means showily dressed. ... All five accused looked clean-living and respectable, and the last people in the world one would look for in the police dock.'¹¹⁹

The fear that respectable women had transgressed social and sexual boundaries – or, as Justice Hosking said of Marion Elliott, had been 'guilty of sexual intercourse'¹²⁰ – sparked a spectre of moral and social collapse that was not associated with the trade of working-class prostitutes. Indeed, even in France, where prostitution was controlled rather than criminalized, and *maisons tolérées* established, the *femme isolée* or single, sexually unregulated woman was a cause for concern during World War I.¹²¹ Of the 'khaki girls' in Britain, Angela Woollacott argues that the fear was of contagion; that the 'lax morality of the "rough" poor' might infect the respectable and the middle classes. This challenged the belief that 'sexual chastity was integral to respectable femininity'.¹²²

Similar fears were at work in New Zealand generally, and in the Kelburn raid case in particular. Whilst the women appeared respectable, they were among the young women who enjoyed a greater degree of social and economic freedom during wartime. Most were employed: Eileen Pringle as a teacher, others in office and secretarial work.¹²³ Molly Griffin was divorced; the others were unmarried. All socialized with men without chaperone, some drinking alcohol and smoking. At trial, the familiarity of their language in correspondence with men, and in overheard conversation, became evidence of transgression.¹²⁴ The 'white slave traffic' – the coercion or forcible abduction of respectable young white women into either prostitution or 'private immorality' – induced particular fear and outrage during this period.¹²⁵ That apparently respectable young women might fall into a life of prostitution provoked similar anxieties of social collapse.

Those commenting on the case sought to contain the threat embodied by the women in order to protect the innocent and clean from contagion. One columnist argued: 'The veneer of respectability with which they sought to shield their traffic made their establishment a much more dangerous centre of temptation than if it had been conducted with an utter disregard of appearances – made it, in fact, a trap for the inexperienced and unwary of both sexes.'¹²⁶ The house presented 'temptation in its most insidious form' and was a place in which 'ignorant girls were liable to be dragged down unsuspectingly'.¹²⁷ A correspondent signing as 'Mother of Sons' defended the public interest in the Kelburn raid in this way: 'To the majority of us, born and bred in New Zealand, it is our dearest wish that this land of our birth shall be kept as clean as possible.'¹²⁸ The military officers visiting the house were also perceived as a threat to the morality of others. Emma Mullins, writing to the Minister of Defence, argued 'the very thought' that 'those immoral creatures are to be sent in charge of our sons' was 'simply revolting'.¹²⁹

In *Purity and Danger*, Mary Douglas argues that the ideal order of society is guarded by dangers which threaten transgressors. Beliefs in dangerous contagion and pollution and 'ideas about separating, purifying, demarcating and punishing transgressions' function mainly 'to impose system on an inherently untidy experience'.¹³⁰ Danger is thus attributed to 'ambiguous or anomalous events. By attributing danger, the issue is set outside dispute and conformity enforced. The young women of the Kelburn raid tested and broke social taboos. That they should appear respectable, yet fail to respect such boundaries, made their status ambiguous and dangerous. Thus as social rules loosened in wartime, creating a liminal space between traditional categories, so did the movement to reinforce those boundaries intensify.

The relationship between legal and social ordering

As the Kelburn raid case demonstrates, the movement to shore up these moral boundaries was punitive. In this process, law may be characterized as a tool, one employed to control and to punish. As the Secretary of the Neo-Feminist Association had argued, the women had been 'figuratively dragged into the market place and stripped'.¹³¹ The trial itself was a forum of spectacle, intrusion and shaming. Counsel for Winifred Olsen reportedly argued: 'If this girl is convicted she might just as well be dead.'¹³² The shame wrought by the legal process contained the desire for unregulated violence. In his evidence, Constable Tricklebank admitted to saying that 'shooting was too good' for Mary Griffin.¹³³ In Foucauldian terms, the trial speaks not primarily to the past offence but to the possibility of future transgression and disorder.¹³⁴ The Kelburn raid

case might therefore deter not only criminal offending, but other forms of experiment with social boundaries also. Law's power is not only in the monitoring and punishment of transgression, but also in its ability to create and reinforce social structures.

Law may also serve as a tool to reinforce or re-establish power hierarchies in personal relationships, and women's vulnerability to prosecution enabled the War Regulations to be used as a tool in personal disputes. In a case involving women residing at Freeling Street, Island Bay, Magistrate McCarthy sentenced Gertrude McEwan to six months' imprisonment for keeping a house of ill-fame. Three other women were convicted of assisting with the management of, or residing in, a house of ill-fame.¹³⁵ The Freeling Street case began in 1916 when Gertrude McEwan left her husband and moved from Wanganui to Wellington. Norman McEwan was reported to have followed his wife to Wellington and, having instructed a private detective to 'shadow' her, discovered her address. The firm of private detectives had then watched the Freeling Street house, before informing the police.¹³⁶ At trial, Gertrude McEwan's lawyer said 'he felt that the present charge really arose because her husband had set the ball rolling in order to facilitate divorce proceedings'.¹³⁷ A month after Gertrude McEwan's conviction, her husband was granted a divorce on the basis of her conviction, together with interim custody of their two children, who had previously lived with their mother at Freeling Street.¹³⁸

As in the Kelburn raid case, the status of women accused and their connections (one of the young women was the daughter of the Mayor of Carterton)¹³⁹ made for a good story. Accounts of the Freeling Street case and the divorce proceedings that followed were published in a number of major newspapers in October and November 1917. In January 1918, the police began observation of the Upland Road house in Kelburn. If, as Molly Griffin alleged, the police had been contacted by Mrs Fuzard, the sister of Molly Griffin's ex-husband, in an attempt by Mrs Fuzard to gain custody of Molly Griffin's children, it is quite possible that the Freeling Street case served as inspiration.

The vulnerability of women to prosecution under the War Regulations threatened their power to make choices about personal relationships, and the security of their work and accommodation. In another case in June 1917, a landlord sought possession of the business premises in Vivian Street of two young women dressmakers on the grounds that the women used the office for prostitution. The issue arose in a civil dispute about unpaid rent: following an attempt by their landlord to increase the rent, allegedly contrary to their agreement, the women had refused to pay.

The case came before Magistrate Reid, who found that the evidence of sex given by the landlord and another of his tenants was impossible to reconcile with the medical evidence that one of the young dressmakers, Isobel Davey, was a virgin.¹⁴⁰ Though, in the absence of a written lease agreement, the women were required to pay the additional rent, the magistrate refused possession to the landlord.¹⁴¹ However, by this time, the Solicitor-General had criticized Magistrate Reid as unduly lenient and Reid was soon to be replaced in Wellington by Magistrate McCarthy.¹⁴² The *Dominion* reported that Reid was to leave for the Wairarapa the day after giving judgment in the case of the Vivian Street dressmakers.¹⁴³

But whilst law may reflect social power structures, including those of personal relationships, law may also be considered a distinct form of social ordering with its own rules and standards. Dalley has argued that, in this period, 'prostitution became a metaphor for women whose conduct and lifestyles placed them in a middle terrain between the traditional binaries of the respectable and the fallen'¹⁴⁴ – a conclusion borne out by the social construction of the women accused in this case. What is striking, however, about the Kelburn raid case is that this social metaphor rendered the accused women vulnerable to legal categorization as prostitutes, and the attendant consequences. This did not occur through amendment of the legal definition of prostitution, as it did in parts of the United States during this period.¹⁴⁵ Instead, the legal standard by which prostitution was defined was at times subsumed by the social metaphor which identified uncontained female sexuality with prostitution. It was only on appeal in the Supreme Court that the social and legal standards were disaggregated; this is the closing chapter of the Kelburn raid case.

At common law, prostitution required evidence of an exchange of sex for money. As described, however, the evidence of sex in the Kelburn raid case was thin. In the Magistrate's Court, although Magistrate McCarthy concluded that the officer could not have identified individuals through the bedroom window, and found that the officer testified from inference, the magistrate nonetheless appears to have accepted the evidence. Sex was inferred from impropriety; in the Kelburn raid case, and in others, medical evidence of virginity appears the sole reliable means of escaping conviction.¹⁴⁶ Similarly, in the Magistrate's Court the exchange of sex for money was inferred on the basis of a 'chain of circumstances'.

In the Supreme Court, appeal against conviction on behalf of Molly Griffin and Winifred Olsen succeeded on the basis that there was no evidence of sex 'for hire'. The legal standard that the prosecution was required to make out was discussed in the context of the admissibility of a number of letters belonging to Molly Griffin seized during the raid on the house. Counsel for the

prosecution sought to rely upon the letters ‘to show that Mrs Griffin had had intercourse with a number of men’. An exchange between Justice Hosking and Mr Macassey, for the prosecution, was reported in *The Dominion*:¹⁴⁷

His Honour: You will have to show that she received men for gain in this house, and not elsewhere.

Mr. Macassey: I have to prove promiscuous intercourse.

His Honour: You have to prove, not that she had intercourse, but that she kept the house.

In his judgment, Justice Hosking found that to establish prostitution ‘there must be not only a practice of promiscuous or indiscriminate unchastity, but it must be shown to have been for hire or gain’.¹⁴⁸ After an examination of the women’s finances described as exhaustive, the Judge concluded that each of the women had regular income sufficient to live comfortably without seeking money by means of prostitution.¹⁴⁹ Justice Hosking concluded: ‘the circumstances taken altogether are reasonably susceptible of other inferences than that unchastity, if it was promiscuous, was practised for hire in the house in question’.¹⁵⁰

On his appointment to the bench the *Truth* had described Justice Hosking as ‘a square, superior man in his line ... courteous and painstaking’.¹⁵¹ Yet, though his judgment on appeal speaks to these ideas of legal propriety, it does not wholly set him, or the legal standards he applied, apart from social ordering. Hosking inhabited the professional and social milieu of the ‘Up-Lifts’ and of the distinguished counsel appearing before him in the Kelburn raid case. He had been appointed to the bench of the Supreme Court after a career of 30 years at the Dunedin bar, where he had often appeared opposite Robert Stout,¹⁵² and the judge and his wife played a significant role in the Plunket Society.¹⁵³ This background is evident in the reports of appeal proceedings. Regarding the admission of Molly Griffin’s letters, the judge was concerned that admitting evidence of past behaviour might prevent Griffin, if she had been a prostitute, from successfully reforming.¹⁵⁴ Addressing a jury on damages to be awarded in a divorce suit to a husband whose wife had committed adultery whilst he was at the front, Justice Hosking was reported to comment upon ‘the amount of tampering that was going on with the wives of men who were at the front’, expressing the view that ‘in cases where this was the subject of legal procedure the punishment should be made adequate’.¹⁵⁵ Law’s claim to act as an independent form of social ordering was reasserted on appeal, but it remained in correspondence with the concerns of wartime New Zealand, in particular those of the privileged.

Conclusions

The story of the Kelburn raid can be seen as part of a debate about women’s status and role in political processes. Women’s groups sought participation in law and policymaking about prostitution, liquor and venereal disease, challenging the view that feminine sensibilities precluded their engagement in sexual matters. Conflict about the women’s claim was manifested in debates about women’s physical presence in court, and in the House. Lady Stout and her colleagues, however, reprised themes from debates about the regulation of sex and venereal disease that, by the time of World War I, had continued for a number of decades. The women’s societies presented the issue as one of equality before the law, and asked that both men and women present in a raided house of ill-fame be punished equally.

Reports of the women accused in these cases, however, speak to the ellipsis of the women’s movement and to changing social norms; though Winifred Olsen was told that police were watching the house at Upland Road, she stayed on, telling the court she saw ‘no wrong’ there. When the police arrived at the Upland Road house to execute the warrant, Molly Griffin was reported to have said that there was music and singing going on, but ‘there was no harm in that’.¹⁵⁶ One woman was reported to have said to police entering the house at Freeling St: ‘Pity we can’t have a few friends here without this trouble.’¹⁵⁷

But the perceived discrepancy between these women’s public and private personas was unsettling to wartime New Zealand. Young single women who experimented with social and sexual pleasure whilst preserving the markers of respectable femininity caused public anxiety, and prompted reassertion of more traditional social boundaries. Application of the regulations provided the opportunity to bring together these social boundaries and the law. So, whilst women in wartime may have enjoyed greater freedom, exercise of this freedom rendered them vulnerable to social disgrace and legal punishment. These stories of shame and family separation sit alongside claims to equality before the law and developing ideas of women as political actors and as social and sexual subjects.

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NOTES

1 This was not the first case under the Regulations in which Constable Tricklebank had been involved. He had also observed a house in Freeling Street, Island Bay: *Dominion*, 26 October 1917; *New Zealand Truth* (NZT), 3 November 1917; and *Evening Post* (EP), 7 May 1918. See discussion of the Freeling Street case at pp.18–19.

2 NZT, 11 May 1918.

3 EP, 9 May 1918; *Dominion*, 10 May 1918; NZT, 18 May 1918. The *New Zealand Truth* published, on the request of Mrs Fuzard, an ‘unqualified denial’ of Mrs Griffin’s statements: NZT, 8 June 1918. In September 1916, Molly Griffin had obtained a divorce from her husband on the basis of his adultery: The Divorce Proceedings Book, Napier and Hawke’s Bay AAOW, 6047, 1/1, D164/187, National Archives (NA), Wellington. Constable Tricklebank claimed that he began to watch the house in response to a complaint received on January 10 1918 from ‘Christie’s house, opposite’: *Dominion*, 7 May 1918.

4 NZT, 11 May 1918.

5 EP, 10 May 1918.

6 EP, 4 June 1918. Section 6(c) of the War Regulations Act 1914 provides that any prosecution under the Act shall take place by way of summary proceedings and not by way of indictment. The legality of the issue of the warrant was challenged by counsel for the Elliott sisters, Mr Myers, on the basis that, among other things, reg 3(1) of the Additional Regulations dated 21 August 1916 required the warrant to be issued to an officer not below the rank of sergeant. The Upland Road warrant was issued to a constable: *Dominion*, 10 May 1918.

7 Wellington Magistrate’s Court criminal record book, 111, 1016-2119, March 6 – May 24 1918. entry of 6 May 1918: ADEE 16353 JC-W1, NA, Wellington.

8 Nor were two or three other women present, who satisfied the police that they were visitors at the house only: EP, 29 April 1918.

9 *Wanganui Chronicle*, 1 May 1918.

10 NZT, 4 May 1918.

11 *Wairarapa Daily Times* (WDT), 7 May 1918.

12 See WDT, 8 May 1918 and *Colonist*, 13 May 1918 for a list of those organizations represented. Eileen Pringle was suspended from her employment during the trial: NZT, 25 May 1918. On 7 May 1918 the magistrate found that Pringle and Alma Elliott had no case to answer. The only evidence against Pringle was that she had kissed a ship’s officer on the night of the raid and there was no evidence against Alma Elliott: *Dominion*, 8 May 1918.

13 NZT, 11 May 1918.

14 Only the *Truth* referred to the women as the ‘Up-Lifts’ and the use of the term in that newspaper appears to have begun with the Kelburn raid case. The term was used in the *Truth* on occasion after the Kelburn raid to refer to women’s organizations associated with the social purity and temperance movements: see, for example, ‘A “Touching” Tale of “Upliftment”’, NZT, 5 April 1919, p.5. The *Truth* stated that ‘Up-Lifts’ was an American term applied to social reform organizations: ‘The Kelburn Raid: “Uplifts” and their activities’, NZT, 15 June 1918. ‘Uplift’ resonates with social purity motifs like the rescue of the fallen, and the quest to rise to the ‘higher’ or pure self by the taming of the ‘lower self’ or beast within: see Lucy Bland, *Banishing the Beast: Sexuality and the Early Feminists*, New York, 1995, introduction at p.xii onwards.

15 The statement made by the Minister of Public Health, Hon. G.W. Russell, to a ‘women’s deputation’ regarding the suppression of prostitution and venereal disease under the War Regulations Amendment Bill 1916 was likely considered such a promise. In the statement, Russell is reported to have said, in regard to the question of equal treatment for men and women, that ‘he was quite satisfied that men who habitually resorted to houses of ill-fame and were found to be suffering from disease must also be segregated’: *Auckland Star* (AS), 10 July 1916; also

reported in the *Press*, 13 July 1916, and the *Marlborough Express*, 18 July 1916. Russell's speech to the House of Representatives reiterated these assurances: see *New Zealand Parliamentary Debates* (NZPD), 1916, 177, pp.211–12. This speech was interpreted by the *Otago Daily Times* (ODT) as providing assurance that measures against venereal disease would be applied 'without discrimination against any one sex': 21 July 1916. See also AS, 12 October 1915.

16 WDT, 9 August 1918.

17 NZT, 15 June 1918.

18 EP, 7 May 1918.

19 NZT, 25 May 1918.

20 NZT, 11 May 1918.

21 NZT, 11 May 1918.

22 Those at the house suggested this might have been an occasion on that evening when Marion Elliott, having fallen asleep in a chair, fell off and was picked up by Gillespie: NZT, 11 May 1918.

23 NZT, 18 May 1918.

24 EP, 7 May 1918.

25 NZT, 11 May 1918; EP, 9 May 1918.

26 EP, 7 May 1918; compare the same exchange in NZT, 11 May 1918.

27 NZT, 11 February 1922.

28 This incident is recounted in Alex Frame, *Salmond: Southern Jurist*, Wellington, 1995, p.170.

29 NZT, 22 June 1918.

30 Counsel for Griffin and Olsen argued that the sentences were too severe, that they had been unable to offer pleas in mitigation and that, until Magistrate McCarthy sentenced Gertrude McEwan in the Freeling Street case to six months' imprisonment (see *Dominion*, 26 October 1917), no woman had been sent to jail for keeping a house of ill-fame as a first-time offender: NZT, 8 June 1918; *Dominion*, 5 June 1918. Under the Reformatory Institutions Act 1909, s 11, any woman or girl over the age of 14 might be detained in a reformatory home without her consent where a magistrate was satisfied that 'the defendant is a common prostitute or habitually leads an immoral life'. The Crimes Act 1908, s 31, also provided for 'habitual' criminal and offenders to receive 'reformatory treatment'. In a reformatory prison, women were detained so 'as to prevent their seeing, conversing, or holding any intercourse with the men': s 31(2), Crimes Act 1908. Reformatory treatment sentences were, in some cases, spent with the Salvation Army or other organizations. Philippa Levine, *Prostitution, Race, and Politics: Policing Venereal Disease in the British Empire*, New York, 2003, p.125, links the movement toward reform of prostitutes to the contemporary eugenics debate, in which sexual 'deviance' came to be perceived as hereditary rather than as an individual moral failing.

31 EP, 4 June 1918.

32 EP, 4 June 1918. See also NZT, 8 June 1918 and *Dominion*, 5 June 1918. These reports of the judgment are corroboratory, reporting the judgment of the magistrate with little variation.

33 Mary Griffin and Winifred Olsen were discharged on 17 July 1918, having been in custody since their conviction on 4 June 1918: *New Zealand Police Gazette*, 1918, XLIII, p.590, NA, Auckland.

34 EP, 17 July 1918. Note that the Supreme Court Actions case files dating from 1870 to 1923 were destroyed by the Court in 1948.

35 EP, 17 July 1918.

36 Letter to the Editor from the Hon. Secretary of the New Zealand Neo-Feminist Association, *Colonist*, 31 July 1918.

37 NZT, 25 May 1918.

38 At the hearing, the magistrate found that Pringle and Alma Elliott had no case to answer:

Dominion, 8 May 1918. It was also reported that Pringle learnt of her brother's death in France during the trial: NZT, 18 May 1918. Alexander Merrifold Pringle was killed at the Somme on 14 April 1918, the second of Eileen's two brothers to die in the war: AABK 18805 W5550 43/0094766, NA, Wellington. Her brother Hugh had died at Gallipoli: Hugh Graham Pringle AABK 18805 W5550 43/0094774, NA, Wellington.

39 EP, 11 May 1918; *Press*, 13 May 1918; NZT, 18 May 1918.

40 *Dominion*, 5 June 1918.

41 NZT, 22 June 1918.

42 *Appendices to the Journals of the House of Representatives* (AJHR), 1919, E-02, p.49.

However, it is not clear when the Education Department Report listed was compiled. Pringle is listed as employed by the school in December 1917 but not December 1916: AJHR, 1917, E-02, p.40 and AJHR, 1918, E-02, p.40.

43 At the time the electoral roll was taken for the December 1919 election, Eileen Pringle, spinster, was listed as living in Willis Street, Wellington: Wellington Central Supplementary Roll, p.47, no. 10657. The shipping records are insufficiently detailed to identify when Eileen Pringle left New Zealand for Sydney, though a Miss Pringle is listed as departing Auckland for Sydney on the TSS *Manuka* on December 15 1921.

44 AJHR, 1920, E-02, p.39.

45 Manifest, *Largs Bay*, arrived 3 June 1923, 137225, pm 23, for Miss Eileen Maria Pringle (age 28). This lists New Zealand as both her country of last permanent residence and as the country of her intended future permanent residence.

46 Manifest, *Bendigo*, date of departure 14 May 1925, 145603, pm 20, for Miss Eileen Maria Pringle (age 30). This lists her country of intended future permanent residence as South Africa.

47 *Dominion*, 12 July 1918. She had given up her work and had secured a passport.

48 Manifest, *Manuka*, 25 July 1918.

49 See e.g. Manifest, *Moeraki*, arriving from Sydney, 15 December 1920; Manifest, *Maheno*, arriving from Sydney, 19 December 1921; Manifest, *Marama*, arriving from Sydney, 24 December 1923; Manifest, *Ulimaroa*, departing for Sydney, 11 January 1924; and Manifest, *Ulimaroa*, departing for Sydney, 5 March 1925. These entries are almost certainly Olsen. Her age is listed and she is frequently identified as a stenographer, as she is on her wedding certificate.

50 Marriage of William Sylvester Kirk and Winifred Olsen, 28 March 1943, Sydney, registration number 1934/ 000510, New South Wales Registry of Births, Deaths and Marriages.

51 Alma Elliott married Samuel Agar in Lower Hutt on January 22 1925: Marriage in the District of Wellington, 1925: 734, Registry of Births, Deaths, Marriages and Citizenship, Wellington. Marian Elliott's full name was Louisa Marian Elliott (though most newspapers spelt her name Marion). She married William Townley von Browne, a returned serviceman, in 1920: Marriage in the District of Wairau, 1920: 11583, Registry of Births, Deaths, Marriages and Citizenship, Wellington. He drowned in 1933 when he left his car caught in a flood: AS, 1 February 1933; *New Zealand Herald* (NZH), 4 February 1933. These are certainly the Elliott sisters of the Kelburn raid. The marriage certificates list the women's mother as Louisa Elliott, a detail corroborated by an article in the *Truth*: NZT, 18 May 1918.

52 See for example Wellington North General Roll 1935, p.58, nos. 2846-7 and 1938, p.96, nos. 4717-8 and Wellington Central General Roll 1946, p.70, no. 3419. Mary Griffin died intestate in 1949, survived by her two children, leaving an estate of £572: Mary Adelia Griffin, Wellington probate file, AAOM W3265 6031 Box 87 0666/49, NA, Wellington.

53 EP, 12 July 1918.

54 NZT, 25 May 1918.

55 Section 3, War Regulations Act 1914.

56 The Hon. Mr Bell, NZPD, 1914, 171, p.388.

57 s 3 (1)(h)(v) War Regulations Amendment Act 1916. The Governor in Council was empowered to make '[s]uch provisions as, having regard to the exigencies of the present war or the conditions created thereby, he thinks advisable ... [f]or the suppression of prostitution, or for the prevention of venereal disease'.

58 See Additional War Regulations made by Order in Council dated 21 August 1916; these came into operation 28 August 1916, and were published in the *New Zealand Gazette*, 90, 2, 21 August 1916. The regulations relating to houses of ill-fame continued in force until revoked under s 8 of the War Regulations Continuance Act 1920.

59 Under s 3 of the Vagrant Act 1866 any common prostitute behaving in a public place in a 'riotous or indecent manner' was deemed an idle and disorderly person liable to three months' imprisonment with or without hard labour. Additional offences targeting soliciting were created by the Vagrant Act 1866 Amendment Act 1869. The keeping of a brothel or bawdy-house was a common law offence: *Cassells v Hucheson* (1908) 27 *New Zealand Law Reports* (NZLR) 763, p.766. Policing prostitution with the object of restoring public order is described by John McLaren as a conservative view of vice, later to be displaced by reform movements based on Christian values: J. McLaren, 'Recalculating the Wages of Sin: the Social and Legal Construction of Prostitution, 1850–1920', *Manitoba Law Journal*, 23 (1995), pp.524–55. See also Stevan Eldred-Grigg, *Pleasures of the Flesh: Sex & Drugs in Colonial New Zealand 1840–1915*, Wellington, 1984, p.31.

60 Paradoxically, Levine, *Prostitution, Race & Politics*, p.5, notes that venereal diseases were in decline from the 1860s, precisely at the moment they captured public and medical attention.

61 Contagious Diseases Act 1869, s 9.

62 Contagious Diseases Act 1869, s 15.

63 For a study of the regulation of venereal diseases and prostitution across four sites of Empire from the 1860s to the end of World War I, see Levine, *Prostitution, Race & Politics*, in particular Part I, on contagious diseases laws. On opposition from women's organizations in New Zealand, see Barbara Brookes, 'A Weakness for Strong Subjects: The Women's Movement and Sexuality', *New Zealand Journal of History* (NZJH), 27, 2 (1993), pp.140–56.

64 'Social purity' is an umbrella term for a movement that encompassed a number of different organizations and their objects. Lesley Hall describes the movement in practice as 'extremely ambivalent', with its 'tension between policing and punishment on the one hand and rescue and support on the other': Lesley Hall, 'Hauling Down the Double Standard: Feminism, Social Purity and Sexual Science in Late Nineteenth-Century Britain', *Gender and History*, 16, 1 (2004), pp.36–56, p.36. See Bland, *Banishing the Beast*, for analysis of the ways in which English feminists discussed issues of sexual morality prior to World War I.

65 Similar arguments were raised when the reintroduction of compulsory detention was proposed under the War Regulations Amendment Bill 1916. See, for example, a report of a meeting of women's societies regarding the Bill at which a resolution was passed that 'All women should protest strongly against any form of regulated vice': EP, 28 June 1916.

66 For discussion of the movement's campaigns in these areas see Brookes, 'A Weakness for Strong Subjects'.

67 ss 143–144, Criminal Code 1893.

68 The Court in *Cassells* applied the common law rule that one woman cannot make a brothel, applying *Singleton v Ellison* [1895] 1 *Law Reports, Queen's Bench* (QB) 607. The Court held that neither the Indictable Offences Summary Jurisdiction Act 1894 nor the Criminal Code 1893 demonstrated clearly an intention to depart from the common law meaning of 'brothel', which remained in force in New Zealand until abrogated by the Crimes Act 1961: see discussion of the Court of Appeal in *R v Barrie* [1978] 2 NZLR 78 and *R v Gray* [1984] 2 NZLR 410. See s 13, Indictable Offences Summary Jurisdiction Act 1894, which defined 'brothel' as 'any house,

room, set of rooms, or place of any kind whatever kept for purposes of prostitution' and s 144, Criminal Code 1893 and s 177, Justices of the Peace Act 1908, both of which use the same language to define 'bawdy-house' or 'brothel' as the Indictable Offences Summary Jurisdiction Act 1894.

69 The Police Offences Act 1884, ss 22–23, and the Police Offences Act 1908, ss 33–34, substantially re-enacted the provisions of The Vagrant Act 1866 and its 1869 Amendment Act prohibiting soliciting; the gathering of prostitutes in places where provisions and liquor were sold; and riotous or indecent behaviour in a public place. Those with no, or insufficient, visible lawful means of support were liable to imprisonment for up to three months as an idle and disorderly person: Police Offences Act 1884, s 26; Police Offences Act 1908, s 49.

70 In 1915 and 1916, local authorities in Auckland and Wellington used powers under s 344(h), Municipal Corporations Act 1908 to issue by-laws to conserve 'public health, safety and convenience' to prosecute those keeping one-woman brothels. After surviving an initial legal challenge (see AS, 7 February 1916; NZT, 12 February 1916), in July 1916, Stout CJ held that as the by-law did not define a house of ill-fame, the Court could not extend the common law meaning of brothel: AS, 28 July 1916. See also NZPD, 1916, 177, p.212, where the Hon. Mr Russell, speaking prior to the decision of Stout CJ, suggests that one-woman brothels are outlawed by the by-laws of Auckland and Wellington cities but that regulations following amendment to the War Regulations Act 1914 would make that provision general across New Zealand. See also Bronwyn Dalley, 'Lolly shops "of the red-light kind" and "soldiers of the King": Suppressing One-Woman Brothels in New Zealand 1908–1916', NZJH, 30, 1 (1996), p.21.

71 Dalley, 'Lolly shops', p.5. See also Philip Fleming, 'Fighting the "Red Plague": Observations on the Response to Venereal Disease in New Zealand 1910–1945', NZJH, 22, 1 (1988), pp.58–59.

72 Eldred-Grigg, pp.163–4, notes a general decline in the number of prostitutes and the number of convictions for prostitution over this period.

73 New Zealand Defence Department, Wellington, 1916.

74 On the historiography of venereal disease see Antje Kampf, *Mapping Out the Venereal Wilderness: Public Health and STD in New Zealand 1920–1980*, Berlin, 2007, pp.1–5.

75 J. Allen, 'Memo for Members of Cabinet. Soldiers – Intoxicating Liquor and Contagious Diseases', 28 March 1916, p.3, AAYS 8638 AD1 926 47/26, Regulations - War Regulations, NA, Wellington.

76 Allen, p.4.

77 Additional War Regulations 1916, 21 August 1916, reg 1(1).

78 See Dalley 'Lolly-shops'. Members also cited this as one of the purposes of the regulations. See NZPD, 1916, 177: Mr Wright, p.290; Mr Herdman, Attorney-General, p.570; Francis Bell in the Legislative Council, p.579.

79 On the prohibition movement and its historiography, see Paul Christoffel, 'Prohibition and the Myth of 1919', NZJH, 42, 2 (2008), p.154.

80 Allen appealed specifically to powers to regulate alcohol under the United Kingdom's Defence of Realm Act, in particular powers to prohibit treating. An extract of the Defence of the Realm Act pertaining to treating and a note setting out the early closing of hotels in state jurisdictions in Australia were appended to the memorandum. Allen was also concerned about the consumption of alcohol on unlicensed premises, stating that 'more evil arises from the consumption of liquor in Brothels and other unlicensed places than from the consumption on licensed premises': Allen, p.3, appendices B and C. Regarding the Defence of the Realm Act, women, prostitution and venereal disease see Levine, *Prostitution, Race & Politics*, pp.161–7.

81 These regulations were promulgated on the same date as those addressing prostitution. See 'Additional Regulations under the War Regulations Act', 21 August 1916, *New Zealand Gazette*, 90, 2, p.2801. Bar staff permitting treating on the premises and licensees who could

not prove that they had taken all reasonably practical measures to prevent treating, risked disqualification from employment in the bar for six months: reg 5–8(1). Regulation 9 provided that where the prosecution raised 'reasonable cause of suspicion', the burden of proving that the offence was not committed lay on the defendant. The Commissioner of Police praised magistrates for their willingness to impose heavy penalties under the anti-treating regulations: *Hawera & Normanby Star*, 21 August 1917. Officers were warned not to relax their efforts to apprehend those flouting the regulations and were encouraged to visit bars in plain clothes in order to detect offences: Notice of 7 July 1917 in *New Zealand Police Gazette*, 1917, XLII, p.409, NA, Auckland.

82 The barmaid had long been the focus of such anxieties: see Diane Kirkby, *Barmaids: A History of Women's Work in Pubs*, Cambridge, 1997, and Levine, *Prostitution, Race & Politics*, p.140.

83 See for example NZPD, 1916, 177, p.233 and pp.278–9; NZPD, 1917, 178, p.855.

84 NZPD, 1916, 177, pp.224, 233. Colonel Potter's speech as also reported in *Marlborough Express*, volume L, issue 159, 7 July 1916.

85 NZPD, 1916, 177, p.218.

86 NZPD, 1916, 177, p.559.

87 NZPD, 1916, 177, p.214.

88 NZPD, 1916, 177, pp.202–3.

89 *Free Lance*, 21 July 1916, p.23.

90 Dr A.K. Newman, referring to apparently low rates of syphilis amongst men in military camps: NZPD, 1916, 177, p.283.

91 See Kampf, pp.90–91, who argues however that, given the wide variation in statistics, the figures can support only trends.

92 Dalley, 'Lolly Shops', pp.14–15. See also Bronwyn Dalley, "'Come back with honour": Prostitution and the New Zealand Soldier, at Home and Abroad', in John Crawford and Ian McGibbon, eds, *New Zealand's Great War: New Zealand, The Allies and the First World War*, Auckland, 2007, especially p.367 on levels of venereal disease and pp.369–77 on New Zealand soldiers and prostitutes in Egypt.

93 The Wellington Christian Temperance Union urged 'all women's societies to keep vigilant watch lest any of the hateful provisions of the C.D. Acts be surreptitiously imposed': *Dominion*, 23 June 1916; EP, 28 June 1916.

94 Allen, p.4.

95 NZPD, 1916, 177, p.212.

96 NZPD, 1916, 177, pp.211–12. See also note 15 above.

97 Police Offences Act 1908, s 49.

98 See Emily Gibson, 'The War Regulations Bill and Venereal Diseases', Letter to the Editor, AS, 11 August 1916.

99 See *Dominion*, 23 August 1916. Under the Prisoners' Detention Act 1915, if those convicted of an offence were found to be suffering from a contagious disease, they could be detained in a prison hospital beyond their term of imprisonment until free from disease. The Social Hygiene Act 1917 provided for the compulsory treatment of both sexes: s 3. It became an offence to 'knowingly' infect another person with venereal disease: s 8. Again, some members argued that new legal powers under the 1917 Act were unnecessary, given those extant under the Police Offences Act 1908 and Prisoners' Detention Act 1915: see *Poverty Bay Herald*, 20 October 1917.

100 The criminalization of women intensified during World War I. From 1914 onward, there was a steadily rising number of female prisoners in Addington prison. In 1917, the Minister of Justice was reported as stating 'drastic police action had been take to round up and segregate' a class of 'disreputable women in the large centres and in the neighbourhoods of the camps': Hon.

J.A. Hanan, reported in the *Ashburton Guardian*, 6 July 1917.

101 The decision to bar women from bars after 6pm prompted similar calls for equality: EP, 28 June 1916; NZPD, 1916, 177, p.284, Dr A.K. Newman. Dr Newman also called for women police, magistrates and advisers to ensure the law was applied fairly: NZPD, 1916, 177, p.283.

102 Letter to the Editor from the Hon. Secretary of the New Zealand Neo-Feminist Association, *Colonist*, 31 July 1918.

103 *Dominion*, 6 July 1918; also EP, 6 July 1918.

104 Kristin Luker, 'Sex, Social Hygiene and the State: The Double-Edged Sword of Social Reform', *Theory and Society* 27, 5 (1998), pp.601–34. See also Levine, *Prostitution, Race & Politics*, pp.163–4, and Angela Woollacott, '“Khaki Fever” and Its Control: Gender, Class, Age and Sexual Morality on the British Homefront in the First World War', *Journal of Contemporary History*, 29, 2 (1994), pp.325–47, p.327, on Defence of the Realm Regulation 40D, promulgated in 1918, which made it an offence under the Defence of the Realm Act for any woman with communicable venereal disease to solicit or copulate with a member of the British armed forces. Levine argues that this regulation was introduced under pressure from Dominion governments. Bland also notes that the Criminal Law Amendment Acts of 1885 and 1912, ostensibly passed to protect women, also contained punitive measures contributing to the increased surveillance and prosecution of prostitutes: see *Banishing the Beast*, pp.100–05 and 302–3 respectively.

105 Brookes, '“A Weakness for Strong Subjects”', pp.155–6.

106 Generally, there were a number of prosecutions under the Regulations and, in particular, a spate of prosecutions in Auckland and Wellington soon after the Regulations were promulgated. The *Evening Post* described the effect of the Regulations as 'electrical': see 'A Cleaner City: Weeding out the Undesirables', EP, 30 October 1916. For prosecutions in Auckland see AS, 27 and 29 September 1916. In his 1917 'Report on the Police Force of the Dominion', the Commissioner stated that houses of ill-fame 'are now reported to be non-existent in the Dominion', 'by reason of the operation of the regulations': AJHR, 1917, H-16, p.7. Convictions for brothel-keeping peaked at 71 in 1917 (the year following the promulgation of the Regulations), falling to 17 in 1919: AJHR, 1918–1920, H-16.

107 This is an issue discussed by Philippa Levine in relation to Contagious Diseases legislation in colonial India and Britain: 'Venereal Disease, Prostitution, and the Politics of Empire: The Case of British India', *Journal of the History of Sexuality*, 4, 4 (1994), p.588. It is also borne out by the debate about one-woman brothels in New Zealand (see Dalley, 'Lolly Shops'), and by discussion in the House: NZPD, 1916, 177, p.291.

108 See for example Janet S.K. Watson, 'Khaki Girls, VADs, and Tommy's Sisters: Gender and Class in First World War Britain', *The International History Review*, 19, 1 (1997), pp.32–51. Watson argues that women's work during World War I in Britain increased gender and class tensions, working-class women suffering most from portrayal as 'the immoral profligate', p.51.

109 Susan R. Grayzel, 'Mothers, Mairaines, and Prostitutes: Morale and Morality in First World War France', *International History Review*, 19, 1 (1997), p.67.

110 For example, Lieutenant Edward Hulbert, describing himself as a man of 'the highest character in my own particular town of Christchurch', told the Court he 'would not have hesitated to have taken my own mother or sisters with me' [to the house on Upland Road, Kelburn]: AS, 10 May 1918.

111 The lawyers representing the accused are listed in *Dominion*, 7 May 1918.

112 P.W. Jackson became a partner in Wilford, Levi and Jackson: EP, 10 December 1942; see also the obituaries of Sir Thomas Wilford: *Hutt News*, 28 June 1939 and EP, 22 June 1939. For the *Truth's* conclusion that Percy will 'get you off before you've time to think', see NZT, 14 December 1918.

113 Julia Millen, 'O'Leary, Humphrey Francis', in *The Dictionary of New Zealand Biography* (DNZB), Vol. Four, 1921–1940, Wellington, 1998, pp.387–9.

114 Robin Cooke Q.C., 'Queen's Counsel', in Robin Cooke Q.C., ed., *Portrait of a Profession: The Centennial Book of the New Zealand Law Society*, Wellington, 1969, p.181.

115 On the career of Herbert Evans, see Sir David Smith, 'Bench and Bar 1928–1950', and Robin Cooke Q.C., 'Queen's Counsel', in *Portrait of a Profession*, pp.133–4 and p.183; on Michael Myers, see Peter Spiller, 'Myers, Michael', in DNZB, *Vol. Four, 1921–1940*, Wellington, 1998, pp.369–70.

116 NZT, 15 and 22 June 1918. Alice Parkinson had shot Bert West, a man who had fathered her stillborn child. West had agreed, then refused, to marry Parkinson. Having shot West, Parkinson shot herself in the temple but survived to stand trial for murder. Upon Parkinson's conviction for manslaughter in 1915, the jury had strongly recommended mercy on account of provocation. Chief Justice Sir Robert Stout sentenced Parkinson to life imprisonment with hard labour. The *New Zealand Truth* newspaper and feminists of the socialist left led a campaign for her release, which was successful in 1921. See Carol Markwell, 'Parkinson, Alice May', in DNZB, *Vol. Three, 1901–1920*, Wellington, 1998, p.383 and Barbara Brookes, 'Shame and its Histories in the Twentieth Century', *Journal of New Zealand Studies*, 9 (2010), pp.45–46.

117 NZT, 22 June 1918.

118 NZT, 22 June 1918.

119 WDT, 7 May 1918.

120 EP, 17 July 1918.

121 Grayzel, p.79.

122 Woollacott, p.327. See also Lucy Bland's analysis of a series of sensational British court trials from 1918–1924, *Modern Women on Trial: Sexual Transgression in the Age of the Flapper*, Manchester, 2013. Bland argues that '[a]t the end of the war many of the same anxieties about women's morality shifted onto the modern woman/flapper' and other popular representations of women: p.6. See, in particular, Bland's discussion of the Billing trial for criminal libel in May–June 1918, which Bland regards as involving, among other things, 'the drawing up of battle-lines in relation to the construction of a new, post-war womanhood': p.44.

123 It does not appear that Molly Griffin had outside employment. She stated in court that her health had not been good and that she had spent nine weeks housebound at the beginning of the year: EP, 9 May 1918. Griffin's trade is described in the Police Gazette as domestic: *New Zealand Police Gazette 1918*, XLIII, p.590, NA, Auckland.

124 See, for example, discussion of written correspondence between the accused and men obtained by the police by search following the raid: NZT, 18 May 1918.

125 See Bronwyn Dalley, '“Fresh Attractions”: White Slavery and Feminism in New Zealand, 1885–1918', *Women's History Review*, 9, 3 (2000), pp.585–606. For discussion of a Dunedin house of ill-fame, said to be a 'case of the dreaded white-slave traffic being found in New Zealand', see NZPD, 1917, 178, p.881 and pp.875, 880; EP, 2 August 1917; *Ashburton Guardian*, 2 August 1917.

126 *Dominion*, 5 June 1918.

127 *Dominion*, 5 June 1918.

128 EP, 7 June 1918.

129 'Discipline – Officers involved in Kelburn raid, May', 1918, AAYS 8647 AD10, 1, 2/16, NA, Wellington.

130 Mary Douglas, *Purity and Danger*, London, 2002; first published 1966, p.5.

131 Letter to the Editor, *Colonist*, 31 July 1918.

132 *Dominion*, 10 May 1918.

133 *Dominion*, 10 May 1918.

134 Michel Foucault, *Discipline and Punish*, translated from the French by Alan Sheridan, London, 1977; first published 1975 as *Surveiller et Punir*, p.93.

135 *Dominion*, 26 October 1917. As in the Kelburn raid case, the evidence of alleged acts of

immorality was vague and, though counsel raised the absence of evidence of financial gain, this does not appear to have been considered by the magistrate: NZT, 3 November 1917. Yet, though these convictions might have been undermined on the same basis as those of Mary Griffin and Winifred Olsen, the magistrate's decision does not appear to have been appealed.

136 NZT, 1 December 1917.

137 NZT, 3 November 1917.

138 EP, 20 November 1917.

139 NZT, 3 November 1917. This is also true of the case of the young women dressmakers. Emily Bellworthy, secretary to the Society for the Protection of Women and Children, and several others gave evidence of their reputation: NZT, 7 July 1917.

140 NZT, 30 June 1917.

141 NZT, 7 July 1917.

142 See p.5. and note 29 above.

143 EP, 3 July 1917; *Dominion*, 3 July 1917.

144 Dalley, 'Lolly Shops', pp.5–6.

145 See Luker p.622 on model legislation drafted by the social hygiene movement and adopted in a number of United States jurisdictions, which defined prostitution as 'the giving or receiving of the body for indiscriminate sexual intercourse without hire'. Also, for discussion of both federal and state measures for the regulation of prostitution during World War I, see John G. Buchanan, 'War Legislation against Alcoholic Liquor and Prostitution', *Journal of the American Institute of Criminal Law and Criminology*, 9, 4 (1919) pp.520–9.

146 NZT, 11 May 1918. See also Isobel Davey, dressmaker of Vivian St: NZT, 7 July 1917; and Mary Morgan at Freeling St: NZT, 3 November 1917; EP, 26 October 1917.

147 *Dominion*, 11 July 1918. Note that the letters were, nonetheless, described as being 'provisionally' admitted by the Judge.

148 *Dominion*, 18 July 1918.

149 *Dominion*, 18 July 1918. For the evidence of the women's finances on appeal, see for example EP, 11 July 1918.

150 *Dominion*, 18 July 1918.

151 NZT, 14 February 1914. See also the *NZ Herald* describing Hosking as a 'deliberate, thorough, and scrupulously fair' pleader, qualities the paper felt should serve him well on the bench: NZH, 30 January 1914.

152 ODT, 12 February 1914.

153 Lady Hosking was the first President of the Royal New Zealand Society for the Health of Women and Children (the Plunket Society) in Dunedin: 'Obituary. Sir John Hosking', EP, 30 May 1928.

154 *Dominion*, 11 July 1918.

155 NZT, 24 August 1918. £250 damages were awarded to be paid by the co-respondent, the man with whom the applicant's wife had committed adultery.

156 EP, 7 May 1918.

157 NZT, 3 November 1917.