

Article

The Migratory Pathways of Labourers and Legislation: From Érin to Aotearoa

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Abstract: This article addresses the process and consequences of colonisation by studying the migration of both legislative frameworks and one person who helped give those structures material effect in Aotearoa New Zealand. It situates the story of my great-grandfather—who migrated from Ireland in 1874, participated in te pāhua (the plunder) of Parihaka pā in 1881, and returned to Taranaki in 1893 to farmland taken from Māori—in the context of an institutional environment adapted from Irish antecedents to the particulars of Aotearoa. More specifically, I wish to (1) assess the extent to which statutory provision for the confiscation of Māori land and the establishment of the New Zealand Armed Constabulary was based on Irish templates; (2) connect those arrangements to the social and economic transformation my ancestor underwent; and (3) explore the significance of that historical legacy for descendants of my great-grandfather.

Keywords: colonisation; migration; policy transfer; Royal Irish Constabulary; New Zealand Armed Constabulary; Ireland; Māori; Parihaka



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1. Introduction

The day my great-grandfather was buried at Ōkato cemetery in early February 1922, Jas Higgins played the Last Post. Higgins, who had been a bugler with the Patea Rifles during the Land Wars in Aotearoa New Zealand (Aotearoa), was an old friend of my great-grandfather, Andrew Gilhooly, himself a former military man who had served for nine years in New Zealand's Armed Constabulary (AC) and a further five with the country's first standing artillery corps.

Andrew was born into Irish poverty but died a respected member of the coastal Taranaki community, responsible—with his wife Kate—for the running of three family farms. In many respects, his is an orthodox settler story of mobility, migration, and hard work; of building a life in a new land that was in all respects better than the one left behind. Alongside that narrative, however, sits another story, which is that as with many other Pākehā (European) immigrants, what Andrew and his family achieved in this country was made possible only through the military subjugation of indigenous Māori and the confiscation of their land in the nineteenth century as part of the colonial policies and practices of land alienation (Keenan 2015, 2021; Kidman and O'Malley 2018; O'Malley 2019, 2021).

That second, altogether more unsettling account is the focus of this article, and it comes into focus if my family's history is placed at the intersection of 'social structures and human relationships that were solidified generations ago [but which] continue to play out today' (Sleeter 2020, pp. 3–4). In colonial-settler societies the 'human relationships' element of the equation tends to receive the lion's share of attention in popular accounts of historical processes. However, people are not the only things which migrate: Christine Sleeter's 'social structures', understood here as including legislative, executive, and judicial institutions and their outputs, are also capable of travel. Indeed, the migration of institutions—defined

as the formal-legal structures which circumscribe the exercise of executive, legislative, and judicial authority (Eckstein 1963)—was a defining feature of the colonial enterprise.

However, if they are to shape the worlds on which they are imposed, those institutions must be animated through the actions of social actors. Put differently, the high politics of colonial institutions structure the ‘small stories’ (Bell 2017) of people’s lives; in turn, those small stories comprise the daily practices and actions through which colonisation was materially constituted. Necessarily, then, this article addresses both the structuring effects of institutions and the agency of social actors. It is not a seamless fit with Porter’s (1987) call for more ‘history from below’, insofar as I have none of the intimate ‘memory traces’ (Wilbraham 2014, p. 170) left by letters, diaries, and so forth, and rely on formal sources (primarily military records and land titles). Nonetheless, the article does demonstrate the entanglement of the historical migration of both institutions and the people who, wittingly or otherwise, gave those structures concrete effect in Aotearoa.

It does so by situating the small story of my great-grandfather and his wife in the context of an institutional environment adapted from Irish antecedents to the particulars of Aotearoa (on the imposition of law by colonising powers, see Benton 2002; Kirkby and Coleborne 2017). Specifically, I assess the extent to which statutory provision for the establishment of the AC and the confiscation of Māori land was based on Irish templates and connect those arrangements to the new identity my ancestors forged in this country. In addition, at the heart of it all is the paradox that an Irish farm labourer could, courtesy of laws based on those which had contributed to the impoverishment of his own people, become the ‘pioneering settler’ for whom Jas Higgins played the Last Post.

2. From County Limerick to the Province of Taranaki

Elsewhere I have written in more detail about the historical background to this account of one man’s experience (see Shaw 2021a, 2021b). Andrew Gilhooly was born in 1855 in Ballynagreanagh, a small village in the east of County Limerick. He left Éirín for Aotearoa in 1874, encouraged by Premier Julius Vogel’s expansionist economic and immigration policies which doubled the non-Māori population of the colony in the space of a decade or so (Hill 1989)—seeking, perhaps, to escape from the ‘sense of decay and depletion—the emptied, ruined villages; the strangely quiet countryside’ (Palmer 1988, p. 523) of post-Famine Ireland. In 1877, Andrew joined the AC, a hybrid institution encompassing both policing and military capabilities which was established a decade earlier and modelled on the Royal Irish Constabulary. As a consequence, on the morning of the 5 November 1881, he was standing alongside 1588 other men waiting to commence the invasion of Parihaka pā, home to the pacifist leaders Te Whiti o Rongomai and Tohu Kākahi and their people.

The destruction of Parihaka has since become emblematic of the violent attempts of the colonial administration to destroy Māori authority, autonomy, and protest (Buchanan 2009; Keenan 2015; Riseborough 2002). Parihaka’s non-violent resistance to the state’s appropriation of Māori land presented a threat to the colonial administration, and the invasion was intended not only to bludgeon the small community into submission, but to erase it. The roll call of ignominy, prior to and for some years following the 5 November 1881, included the imprisonment of Parihaka’s ploughers and fencers without trial; the indemnification against court action of the actions of men who had raped women, stolen property, and destroyed hundreds of acres of crops; and the imposition for several years of pass laws (long before they became a feature of apartheid South Africa) limiting the movement of Māori into and out of Parihaka (see Waitangi Tribunal 1996, p. 206).

Having contributed to the military campaign against the pā, which included a four-year long occupation following the invasion, in 1893 my great-grandfather returned as part of the agricultural campaign to complete the alienation of Māori land in Taranaki. In time, he and my great-grandmother, Kate, would control three farms comprising some 400 of the 1,275,000 acres of Taranaki land confiscated by executive fiat in late 1865 pursuant to the provisions of the New Zealand Settlements Act 1863 (and subsequently granted or sold to settler farmers and their families).

All of this occurred in the context of a political project aimed at permanently prising Māori and their land apart. When people migrate as part of a colonial venture, they are likely to disembark into a statutory context, the sorts of legislative instruments addressed here shaping people's options and structuring their choices. So it was with Andrew, and in the remainder of this piece, that I tease out the interplay between several such instruments and the life he shaped for himself here in Aotearoa, the consequences of which continue to echo down through the years.

3. Critical (Settler-Colonial) Family History

To do so, I draw on critical family history, an approach to family history that 'situates one's individual family history in a broader historical, cultural and socio-cultural context' (Sleeter 2014, p. 23; see also Bell 2022; Sleeter 2008, 2020). Sleeter's appeal lies in the ways in which her model facilitates the connection of my own 'genealogy of the intimate' (Wilbraham 2014, p. 167) with the sweeping forces that shape nations. It also exposes the relationships of state power which comprise the bases of colonial societies and reveals the continuities between the high politics of legislatures, executives, and judiciaries and the daily lives of people like my great-grandparents. Within critical family history, there is no getting away with selectively curated family foundation stories; instead, the requirement is to engage with the politics of forgetting by 'plung[ing] below the surface of remembered origins' (Sleeter 2008, pp. 121–22).

In the context of settler colonial societies, Sleeter does not permit the fiction that colonisation is something that happened 'once upon a time' and at the rarefied level of the state—rather, she asks us to consider that the big issues are, in fact, intensely personal. It is something 'people you call Pop, Grandad, Dad, [and] Uncle Pat . . . were and are engaged in' (Morris 2022, p. 4). In my case, then, Sleeter and other proponents of critical settler family history insisted that I make the institutional architecture and imperatives of the colonial state part of the story.

The first step in that process entailed engaging with primary historical sources: family wills, military service records, electoral rolls, the parliamentary record, historic land titles, cadastral maps, minutes of Native Land Court meetings, and documents held by the Public Trustee and the Waitangi Tribunal. Following Sleeter's method, the subsequent process of interrogating those data through the lens of the colonial history of Aotearoa produced a new and decidedly unsettled history of my family's time on the Taranaki coast, one which calls into question the sorts of standard accounts of settlement which begin and end with the purchase of the family farm.

4. The Irish Roots of the Military Campaign against Parihaka

In the context of that history, consideration of the colonial state's suppression of Māori focuses on the role and conduct of the AC rather than the activities of the imperial regiments who served in Aotearoa between 1840–1870 (for which see Macdonald 2019; Mackintosh 2021; McLellan 2017).

In fact, the statutory establishment of the AC in 1867, which was the outcome of discussions on the creation of a force modelled on the Irish Constabulary that reached at least as far back as the early 1840s (Green 2018, p. 193; see also Hill 1989, pp. 1–9), was substantially a response to the anticipated departure of the regiments—the last of which to leave, perhaps ironically, was the 18th (Royal Irish Regiment). Early indications of the direction of the colonial administration's thinking can be found three years before the passage of the Armed Constabulary Act. Speaking in the General Assembly in 1864, the Attorney General, Henry Sewell, posed a rhetorical question to the Imperial Government: 'What do you mean to do when the troops are withdrawn? I will not presume at the present moment to give any definite answer to that point; but we [the colonial administration] have it in under consideration to form some sort of defence corps. It may be something on the same principle as the Irish Constabulary Force' (NZPD 1864, p. 31).

The Irish Constabulary (IC) of which Sewell spoke was created in 1822. While it initially comprised four distinct provincial forces, in 1836 the IC was reconstituted as a single entity and tasked with suppressing rioting and faction-fighting (Curtis 1871, p. 23).¹ Its success in quelling Irish nationalist sentiment explains why the adjective ‘Royal’ was added in 1867—the bestowal an expression of the Queen’s gratitude for the Constabulary’s contribution to putting down the Fenian Rising on 5 and 6 March 1867 (Curtis 1871).

Having largely avoided becoming involved in collecting debts or tolls at that point, armed constables also assisted bailiffs collect tithes for the Establishment (Protestant) Church of Ireland during the Tithe Wars of the early 1830s, which goes some way to explaining Catholic opposition to the force. (In an account of his years serving with the RIC Curtis (1871, pp. 27–28) notes ‘several collisions with the peasantry’ during the Tithe Wars: while he maintains that constables ‘never acted with unnecessary or wanton rigour’, he does concede that they were, on occasion, ‘unhappily obliged to fire on the people’).

Clearly, there is more to the history of the RIC than I have allowed for here (Palmer 1988 is a standard reference; see, too, Herlihy 2005, 2016). Putting that aside, what interests me is the thread connecting the Irish antecedent to the force created in 1867 in Aotearoa: they are cognate institutions, the latter modelled on the former and both of them institutional expressions of the desire to ‘impose the norms of the conqueror upon the conquered’ (Hill 1989, p. 1; Cowan 1938).

The Armed Constabulary Bill—the aim of which was ‘to raise a small police force for the purpose of securing the tranquillity more especially of Native districts, on the withdrawal of the troops and the location of military settlers’ (NZPD 1867, vol 1(2), p. 481)—was introduced in the colonial legislature by Defence Minister Colonel Theodore Haultain in mid-August 1867.² Parliamentary procedure at the time did not provide for debate at the First Reading stage, so it is only at the Second Reading that we learn of the administration’s intention to create a force modelled on the RIC, which is ‘generally acknowledged [to be] the finest force in the world’ (NZPD 1867, vol 1(2), p. 483). (This is 1867, after all, the year in which the Irish Constabulary took on the ‘Royal’ prefix.)

Not everyone was convinced that the new colony should look to the old for inspiration. The member for Gladstone, a Mr Jollie, had heard that:

the Irish constabulary force, although it had received high commendation, was rather defective as a police. The men were said to be above their work, and it was also said that there was too much pipeclay about them—too much adherence to the stiff formality of military discipline. They had not, he believed, been found very efficient in preventing or in detecting crime, although in respect of faction fights, riots, and that sort of thing, they had been of special service. (NZPD 1867, vol 1(2), p. 482)

Bluntly, the RIC was good at violence. There is other opposition too. South Island members did not see why they should support a force that would not see much (if any) action in their part of the country, given that at the Second Reading stage in the Legislative Council it was made clear that the law would only apply in the North Island. There were also concerns about striking the right balance between the policing and the military imperatives of the AC (a debate which Curtis (1871, p. 99) noted had also taken place in the IC during the 1850s); and Mr Burns ‘hoped the House would pause before giving their sanction to this measure . . . on the ground that these Natives ought to be treated in a very different manner from shooting them down’ (NZPD 1867, vol 1(2), p. 482).

Ultimately, the legislature did not take Burns’ advice, and the Act was passed on 2 October 1867. Early in the legislative process there were concerns about how the 500 or so positions in the AC would be filled. Mr Cargill worried that the force might inadvertently ‘recruit men who had deserted the diggings, not liking hard work’, or men ‘discharged from Her Majesty’s regiments from length of service or from other causes . . . aged men, and what were known in the army as the Queen’s half-bargains [who are] the semblance of soldiers not the reality’ (NZPD 1868, vol 4, p. 180). It was far better, in his view, that recruits be ‘raised from the regiments at home, or from what was still better, the Irish Constabulary

itself—a force that would be superior in fighting qualities to anything that could possibly be raised from amongst a small [New Zealand] population’.

The politics of the legislation are to some extent incidental. The point for me is that via a form of ‘connective cultural traffic’ (Ballantyne 2014, p. 37) colonial policy in Aotearoa recreated an institution developed to pacify indigenous Irish and let it loose on another indigenous people. A decade later one of those Irish indigenes—my great-grandfather—would join that force, and four years after that he would be standing at the gates of Parihaka, ready to participate in an invasion.

5. Te Pāhuatanga o Parihaka

Parihaka had been established in 1866 by the great pacifist prophets Te Whiti O Rongomai and Tohu Kākahi, and rapidly became a haven for Māori dispossessed by land confiscations and war. At the time of its desecration, it had a population of some 1500 and was reputedly the most prosperous Māori settlement in the country: it had a bank and a bakery, was surrounded by extensive cultivations on which were employed state-of-the-art reaping and threshing machines and provided hospitality for the thousands who attended its monthly meetings (Waitangi Tribunal 1996).

On the morning of 5 November 1881, however, the pā was invaded by 644 members of the Armed Constabulary and 945 volunteer troops. The politics behind the invasion have been detailed by others (Buchanan 2009; Keenan 2015; Riseborough 2002; Scott 1975; Waitangi Tribunal 1996). For my purposes, however, it is important to note the scale of the destruction that subsequently ensued. Due to a state ban on the press, the particulars took two full years to emerge (and then only because in 1882 the parliamentary opposition in London successfully forced the tabling of a ‘Correspondence respecting Native Affairs in New Zealand and the Imprisonment of Certain Maoris’ (sic) in the House of Commons) (Riseborough 2005, p. 37). When they did, it became known that:

Parihaka had been taken without resistance; that it was ‘completely broken up’; [and] that about 1500 men, women, and children had been arrested. . . . Images of a fuller picture escaped later to the public arena; images of assaults; rape; looting; pillage; theft; the destruction of homes and of hundreds of hectares of crops; the forced relocation of 1556 persons without money, food, or shelter; the introduction of passes for Maori to facilitate the military’s control of movements in the area; and the suspension of trials and other legal safeguards when it appeared that lawful convictions might not be achieved. (Waitangi Tribunal 1996, p. 206)

And my great-grandfather was there for all of it.

6. Après le Guerre: The Agricultural Campaign against Taranaki Māori

Nine years after his part in the destruction of Parihaka, and in keeping with the long-established practice across the British empire of recycling military men as civilian settlers (McLellan 2017), Andrew Gilhooly returned to the west coast of the North Island as part of the agricultural campaign to complete the work of colonial settlement.

As with the establishment of the AC, so, too, the legislation underpinning the confiscation of Māori land had Irish antecedents (see also Boast 2010). In an instance of the centrality of ‘the shuffling and shuttling of paper’ (Ballantyne 2014, p. 20) to the imperial project, the two principal bulwarks were the Suppression of Rebellion and the New Zealand Settlements Acts, both passed in 1863: the former suspended the right of trial in particular circumstances so as to ‘punish certain aboriginal tribes of the colony’ and the second enabled the colonial state to take Māori land for ‘public purposes’.

The Suppression of Rebellion Act 1863, which provided for the ‘prompt and effectual punishment’ of those engaged in ‘the subversion of the authority of Her Majesty and Her Majesty’s Government’, was ‘copied, with virtually no changes, from the Irish Act of that name of 1799’ (Waitangi Tribunal 1996, p. 133). Indeed, in his introductory comments during its Second Reading William Fox, a member of the administration, made it quite clear that: ‘[t]he Bill which is on the table of the House has been framed strictly, and almost

verbally, by reference to two Acts—one of the Irish Parliament, passed in 1799; and the other of the Imperial Parliament, in 1833. The Attorney-General has thought it desirable to adopt the phraseology of those Acts . . . as they had been concurred in by Her Majesty, and acted upon, as no doubt this Act will be similarly sanctioned (NZPD 1863, p. 792).

Support for the Bill was not universal. In the Legislative Council an opponent, Hon. Henry Sewell (a former Attorney-General), made his disdain for the proposed legislation clear by pointing out that it was based on legal precedent closely associated with the ‘charnel house of Irish history’ (NZPD 1863, p. 860). Sewell’s opposition had no bearing on the eventual outcome, but it did presage ongoing concerns in some sections of the colonial elite about the wisdom of adopting the Irish model.

As for the New Zealand Settlements Act 1863, it was ‘similar in title and terms to Cromwell’s Act of Settlement 1652’ (Waitangi Tribunal 1996, p. 133). The legislation—the central intent of which was to ‘enable the government to establish settlements for colonization in the northern island of New Zealand’—provided for the confiscation of all Māori land in districts decreed to be in ‘rebellion’ (per the provisions of the Suppression of Rebellion Act). It is made clear that the family farm was to become a central instrument of colonial policy—characterised as one of ‘military settlement’ (McLellan 2017, p. 21)—in the preamble of the Bill: ‘Whereas the best and most effectual means of attaining those ends [‘the prevention of future insurrection or rebellion and for the establishment and maintenance of Her Majesty’s authority and of Law and Order throughout the Colony’] would be by the introduction of a sufficient number of settlers able to protect themselves and to preserve the peace of the Country’.

The Settlements Act also drew opposition, including from one elected representative who argued that ‘it was impossible for anyone to deny that the Bill to enable the Governor to establishment settlements for colonization in the Northern Island of New Zealand was inconsistent with the Treaty of Waitangi’ (NZPD 1863, p. 870). Echoing Sewell’s earlier concerns, the first Chief Justice of the country, Sir William Martin, also opposed the confiscation promised by the passing of this legislation. In 1863, Martin expressed his reservations in a letter to the Native Minister, William Fox, asking that it be forwarded to the Colonial Secretary, the Duke of Newcastle, who was himself chary of the likely impact of the proposal. Martin precisely understood the lesson to be learned from the Irish case: ‘The example of Ireland may satisfy us how little is to be effected towards the quieting of a country by the confiscation of private land; how the claim of the dispossessed owner is remembered from generation to generation, and how the brooding sense of wrong breaks out from time to time in fresh disturbance and crime’ (AJHR 1864, E-2, p. 14).

Nonetheless, as with the Suppression of Rebellion Act so with the Settlements Act: what it anticipated duly came to pass, and barely two years after its passage, some 1,275,000 acres of land comprising the ‘great knuckle’ (Buchanan 2009, p. 39) of Taranaki were confiscated from ‘rebel’ and non-rebel Māori alike. In time, 412 of those acres would become the three farms which represented the inflection point in the metamorphosis of the Gilhoolys. And each of those farms was on land that had been confiscated from Māori at Parihaka.

7. Transforming Identity: From Labour to Landowner

Andrew Gilhooly came from poor Irish farming people who leased a 29-acre piece of land in Ballynagreanagh from an English landlord domiciled in Devon. Between them, he and Kate would—in the space of a generation—come to lay claim to acreage 16 times the size of that small plot. Those new, New Zealand acres—circumscribed by cadastral maps which overwrote the ‘indigenous cultural maps and histories’ (Ballantyne 2014, p. 22) onto which they were imposed—enabled my great-grandparents to cast off the yoke of Ireland and to become respected members of the coastal farming community. By the time Andrew died in 1923, a year after Ireland gained independence, the Irish labourer had long since made way for the Taranaki settler-farmer.

While the rhetoric of ‘settlement’ has long been harnessed to the colonial project in Aotearoa, it is far from benign. Rather:

[t]o settle is to bring calm to chaos and order to disorder; to be a settler is to be part of that civilising project. . . . The term ‘settler’ works not just as a means of claiming social status but also of distinguishing ‘we’ (who arrived) from ‘they’ (who were here before). There can be racism at work here, the glib use of the noun ‘settler’ collapsing old enmities (English oppressors vs. Irish nationalists) into a new cleavage between the white/coloniser/civiliser and the non-white/Māori/savage. (Shaw 2021b, p. 7)

To be a settler is to shed old identities (Connerton 2008)—which are themselves often highly unsettled, attaching as they do to people who have ‘left behind much of what gives the world meaning for human beings, including kin, community and their accustomed landscape’ (Gibbons 2002, p. 7)—and acquire new ones. In the New Zealand context, it is to assume the raiment of one of this country’s creation stories, in which pioneering farming families are the social and economic backbone of the nation, able to inscribe themselves on and contribute to the creation of this ‘new thing called New Zealand’ (Campbell 2020, p. 45) through hard work.

To settle is also to come into an ‘historical windfall’ extracted from the ‘historical trauma’ of Māori (Bell 2020). What is more, the enjoyment of those affordances is not restricted to those to whom they first accrue. Macdonald (2019, p. 50) points to the ‘common sense, but mistaken, notion that the past is sequestered in and by time . . . that historical events exist behind a closed door, sealed off from the present [and are] . . . thus ‘dead’: actions and speech acts with no pulse, drained of any capacity to affect the present.’

Far from it, in my family’s case, the relevant endowments have continued to roll down through the years and contribute to the lives of those who came after Andrew and Kate Gilhooly. Some of these affordances have been material. Having followed the money as far as I am able, it is clear that no-one in my extended family profited significantly from the farms. However, while the ‘financial footholds and cushions’ (Sleeter 2014) may have been modest, they have had intergenerational effects (Borell et al. 2017) all the same, their shadow lying ‘behind the purchase of other properties and houses, bequests to children, support with the costs of education and so forth, on down the generations’ (Shaw 2021a, p. 214). Other benefits have been intangible and yet profound: the consciousness of having somewhere to stand; of belonging to a place and alongside its people; the clear sense of identity—which was new, once, but which has since become ‘natural’, displacing the one with which Andrew arrived in this country. However, whether material or not, the point is that all of this has been achieved based on land taken from others.

8. The Twin Ironies of Andrew Gilhooly

Sitting behind this transformation is a symbiotic relationship, the policy framework of colonisation enabling my great-grandfather to reinvent himself, and his military and agricultural labour contributing—along with that of his wife, Kate, who held title to one of the three Gilhooly farms in her own right—to the realisation of the intent of the framework’s architects.³ I am just the latest to spot the ironies that emerge from this mutually constitutive relationship (see Bubb 2012; Denman 1996; Hancock 2020). Two, in particular, stand out.

The first is that for nine years my Irish Catholic great-grandfather was a member of a quasi-military force explicitly modelled on an organisation which had, at times, controlled his own people through violence—including by ejecting them from land they leased for farming (more on this below). Additionally, for a further four years, he served in an artillery force expressly established to protect the interests of imperial Britain in the South Pacific.

On closer scrutiny, however, this seeming paradox dissolves into something altogether more complex. Table 1 (below), which contains data on the nationality and religion of the 167 men who joined the AC in the year my great-grandfather joined up, reveals some of these complications.

Table 1. Nationality and religion of Armed Constabulary recruits (1877)⁴.

	CoE	RC	Presb	Episcop.	n/a ⁵	Total
Irish	39	37	7	4	2	89
English	19	16	4	1	-	40
NZ	3	4	2	1	-	10
Scots	5	2	2	1	-	10
Australia	4	1	-	-	-	5
n/a	4	5	-	-	-	9
other ⁶	2	2	-	-	-	4
total	76	67	15	7	2	167

For one thing, Catholic men served in significant numbers in both the AC and its Irish antecedent. Early on, the latter was dominated by Protestants, but by the 1870s over 75 per cent of the RIC's constables were Catholic (although Protestants continued to account for 80 per cent of the officer class) (Palmer 1988, p. 538).⁷ As to the New Zealand AC, in the year that Andrew joined he was in the company of a number of other Irish Catholics: 37 of the 167 men who signed up in 1877 were listed as Roman Catholics born in Ireland (although, to add to the complexity, that year Irish Catholics were outnumbered in the ranks of the AC's recruits by Irish Protestants).

Irish Catholics also featured prominently in the ranks of the imperial army: between 1792–1922 Irishmen comprised the single largest nationality within the entire British Army (Karsten 1983; see also Bubb 2012). Typically, one of these 'green redcoats' was 'a Catholic of low income, poorer than those who took up arms against Britain from time to time, and poorer than those did not serve' (Karsten 1983, p. 37). Economic distress, disadvantage, and deprivation—rather than love of the British Crown—likely explains the preponderance of Irish in the imperial ranks.

Closer to home, John McLellan (2017) suggests that 20 per cent of those who served in British regiments between 1840–1870 (some 18,000 men in total) and who chose to remain in New Zealand following discharge were Irish. Bubb's (2012, p. 771) observation that a 'martial reputation had long been attached to their [Irish] nation, and propagated by Irishmen' is perhaps complemented by that fact that in 1898 the Police Commission in New Zealand noted that 40 per cent of the colony's entire police force comprised Irish Catholics (Akenson 1990; see also Egarr 2010).⁸

While I have been unable to find any evidence regarding the views of members of the AC on this issue, it is clear that some Irishmen who served in the regiments did reflect on the contradiction of lining up for the British against Māori, 'draw[ing] parallels with the history of their own land' (O'Malley 2021, p. 267). Vincent O'Malley (2021, p. 268) quotes Morgan Stanislaus Grace, a medical officer with the 68th Foot, who recalls a comrade's observation following the regiment's attack on the southern Taranaki village of Kakaramaea: 'Begorra, it's a murder to shoot them. Sure they are our own people with their potatoes, and fish, and children. Who knows but they are Irishmen, with faces a little darkened by the sun, who escaped during the persecutions of Cromwell?'

As a member of a colonial constabulary, Andrew's experience was not that of an Irish soldier in an imperial regiment. While I have no way of knowing if he shared his compatriot's misgivings (if there ever were letters, diaries, or other such intimate paraphernalia, none have survived, and there are no stories told of Andrew Gilhooly in my family), I think it at least possible he may not have.

This speculation stems from an episode involving the RIC which, at one level, had positive consequences for the Gilhoolys.⁹ Briefly, in 1833 a Michael Mahoney, whose family had for many years farmed 73 acres in Ballynagreenagh, was evicted for non-payment of rent. A man called Kennedy was ushered onto the farm in Mahoney's place—backed by the authority of the local court and the muscle of the RIC. Life in Ballynagreenagh got off

to a rough start for the Kennedys, the front page of the Newry Commercial Telegraph of 3 September 1833 reporting that:

On Tuesday morning a party of twenty-four men, under the command of Chief Constable Brady, proceeded to the lands of Ballynagrena, in this County [Limerick], with an intention of protecting property in corn, standing crops, etc., of a person named Kennedy, who held ground there as tenant under the Courts, and who was not very long since put into the occupancy by the County Sheriff, with the aid of military force. On the approach of Mr. Brady's detachment, they were fired upon by almost twenty men, some of them protected by a high hedge, and others by the walls of a farm house which had been burned by the persons opposed to Kennedy's interest, in June last. The assailants, after having firing, fled—they could not be overtaken, owing to the difficult experienced by the Police in getting over the hedge, which was six feet tall high and covered with thorns. The fire was returned by forty-one shots by the Police. . . . The police were all uninjured, but one of the other was, it is supposed, badly injured. He was, however, carried off. The assailants wore neither shoes nor coats, and the surrounding hills were crowded with persons, who cheered the countrymen during the conflict!

Andrew Gilhooly's father, Hugh, married Kennedy's daughter, Mary, in 1843. By 1847 the couple had taken on an 'At Will' lease—the agrarian equivalent of a zero hours contract which allowed landlords to evict tenants without good reason and at any time—to 29 of the 73 acres from which Mahoney had been evicted. (This was the land on which Andrew would be born twenty years later). Whether or not Hugh had also required RIC protection is not recorded; neither is there any indication he suffered the same fate as had the 'land-grabbing' Kennedys when they first moved into the neighbourhood. What is clear, however, is that the family into which my great-grandfather was born had benefitted from the actions of the RIC.¹⁰ I do not, however, wish to overstate this. When Kennedy replaced Mahoney, one tenant farmer replaced another; Andrew's father-in-law was installed on the land but was subject to the same perfidious legal regime that had applied to the person he displaced.

Taking this context into account—the historical prominence of Irish soldiers in imperial regiments, the 'martial 'race'' theory that attached to the Irish (Bubb 2012; Denman 1996; Spivey 2017), the role the RIC played in his family's own history, and the fact that he served in a New Zealand constabulary rather than the Irish one—it is possible that where I see contradiction Andrew saw no such thing. Perhaps, for him, signing up with the AC was a perfectly sensible thing to do.

While Andrew's service with the AC is amenable to contested readings, the second irony is far clearer, and it is that courtesy of the endeavours of the colonial government in the 1860s, a member of one people dispossessed of their land created a new life for himself and his descendants on the basis of the dispossession of another people. Additionally, British colonisation is the common denominator in both cases.

The discomfort this provokes is the more pronounced given that Andrew's own family had been tenant farmers for generations, farming land that had passed out of Irish ownership centuries before he was born. The unsettled history of the small town in which he was raised reaches back at least as far as the English Commonwealth (1649–1660). During that period, the village was part of a large parcel of land granted to Isaac Pennington, a 'Cromwellian adventurer', sometime member of the House of Commons (1640–1653), the Mayor of London in 1642, and a member of Oliver Cromwell's government (Lindley 2004). Following the Restoration, Pennington lost those lands (as well as his head—he was executed for high treason in the Tower of London on 16 December 1661), and in 1699, some 186 acres in and around Ballynagreenagh entered into the ownership of the Duke of York.

By the time Andrew was born, Ballynagreenagh and its surrounds were held by a John Massy of Barna, Galbally (the village, coincidentally, where Andrew's future wife, Kate Fleming, was born in 1875), but were leased to an absentee English landlord, William

Anderson. In turn, Anderson sublet Ballynagreanagh to 20 tenants at £2.14 per annum per acre; Andrew's father, Hugh, was one of them.

Andrew left all of this—the At-Will contract, the absentee English landlord, the tenant farming—behind in 1874, and within two decades had taken freehold title to the first of the three family farms, beginning the process of shedding the identity of tenant farmer and assuming that of landowner. However, the central irony is that the path Andrew took *out* of the Irish identity he brought to Aotearoa—which is via the appropriation of other people's land—was essentially the same one down which his ancestors were marched *into* that identity. This time the path is in this country, not that one—which meant that Māori were on the receiving end this time round, and Andrew could enjoy the benefits of injustice (Hawken 2019).

9. Conclusions: A Tale of Two Migrations

Popular public narratives of the settlement of Aotearoa place great store in tales of distances travelled, oceans crossed, and livelihoods carved out in new lands. In time, Andrew would, it is true, put some significant distance—geographical, economic, social—between himself and the material circumstances he was born in. However, take a step back and look at the statutory and institutional environment that enabled him to do so, and that distance collapses in on itself. Strip away the heroic stories of the frontier settler society and what is exposed is a legal framework enabling the dispossession of an indigenous people that is, for all practical purposes, substantially the same as that which was in place in colonised Ireland. The statutory creation of 'rebels'; the parliamentary facilitation of the confiscation of land; the establishment of a paramilitary force that was essentially an 'antipodean Irish Constabulary' (Hill 1989, p. 11); the administrative deployment of inequitable and iniquitous leases—the instruments used to displace the querulous Irish—are those deployed to deal with the troublesome Māori. How much distance was there, really, between Ballynagreanagh and Parihaka? How much explanatory water do notions that the colony was a new and distinct thing built from scratch on the other side of the world really hold?

Andrew and Kate Gilhooly transformed themselves courtesy of a legal and constitutional order cut from the same institutional cloth which had produced the material circumstances they left behind when they sailed south. In one setting, Andrew and his people bore the brunt of British colonisation; in the other, he both propelled the colonising process and gained from it. In this regard, I am like other 'Pākehā of Irish descent [who] uncover ancestors who experienced the full force of colonial oppression, while other forebears who emigrated to Aotearoa-New Zealand became settlers participating in and benefiting from colonisation, with Māori enduring devastating, ongoing impacts' (Hancock 2020, p. 6).

The mobility of ideas and texts is at play here: for what is legislation if not the textual codification of ideas about how things should be done? What are institutions if not prescriptive assemblages of rituals, practices, and ways of behaving? However, the policy context into which my people disembarked was, in itself, not enough. There was agency here, too, insofar as to breathe life into the letter of the law, people are needed to undertake the daily work of colonising. Whether consciously or not, for the entirety of his adult life in Aotearoa New Zealand my great-grandfather essentially served as a human instrument of the colonising enterprise—one of the hordes of 'unpropertied men' (Karsten 1983, p. 37) put to work expanding the imperial project.¹¹ While with the AC he did the colony's military work, and then as a farmer, alongside his wife Kate he performed the ceaseless labour of 'settling' the new colony. In this respect, he personified Macdonald's (2019) thesis regarding the intersection of the garrison colony and the settler one: Andrew inhabited both, straddling the period when the colony inhabited by military men made way for the one populated by farmers.

Andrew's biography also illuminates the quotidian, mundane nature of colonisation. His may be a small story, but it tells of *how* colonisation takes place. In short, this is

colonisation up close and personal. The grand narratives are necessary but insufficient preconditions for colonising other people's worlds. For that to occur, colonial powers needed people who were willing to undertake arduous journeys across oceans; to build roads that carried first the invading forces and then the settler-farmers¹²; to clear land and build homes and communities. They needed people like my great-grandparents.

That said, it is unlikely the experience was entirely unproblematic. I have no way of establishing when (or if) Andrew and Kate stopped being Irish and became this new thing—a New Zealander. Neither can I apprehend what might have been lost in leaving Ireland behind: the songs, stories, and the sense of connection to people and place. Andrew and Kate's job, in my family, was to leave the tragedy of Ireland for the sunlit uplands of a new world. However, I doubt this process was entirely straightforward; likely, along with the social and economic metamorphoses there was also the rupture of exile.

The entanglement of people and policy has temporal consequences demonstrating that there can be no 'simple phasing of the past into clearly delineated periods' (Mackintosh 2021, p. 221). Instead, there is an elision, with Andrew's and Kate's Irish pasts slurring into their settler presents. Illustrating Macdonald's (2019, p. 50) point that it makes no sense to think that 'historical events exist behind a closed door, sealed off from the present', the material advantages they came to enjoy courtesy of the legislation of 1863 and 1867 then ripple forward into my own circumstances, such that my 'current moment is inflected with remnants of earlier histories' (Mackintosh 2021, p. 221).

While the three Gilhooly farms have long since passed out of my family's ownership, I have inherited my share of the material and intangible affordances they once generated. The latter are the most important to me. The Taranaki coast is the place I reach for when people ask me where I come from. It is the place where my mother grew up and from which she sought to escape, meeting my father in the process. It is the place she went back to when she had her first child, my oldest sister. And it is still the place I take her out to see when I visit her in New Plymouth. Emma Espiner points out that looking is not neutral, and so as we drive out along the old invasion road I have no doubt that what I see as a landscape may very well be, for *mana whenua*, a 'traumascape' (Tumarkin 2005) in which the past is never over.¹³ In my part of the world, those migratory trails—of both people and policy—are far from overgrown.

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Notes

- ¹ For the better part of the seventeenth and eighteenth centuries gangs, or 'factions', engaged in violence in streets, at country fairs and at horse races across Ireland. Pitched battles—fought to right wrongs, revenge earlier defeats or to uphold the honour of a locale—might number tens or hundreds of men (and from time to time women) wielding reaping hooks, swords or 'shillelaghs' (tempered staffs of hardwood, sometimes weighted at the top with a knob of iron to render them more lethal) (Moraghan 2019). In Limerick, the most notorious factions were the Three Year Olds and Four Year Olds. Some say the names date from a long-forgotten dispute between farmers regarding the age of a bull (or, depending on the account, a colt or pig); others argue they refer to the lengths of time the original rival faction leaders pledged to maintain their feud (Moraghan 2019). The Gilhoolys were prominent members of the Four Year Olds; in 1874 my great-grandfather's first cousin, Fox Gilhooly, was sentenced to five years in prison for his part in violence that erupted at a public meeting regarding Irish Home Rule.
- ² During the Committee stage a Mr Burns indicated that a earlier version of the Bill had been (unsuccessfully) tabled in 1865.
- ³ Until I unearthed the relevant land title, my great-grandmother's purchase of that farm in 1922 had been airbrushed out of the family stories (see Shaw 2021a, pp. 77–78), the assumption having long been that Andrew owned all three properties.
- ⁴ The religious denominations are, from left, Church of England, Roman Catholic, Presbyterian and Episcopalian. The data are drawn from the Armed Constabulary's Description Book, which contains the biographical details of all those who signed up with

the AC during its 20 year existence. Those records have not yet been fully collated; only the 1877 figures are reported here (taken from pp. 125–34 of the 240 page artifact).

- 5 In both axes this column includes those to whom the relevant attribute was either not recorded or was unclear (the original copperplate entries having faded).
- 6 The other recruits were a Church of England Canadian, a Catholic from China and two US men (one a Protestant and the other Catholic).
- 7 Palmer (1988, p. 346) cites a senior RIC officer observing that ‘at least one half of the Constables in every Southern County should be of the same religious persuasion with the great mass of the people, as the best means of reconciling the latter to an Establishment formed to coerce them, or at all events of rendering it less unpopular.’
- 8 Egarr (2010, p. 23) notes that the Commission also ‘investigated claims that Irish Catholics had formed a political clique within the force to further the advancement of their own above others’. The claim was duly dismissed.
- 9 I would like to extend my sincere thanks to Kiteely historian Eddie O’Dea for the detail concerning the eviction of Mahoney, the arrival of the Kennedys, and the deep history of the township of Ballynagreanagh (see below). According to Eddie, the Kennedys are still in Kiteely parish and are ‘now well respected’.
- 10 In the 1855 Griffiths (Griffith’s Valuation was carried out between 1848–1864 to determine someone’s liability for payment of support for the poor and destitute within each Poor Law Union in Ireland) John Kennedy is recorded as leasing 58 statute acres and a house from William Anderson. On his death in 1862 this lease passed to Bridget (Biddy) Kennedy and thence, in 1864 to his son Patrick (Hugh Gilhooly’s brother-in-law). In 1881, the 28 acres Hugh assumed the lease for in 1847 also transferred to Patrick: at the time Hugh was just five years from his own death from ‘senile decay’, and so was presumably unable to keep up with the work. At this point (and, ironically, in the very year Hugh’s own son, Andrew, was involved in the violent dispossession of another people’s land), the land formally leased to Mahoney, and subsequently split between the Kennedys and the Gilhoolys, is recombined.
- 11 Edward Gibbon Wakefield, who played a central role in the colonisation of Aotearoa New Zealand, was rather less generous in his assessment of the Irish, referring to ‘the hordes of Irish-pauper emigrants who pour into North America, Britain and America, [and who] are, in a considerable proportion, virtually slaves by means of their servile, lazy, reckless habit of mind, and their degradation in the midst of the energetic, accumulating, prideful, domineering Anglo-Saxon race’ (Wakefield [1846] 2001, p. 54).
- 12 As Andrew did when he worked on the South Road, an invasion road built to carry the AC and the militia to Parihaka.
- 13 Espiner’s observation was made in a presentation to *Waitohu: Women Reclaiming The Ink*, a celebration of mana wāhine hosted by New Zealand’s National Library in October 2020.

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The Migratory Pathways of Labourers and Legislation: From Érin to Aotearoa

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