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– ARTICLE –

Spectacle and Concealment at Auckland's Colonial Prisons

Simon H. Bickler[1,*] & Simon Best[2]

ABSTRACT

Archaeological excavations at Queen Street Gaol and Mount Eden Prison in central Auckland, New Zealand revealed architectural and artefactual evidence shedding light on penal practices in the colony of New Zealand. The Queen Street Gaol, established in 1841 on the outskirts of the growing Auckland settlement, served as a showcase of the colony's power, featuring public displays of punishment such as stocks and hangings. In the latter half of the 19th century, Mount Eden Prison was constructed to replace the outdated Queen Street Gaol, relocating it two kilometres away to the city's periphery. Our analysis of the architectural and archaeological evidence shows how this shift hid the social punishment aspect, pushing criminals away from city life, but how it maintained a visually striking façade that advertised state-inflicted consequences. As the city expanded during the 20th century, Mount Eden Prison once again found itself surrounded by urban development, leading to the decommissioning of the Victorian-era radial prison and the construction of high-rise security units, which now camouflage the penal function of these institutions. Our analysis demonstrates how the standing structures and sub-surface evidence at these two sites reflect the changing attitudes towards social reform and the evolving landscape of punishment in modern suburban areas.

Keywords: Prisons, Punishment, New Zealand Colonial History

INTRODUCTION

The location and organisation of penal institutions has always been an important factor in the British settlement of Australia and New Zealand (see *e.g.*, Casella 2001, 2005, 2007; Casella and Frederickson 2004, McCarthy 2017). 'Total institutions' such as prisons organise people into hierarchical and usually supervised groups, bounded and separated from the outside both socially and physically (after Goffman 1961; see also De Cunzo 2006; Flexner 2012; Piddock 2007; Spencer-Wood and Baugher 2001; Sutton 2003; Winter 2015). The archaeological appeal of investigation of these institutions relates to the evolving roles that such institutions have played in societies, often at the intersection of class, gender, race, and power relationships, and to their overt spatial manifestation of these relationships in the landscape.

We describe two investigations of the main penal institutions in Auckland, New Zealand, undertaken in the late 1980s and the late 2000s. The first, at the Queen Street Gaol, was built in 1841 in what has become the Auckland Central Business District (CBD) and was used for almost a quarter of a century. Its replacement, Mount Eden Stockade, Gaol and then Prison, commonly known as 'The Mount' or more recently 'The Rock', was originally built at the edge of the burgeoning city but is now on some of the most valuable inner-city land (Figure 1). The Victorian-era prison remained in operation until 2011, when it was replaced with modern blocks in the land around the old prison wings.

Mount Eden Prison has affected and continues to impact the lives of people throughout New Zealand (see Derby 2020; Newbold 2007) and the history of its origins, construction and use are intimately tied to how punishment was meted out in 'the Perfect Society' (Pratt 1992). In this paper, the results of archaeological investigations are combined with an examination of the architecture and evolving landscape context of the institutions in colonial Auckland tracing how punishment was viewed during the colonial period, where public spectacles that shamed individuals were increasingly replaced with the separation and concealment of criminals from society. Intimidation by architecture and the peripheralisation of penal institutions were designed to replace the spectacle of public shame with public ambivalence by concealment, and hard labour with social reform (see *e.g.*, Johnston 2000: 158ff).

THE QUEEN STREET GAOL

Dedicated gaols were first established in the furthest flung colony in the British Empire, New Zealand, in 1840. Previ-

1 Bickler Consultants Ltd.
2 Independent Researcher
*Corresponding author: arch@bickler.co.nz
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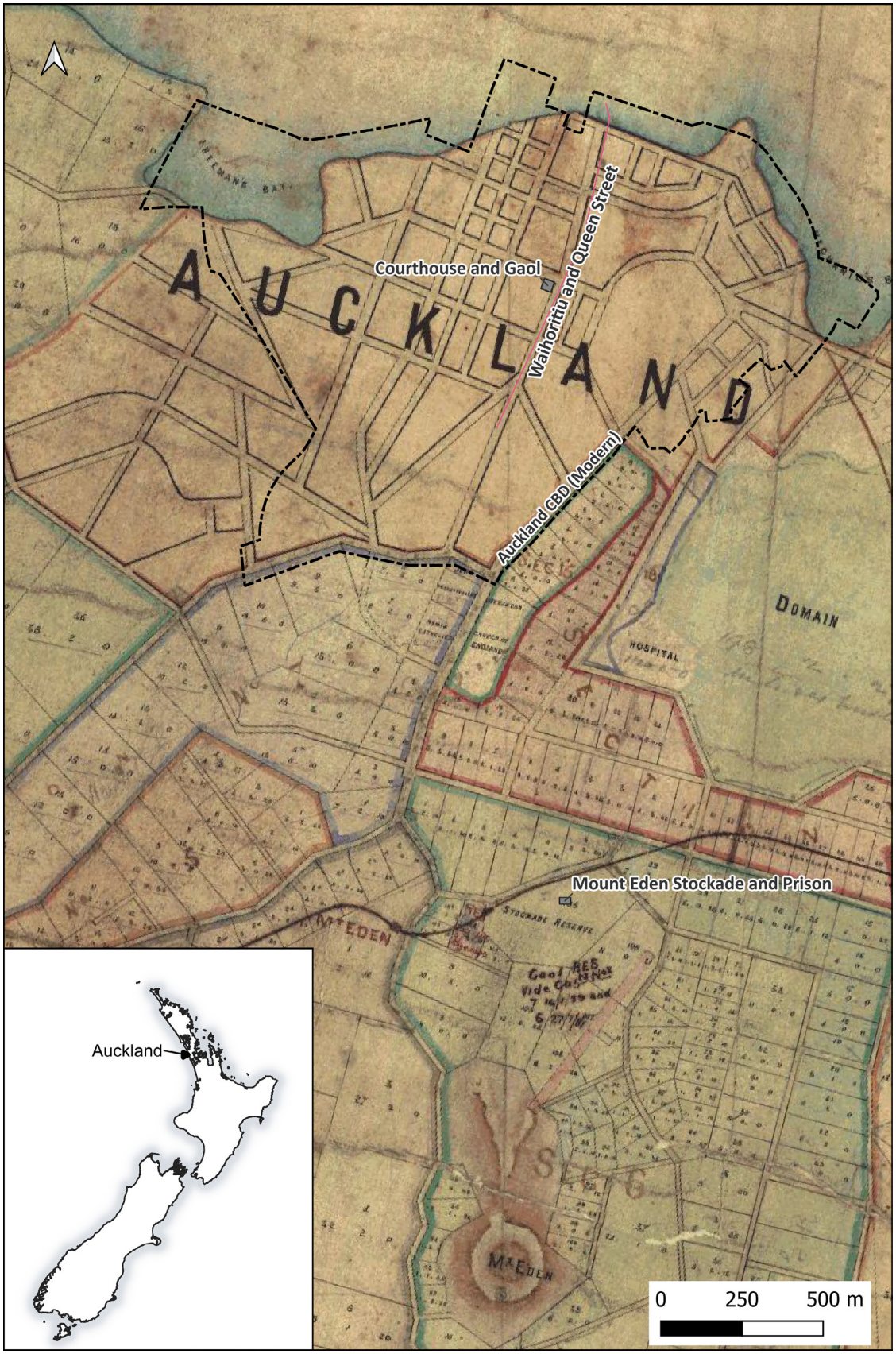

Figure 1. Map showing the location of the Queen Street Gaol and Mt Eden Prison overlaid with North Auckland Roll 45 (Undated Landonline.govt.nz plan).

ously, law enforcement by the European settlers was ad hoc: Māori chiefs were pressed into uniform (Hill 1986: 35–36), eleven mounted troopers were imported from Australia (Hill 1986: 122), leg irons were made by missionaries, and wrongdoers were deported to Australia for hanging (Hill 1986: 51). In one instance, a trial was held in a Wesleyan mission station and the accused was shot (Cheyne 1975: 161–62), and other offenders were tarred and feathered after they had done time in a sea chest – albeit with air holes (Martin 1845: 59). Three gaols were built in 1840: at Okiato/Russell, Auckland, and Port Nicholson (Wellington, McCarthy 2017: 232), and a lock-up at Kororareka. They were small, with Auckland's first temporary gaol in Official Bay being only 20 by 12 feet, and consisting of two rooms, one of which was a cell that could take eight prisoners. Security was said to be such that when the gaoler went out for dinner, he first made the prisoners promise not to escape while he was gone (Auckland Institute, *Auckland Star,* 21 August 1877, p. 3).

The first of the Queen Street Gaol buildings opened in July 1841, when four prisoners moved in. The new Gaol, on the planned main street, was at least 250 metres south of the edge of the main initial settlement, and beyond it 'swamps, fern and scrub [made travel] a hopeless task' (Auckland Twenty Years Ago. By an Early Settler. *Daily Southern Cross,* 10 December 1862, p. 3). At that time Auckland consisted of some 150 buildings: when the Gaol closed in November 1865, the Queen and Victoria Streets corner site was surrounded by over 3,000 buildings. The gaol's last prisoners were moved to the Stockade at Mount Eden, some two kilometres away in the rural belt.

The fenced Gaol block was just under half an acre in extent and contained up to six buildings – a courthouse with cells, two cellblocks, a Head Gaoler's house, kitchen, and guard house. These only took up a quarter of the block, the rest being yards and what was sometimes described as a garden. The Waihorotiu Creek ran through the centre of the site, parallel to the line of the main street. This would flood, carrying away the gaol fences, but proved a useful deposit for rubbish. The creek had been lined with stone in 1845 (Best 1992: 118–21). A well provided water. Stocks had been placed on the Queen Street frontage (Figure 2) and after 1850 a dedicated hard labour/stone breaking yard was added to the south boundary.

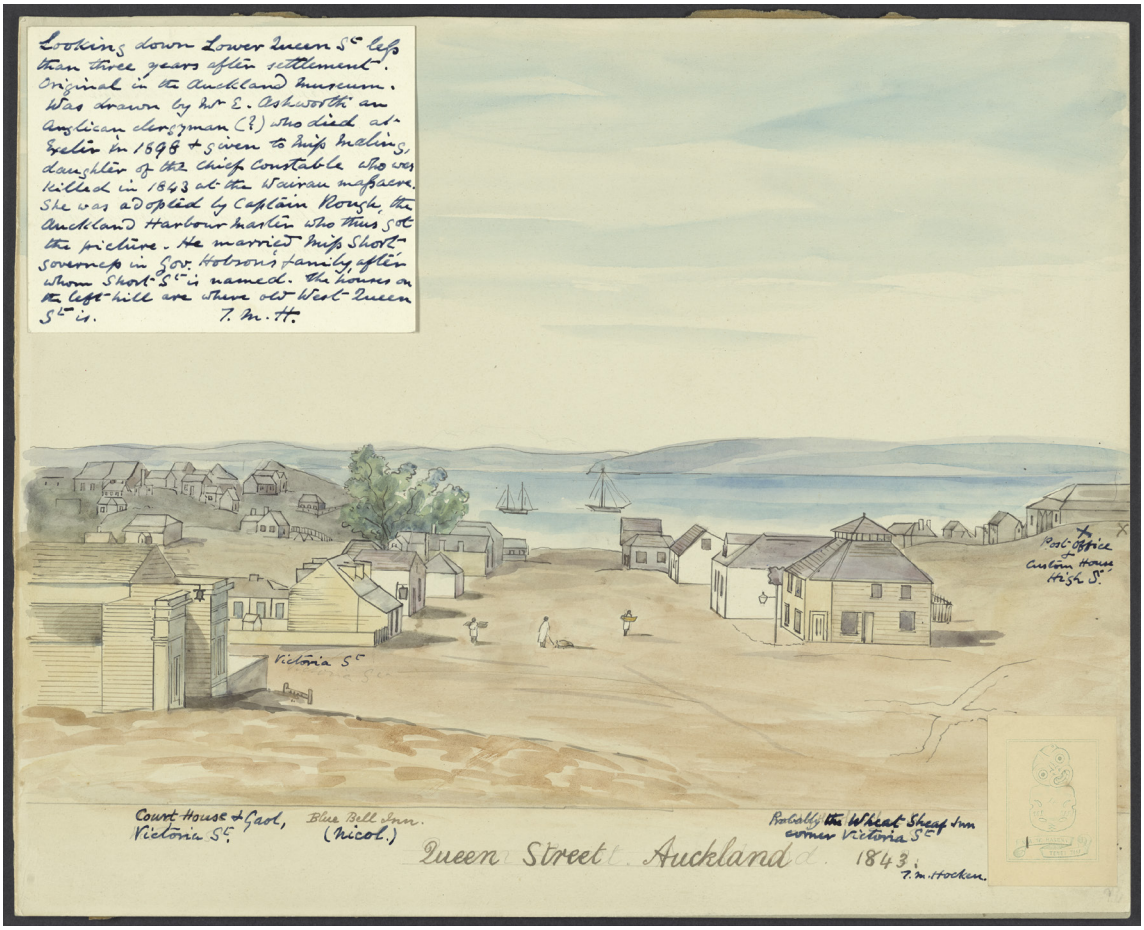

Figure 2. 1843 watercolour of the Gaol and Courthouse on Queen Street with stocks in the lower left corner (Elizabeth Hocken (1848–1933) after Edward Ashworth (1814–1896), 'Queen Street, Auckland, 1843' Hocken Collections - Uare Taoka o Hākena, University of Otago, acc. no. 12,930).

New Zealand's first Supreme Courthouse opened in February 1842 and occupied half the block. Its location, on the margin of the settlement, led to the observation that 'We are at a loss to know how his Honor the Chief Justice, the Law Officers, and all connected with the Court, will contrive to get to it in wet weather' (*New Zealand Herald and Auckland Gazette,* 9 October 1841, p. 2).

The Superintendent of Auckland described the Queen Street courthouse building in its early context as 'elegant … and far exceeding anything that existed then in Auckland' (Supreme Court Auckland. *Taranaki Herald,* 18 November 1865, p. 1 (Supplement)). The complex consisted of the courtroom itself with side lean-tos containing offices or cells, with a round window, and four square pillars on the Queen Street end encompassing 17 m^2 and built of local kauri. The latter were originally planned with a more impressive looking eight round pillars, but funds were short (Inward Correspondence of the Colonial Secretary 1844 1A 1 44/1549). The rare historical images that have survived show a picturesque Queen Street and the stocks quietly located at the street corner, unused (Figure 2).

Despite initial positive reviews, as early as 1844 the Courthouse was being called 'a disgrace to the settlement' (Domestic Intelligence. *Daily Southern Cross,* 4 May 1844, p. 3). It had been criticised for being cold, with draughts, broken windows, a leaking roof, hay on the floor and noxious odours arising from the bodily wastes of the prisoners confined in the cells under the floor (Supreme Court. *Daily Southern Cross,* 8 June 1852, p. 2, *Appendix to the Journal of the House of Representatives* 1861 D02A: 5–13; see also Davies *et al.* 2013: 56ff re the Hyde Park Barracks in Sydney, Australia and McCarthy 2017: 233 for the gaols in Wellington, New Zealand). The gaol buildings were always inadequate, with a mix of different classes of prisoners, a lack of adequate staffing and regular flooding. These problems worsened as the population of Auckland increased and followed the pattern of prisons elsewhere in the Colony (*e.g.*, Petchey 2015: 70–71).

The Queen Street Gaol closed in 1865. The collection of buildings through which most of early Auckland's criminals had passed had become an embarrassing eyesore in the centre of the city. The buildings were demolished to make way for a more illustrious facade, with substantial three-storeyed brick buildings that were still easy on the eye over a century later. These buildings included the Theatre Royal, designed by Edward Mahoney (Theatre Royal – Private Inspection. *New Zealand Herald,* 14 August 1876, p. 3) on the Gaol site corner, and after that burned down in 1906, the City Chambers, which was demolished in 1987.

MOUNT EDEN PRISON

By 1855, as conditions at the Queen Street Gaol deteriorated, planning for a new gaol to move the prisoners out of sight began. The stockade on the lower slopes of Maungawhau Mount Eden (Figure 3) opened for business on 30 July

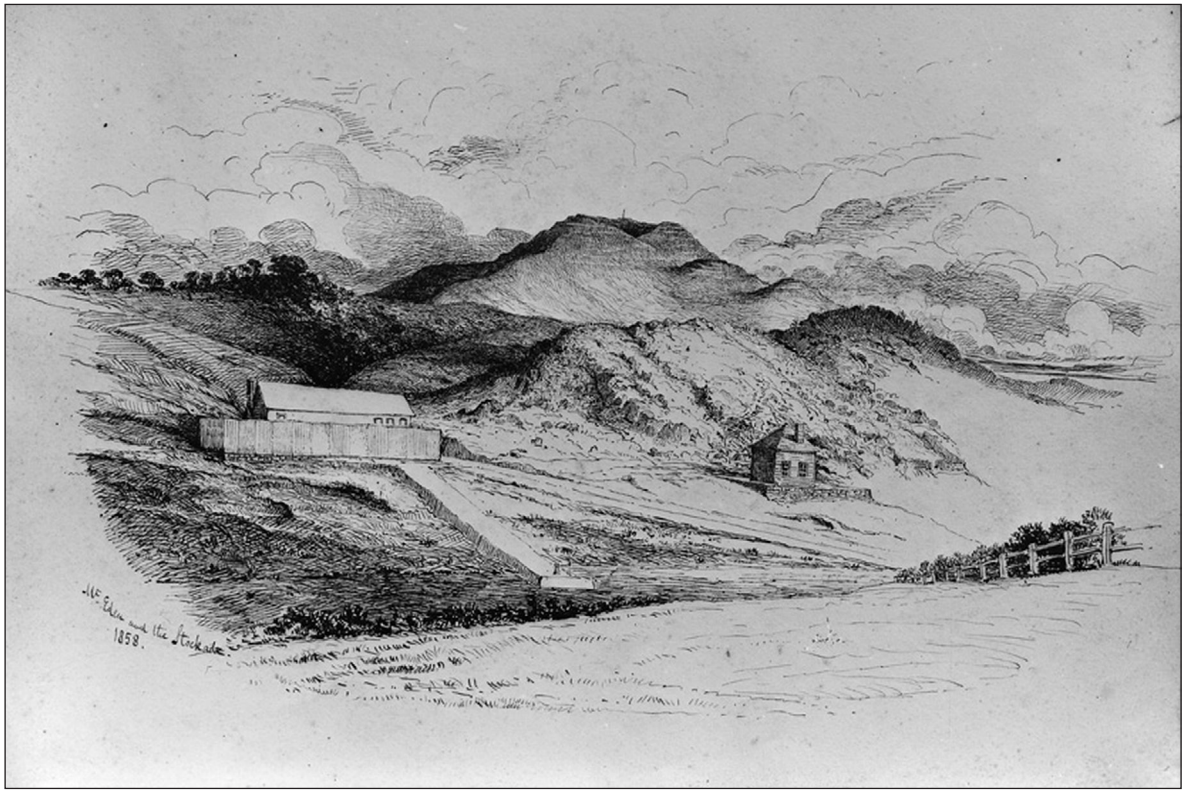

Figure 3. Sketch entitled 'Mt. Eden and the Stockade, 1858' (Auckland Public Libraries Collections 995.1112 M92e 1214).

1856, repurposing a colonial military structure for civilian use, as was done elsewhere in the colonies (*e.g.*, Davies *et al.* 2013). Originally, it consisted of one long two-storey building surrounded by a wooden fence (Figure 3). A small building to the west of the prison was the under-gaoler's house. Sixteen of the hardest cases at the Queen Street Gaol were transferred to the Stockade on 13 September 1856 (*Auckland Weekly News,* 27 August 1864, p. 6).

In 1858 another two-storey building was erected, parallel to the first, to house the rest of the hard labour men from Queen Street, and the perimeter fence was extended to surround both buildings. The first building functioned as the penal ward, the new one as the hard labour ward. To the south of the latter was the stone-breaking yard, which by 1864 was partially roofed (*Auckland Weekly News,* 16 April 1864, p. 2).

Overcrowding in the Stockade was again a problem by mid-1864, with court-martialled soldiers held there as well. At the end of August, the Provincial Government approved the erection of another building which would connect the two existing ones on the east side (*Auckland Weekly News,* 27 August 1864, p. 6). At about the same time, a new prison was planned to house debtors, female prisoners, and those awaiting trial. These groups had been kept back in the Queen Street Gaol. The new building, just to the west of the Stockade, was proclaimed a Public Gaol on 18 November 1865, and the remaining prisoners were transferred there two days later.

Stone from the prison quarry was used to create a much larger wall enclosure, and by 1876, it was complete. Additional buildings were present in the larger compound, but the stockade fence was still used for the main prison structure (Figure 4). By 1877, the wooden buildings of the Stockade had aged significantly, and in the Report of the Auckland Gaol Commissioners, the Government was urged to construct new ones. Architect Edward Mahoney submitted plans for a new prison, one drawn by the Governor and gaoler Mr O'Brien (Figure 5, top), and Mahoney's own sketch (Mahoney 1877, Figure 5, bottom) based on O'Brien's plan but altered to allow better cell ventilation (Appendix to the Journal of the House of Representatives 1877, Session I H-30, pp. 3–4, 9–17). Both plans had the cells running around a central administration centre, with blocks of these separated by mess areas. A chapel was to be located on the central part of the second floor of the original plan and presumably would have been on the revised plans as well. Utilities and other functions were located along the northern side.

The design of both prisons placed the exercise areas between the central blocks and the central structure, making the cells assist in the overall security of the block when the prisoners were outside. However, there are no exterior plans showing how those proposed buildings were designed to look, and the emphasis was very much on function rather than form. The hospital and women's prison were to be located nearby, and women were to be located within the mixed institutional model (see Dalley 1993: 39).

The plans followed the panopticon models that Jeremy Bentham had been advocating in Britain since the late 18th century, emphasising a rationalist model with its

Figure 4. View of Stockade within the later perimeter stone wall, *c.* 1876 (Auckland Public Libraries Collections 995.1112 M92e P9 4 (1) 236).

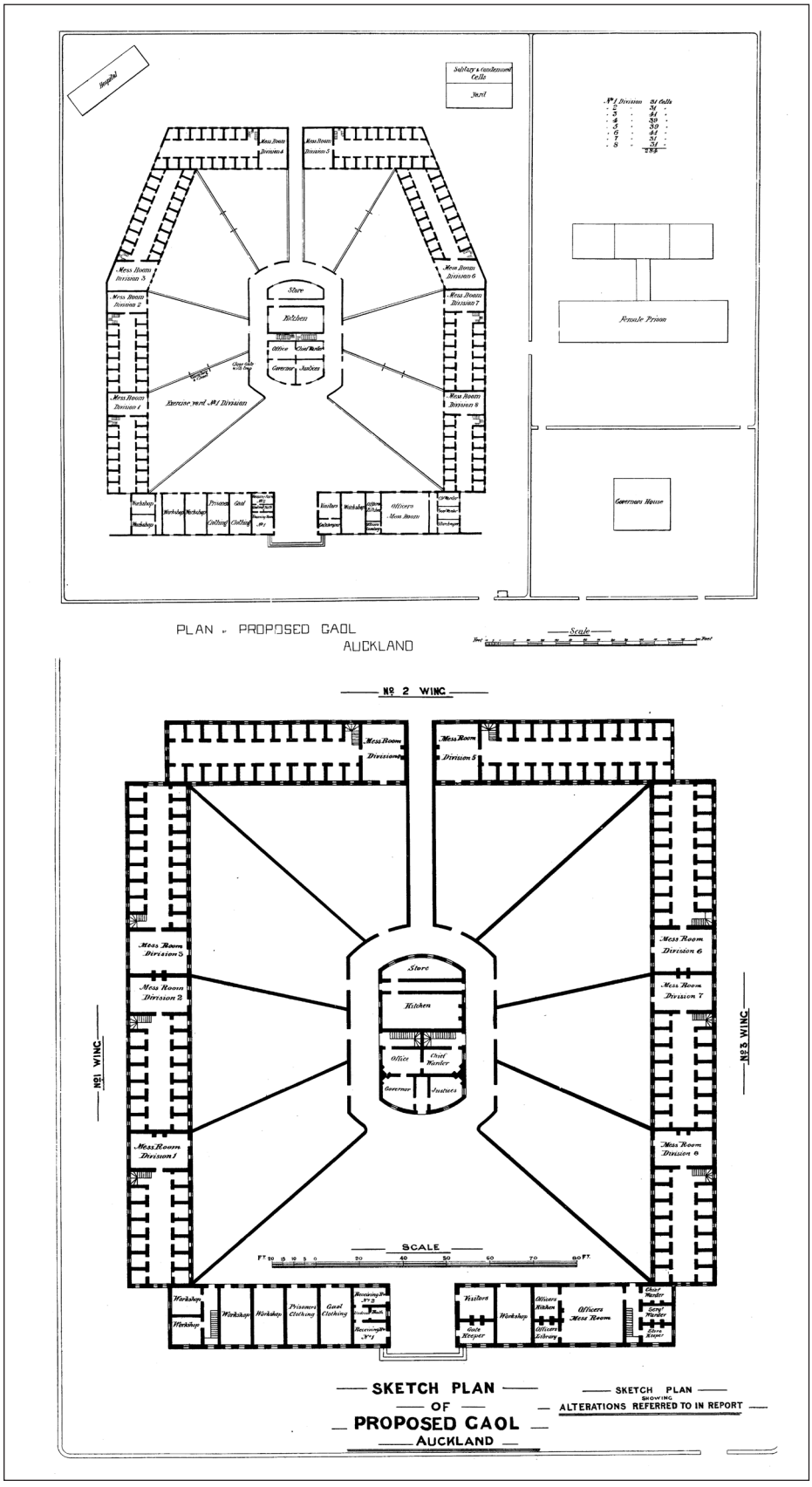

Figure 5. Plan of the Proposed Gaol at Auckland by the Governor and Gaoler Mr O'Brien (top) and Mahoney's 'Sketch Plan of Proposed Goal Auckland' (bottom) adapted from Appendix to the Journal of the House of Representatives. 1877: H30).

'exterior conscience' and omnipresent internal observation of corrective behaviour (Johnston 2000: 50ff). The Mahoney and O'Brien plans were more modern than the early panopticon models, with single prison cells and improved ventilation and facilities. They were designed to allow for the separation of classes of inmates, surveillance, and better management of the larger numbers from the growing city.

These plans were rejected following the arrival of Captain Hume who was appointed Inspector-General of Prisons. Hume ordered further plans drawn by P.F.M. Burrows, an architect with previous experience designing prisons in Malta (Salmond Reed 2006). Burrows rejected the panopticon model in part and produced a set of plans for a very elegant looking building (Figure 6) made up of a series

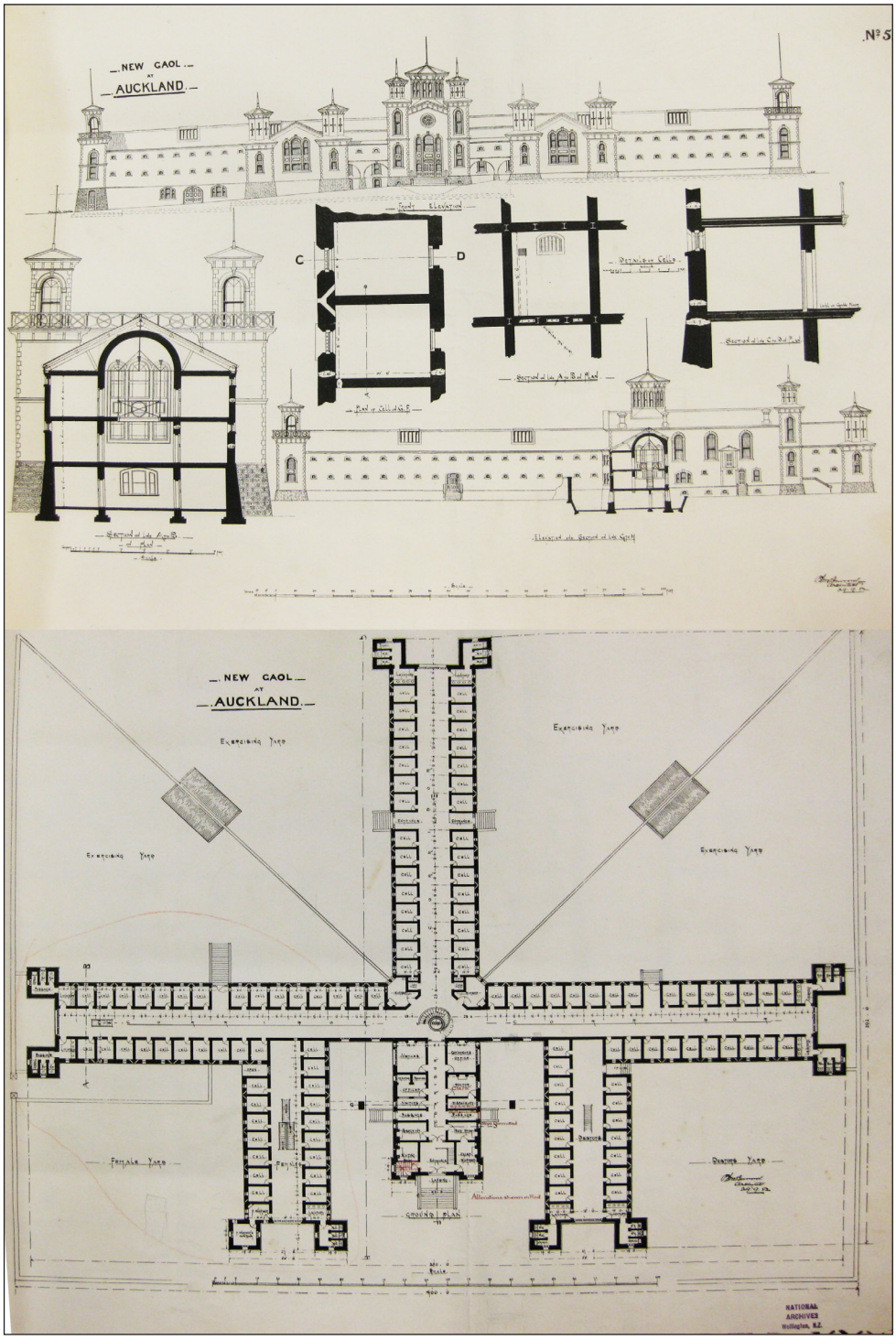

Figure 6. Burrows' plans of Mt Eden Prison showing proposed frontage and ground floor (photographed from Archives NZ).

of wings and extensions allowing for a differentiation of prisoner types in different areas. The Women's Prison at Mount Eden was designed to be on an extension from the main north wing, with a debtors' prison on the extension from the south wing. The cells were located on two main floors, with a basement for utilities. The ground floor was accessed by stairs from the centre (west) wing given the changing slope towards Mount Eden.

A 3D reconstruction of the Burrows plan was created for this paper by Thomas MacDiarmid with Simon Bickler to make it easier to appreciate Burrows' intentions (Figure 7). Hexagonal turrets were designed at the end of

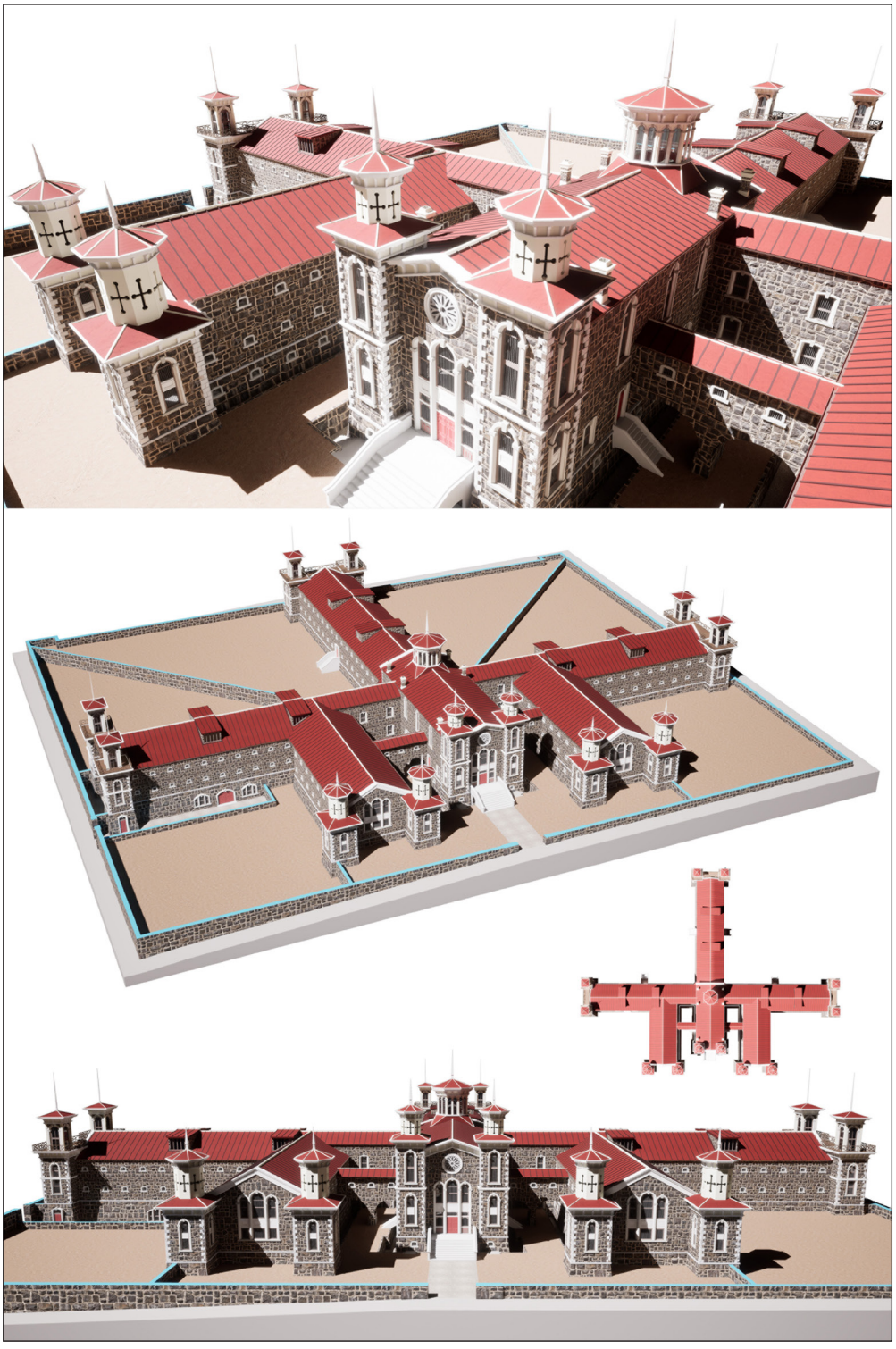

Figure 7. 3D reconstruction of the Burrows Plan of Mount Eden Prison (Illustration by Thomas MacDiarmid).

each wing and extension, with a large central hexagonal tower in the centre of the building, accessed from a spiral staircase. Large arched windows were located at the ends of the wings and extensions, which contrasted with the small rectangular cell windows inserted along the walls. The elegance of the structure belied its punitive function.

Johnston (2000: 55ff) described radial designs to incorporate any arrangement of cell buildings that converge on a centre, whether attached or separate, with the wings in a T-shape, cruciform or fan shape around a hub. The radial design of Mount Eden Prison had major advantages. It was primarily a T-shape with additional short wings in the front, including a central entrance, and two other smaller parallel cell wings along the top of the T-wing (Figure 6, bottom). The most obvious advantage was that the wings could be built in stages, with two large communal yards able to be partitioned for different classes of prisoners. The eastern exercise yards were designed to be triangular with a diagonal fence separating each yard. On the western side, the 'Female Yard' and 'Debtors' Yards' were in the areas between the extensions, the prison wall and main north-south wing.

Burrows' plans were adopted, although the prison continues to be described occasionally as 'panopticon' in design, because of its central entrance way (see *e.g.*, Cowlishaw and Smith 2016). While visibility was possible across the main junctions, the additional wings were not in direct view. Furthermore, the hub was dominated by the central spiral staircase, which led to the tower and panoramic view of the outside but was not the best vantage point for the prison wings themselves.

Burrows did not get it all his own way. The proposed ornamental, orientalist exterior design (cf. MacKenzie 1995: 77ff) was replaced with a more dour, Gothic style (see Figure 8). This had emerged from Britain and dominated designs of prisons throughout the colonies and the United States (Johnston 2000: 85) and also reflected in contemporary public buildings around New Zealand (*e.g.*, Lochhead 1999). Burrows' hexagonal towers at Mount Eden were replaced with rectangular crenelated turrets; however, the central tower was built with concrete in the early 20th century, and most of the interior plans appear to have been approved with minor modifications.

The result was similar to the plans drawn up for Pentridge Prison in Melbourne, which followed a similar trajectory of the gaol and prison building in Auckland. Initially, Pentridge was a stockade, built around 8 kilometres from the centre of Melbourne to replace the overcrowded central city gaol (Bryce Raworth Pty Ltd 2016: 10–20; Lynn and Armstrong 1996). From 1858, the stockade was

Figure 8. Mt Eden Gaol, Auckland date unknown (*c.* 1920s) by William Young looking south from the end of Auburn Street and the intersection with Boston Road (Palmerston North City Library, manawatuheritage.pncc.govt.nz, accessed May 27, 2023).

replaced with a more substantial basalt building with a medieval fortification style frontage, and even included arrow slots on the chamfered towers, topped with crenelated battlements (Ford 2021: 41). Ford (2021: 43) also notes that there was no single central hub to view the cell blocks, so, as at Mount Eden, its style did not follow Bentham's panopticon model. Burrows' original plan of Mount Eden did include stylised arrow slots, but these did not survive the Gothic re-working (Figure 6 and Figure 8).

The new prison building at Mount Eden was built in three main stages: the north wing and west extension, the east and administration wing and the south wing, and the west wing. Work began on the north wing on November 1882 and the first prisoners occupied the ground floor in 1888 while construction of the upper floor continued. The north wing was completed in 1894. Construction of the central wing comprising both cells and administration offices began in 1899 and was completed in 1906, with prisoners occupying the cells from 1905. Construction of the south and west wings began in 1908 and was finished in 1913. Shortly after the completion of the south wing, work began in extending this portion of the building, which was achieved in 1917 (see Bickler *et al.* 2011: 22, Table 2).

The wooden buildings of the stockade were retained as the cell blocks while the basalt wings were constructed and brought into service. The last of these were finished in 1918 and all the original wooden buildings demolished (Appendix to the Journal of the House of Representatives 1918, Session I–II H-20, p. 5). Later, buildings were added around the main prison. In 1913 a 79 metre-long and 17-metre-wide extension to the south prison wall was built, enclosing an area initially used for stone-working and subsequently as a workshop and storage area. This made the total enclosed area over seven times greater than that of the Queen Street Gaol.

Mount Eden Prison functioned throughout the 20th century as Auckland's primary prison although a remand prison was added in the 1980s and new prisons in south Auckland were built in the early 2000s. However, Mount Eden was rarely considered adequate and calls to remove the prison began in the 1940s, with the then Minister of Justice, Mr T. C. Webb expressing the hope in Parliament that he would be able to replace the prison, as the need was urgent. This prompted the following exchange:

> Mr. C. L. Carr (Opp., Timaru): *The present one is medieval.*
> Mr. Webb: *It goes further back than that, almost to the dark ages.*
> Mr. R. Semple (Opp., Miramar): *To the stone ages.*

[Replacement of Mt. Eden Gaol Hoped by Minister, *Gisborne Herald,* 2 November 1950, p. 5].

The report goes on to say that Mr. Semple, a former Prime Minister, hoped that he would be able to say he had seen Mount Eden Gaol removed. This was not to be and the ever-worsening conditions no doubt contributed to the riots there in 1965, with the damage to the buildings from fire never properly mitigated (see Derby 2020: Chapter 7).

EXCAVATIONS AT THE QUEEN STREET GAOL

When the Queen Street Gaol site was cleared for redevelopment in 1987, a ten-day archaeological excavation was undertaken by the New Zealand Historic Places Trust, under the supervision of Simon Best, with subsequent daily site monitoring and further excavations over the next seven months (Best 1992). The block where the gaol once stood was bordered by Queen, Elliot, Darby, and Victoria Streets, and included the animal pound. The excavations revealed a well, foundations of the courthouse, kitchen and a cell-block, and parts of the brick Ligar Canal and Waihorotiu Creek. Much of the initial ground surface of the gaol had been removed during the subsequent development. A thoroughfare, Theatre Lane, had been constructed, serving as a link between Victoria Street West and Darby Street and was elevated to match the modified heights of those streets. The work to construct this lane had preserved some of the earlier historical layers.

The main archaeological features exposed were parts of the foundations of both the debtors' cell and the kitchen (including the base of its chimney), and the stone-breaking yard. On the northern boundary of the site, the unlined prison well which had been sunk initially to a depth of about 3 metres and by 1844 deepened to a depth of 5.5 metres due to poor water quality, was located. Evidence for the dog pound and kennels was found in pile holes at the southern end of the site, bordering Darby Street.

Items associated with the gaol were found at the base of the prison well and within the building foundation remains along Theatre Lane, just above the level of 1845 stone lining of the creek where rubbish accumulated until around 1875 when a brick barrel drain was built (Best 1992: 35). Food tins, a pannikin and eating utensils were recovered from the creek alongside the kitchen, providing evidence for tin-smithing in the gaol. Animal bones were also recovered from the creek, including cow, sheep, pig, goose, duck, and dog – the latter probably redeposited from the kennels, just upstream. The creek deposits also contained shoes, both men's and women's; the men's shoes being heavily nailed and with heel and toe plates and were most likely worn by the prisoners doing hard labour.

The stone-breaking yard consisted of a layer of crushed greywacke, about 50 centimetres thick, with flakes ranging from up to 50 millimetres in diameter. Beach sand was evident across much of the area and greywacke beach cobbles (with marks of being hit by large metal hammers) were found with the occasional basalt flake mixed in the rubble (Best 1992: 47). The basalt was probably sourced from the Mount Eden quarry and used to replace material sourced

from the nearby beach, as it was a more suitable building material for use in the growing city.

EXCAVATIONS AT MOUNT EDEN PRISON

Following the work at the Queen Street Gaol, Best (1996) undertook preliminary work relating to the construction of the new Remand Prison at the western side of the Mount Eden Prison. Mosen (1998) carried out the monitoring in the area identified by Best during the clearing of the area for the Remand Prison and other administrative buildings. He found a stone foundation that had been identified by Best as part of the stone-crushing building and mapped exposed rail tracks. A range of artefacts, including 'bottle glass, rifle parts and assorted iron objects', was recovered from the investigation (Mosen 1998: 1).

During the 2000s the new Mount Eden Prison was approved. However, as the original main stone gaol building had significant heritage value, the plan for the new prison involved constructing high-rise buildings around the heritage building. The subsidiary buildings around the original prison block were all demolished, including those associated with the 1865 Women's Prison, officers' quarters, stables, and workshops, as well as parts of the stone wall. Archaeological work was conducted from 2008 – 2011 under the supervision of Simon Bickler with Rod Clough and Simon Best and a team from Clough and Associates Ltd. The work involved recording of heritage structures before and during the demolition process and excavations of subsurface remains, including building foundations, rubbish pits and drainage (Bickler *et al.* 2011). Although the main prison building was left intact, the excavations uncovered parts of the chapel building of the 1850-1860s stockade, flaking floors from use of the quarry during the building of the main prison building, and old rail tracks relating to the moving of material around the quarry (Bickler *et al.* 2011: 163ff).

Beyond a few animal bones, little evidence was recovered relating to the prisoners' life inside the main building. One relatively significant structure was a ten-sided ceramic drain, dug into the basalt bedrock in the south-eastern yard and then built with basalt blocks, which led to a sump. Archival research suggested that this might have been an 'earth-system' used for sewage prior to 1877, which was probably improved upon with better venting using the brick structure found (Bickler *et al.* 2011: 176–81). Historical sources also indicated that a privy was located there around 1900, explaining why a high number of undergarment buttons (and a regimental button) were found inside the feature (Bickler *et al.* 2011: 209).

Artefacts recovered included ceramics, clothing items, a broken handmade slate sundial and dozens of worn and broken stone quarry tools subsequently used to reinforce the concrete foundations for a later building. The artefacts related to both the stockade and prison eras and are detailed in Bickler *et al.* (2011).

SPECTACLE AND CONCEALMENT

The evolution of the Queen Street Gaol through to the decommission of the Victorian-era Mount Eden Prison in 2011 reflected changing penal philosophy towards the 'separate system'. This system was one of the major responses to the squalid conditions criminals in prisons around the world had been subjected to in earlier periods. Prison buildings were constructed with separate components reflecting the types of crimes that prisoners had committed. Separating men and women, vagrants from felons and remand prisoners was also designed to avoid cross-corruption (Tomlinson 1980: 94–95).

The separate system also included providing cells to ensure that prisoners were generally isolated from each other, except during supervised communal activities. The creation of cells for individual prisoners, however, required new buildings and created challenges for handling lighting, ventilation, heating (Tomlinson 1980: 100–02) and drainage. Although separate facilities for women and other prisoner categories were considered at the Queen Street Gaol, arrangements for these groups were relatively fluid, given the lack of space, and number of prisoners involved. Women were often placed in the worst of the conditions during this period, not only sharing with other prisoners but also with their children (Dalley 1993: 39). All the proposed designs for the main building at Mount Eden incorporated the separate system, explicitly creating individualised cells and separate spaces for the different prisoners from the outset.

By the 19th century, a more overt and monumental prison architecture was being employed in England and its colonies, with the turrets and crenelation of medieval castles a favoured source of inspiration for prison design. This presented 'a daunting, even repelling, sight' (Tomlinson 1980: 110). Indeed, as discussed earlier, the more elegant exterior of the Mount Eden Prison building proposed by Burrows was dropped for not conforming to this dour outlook. The model for the Mount Eden Prison was to follow the trend in England, where there had been a strong reaction to the creation of 'Prison Palaces' that might be perceived as giving criminals a 'taste of luxury' (Tomlinson 1978: 71).

Foucault's (1995) model of the interrelationship between punishment and the technology of power during the shift from mercantilism through to industrialism can be fittingly applied to the plans for the 1880s Mount Eden Prison British colonies compressed the transition that occurred in Europe over three centuries into a few decades, shifting from spectacle to austerity in the creation of their penitentiaries. The architectural design of Mount Eden Prison closely followed those in Europe, with individual cells and centralised surveillance, along with the provision of the hospital and chapel to care for the physical and moral well-being of the prisoners. The two rejected designs presented in 1882 followed the panopticon model, with the central offices and infrastructure surrounded by the cells.

The Burrows model still had a centralised control area, but the emphasis was on creating individual cell blocks in stages. This offered separate management of different types of prisoners in different areas. More practically, the attraction of this design reflected the fact that the Prison was to take over 30 years to complete and could be built in stages by prison labour while maintaining operation.

The separate system operated beyond the confines of the individual cells. The addition and removal of walls continued to be the main tool for controlling access around the prison. The wooden stockade fence was the first of these in the 1860s, and its remnants were still being used in the later prison structure after the stone wall had been constructed around the main complex. Additional walls were built between and within structures at different times (see Bickler *et al.* 2011: 39ff).

The main perimeter wall, supplemented with barbed wire and the later guard towers on the corner, demonstrates the focus on keeping the prisoners inside. Escapes from the prison have occurred but climbing the stone wall was never a major strategy with the curved corners and sheer face making climbing up the inside of the wall difficult. Escape by tunnelling out was never a serious option for prisoners. The dense basalt bedrock made it impossible.

Punishment was part of the prison programme at both Queen Street Gaol and Mount Eden Prison. Hard labour was integrated into this system of separation, becoming one of the main activities that prisoners were required to participate in as part of their punishment and rehabilitation. Quarrying at Mount Eden provided not only the material for the ongoing building of the prison infrastructure but also material for sale to support the prison system.

Tomlinson (1978: 70) states that the use of penal labour was not the common mode of punishment in England until the 1870s, and the Reports of the Royal Commission on Prisons (1868, Session I, A12, p. 3) noted that 'none of the existing prisons could be conveniently and economically made available for carrying out, in a proper manner, sentences of penal servitude, and of hard labour for considerable periods'. The 1868 Royal Commission did recommend a central penal institution for the New Zealand colony but was unable to decide on a particular location. Intriguingly, Dr (later Sir) James Hector, the leading local geologist, provided a breakdown of suitable locations and materials available in New Zealand where quarrying work could be undertaken by prisoners (Reports of the Royal Commission on Prisons 1868, Session I, A13 Appendix E, pp. 40–42). Excavations at the Queen Street Gaol and in the yards in Mount Eden Prison both recorded extensive areas of stone flaking.

Convict labour did form a major component of the construction of the colony. Gangs of prison labourers were used across the country on roading, industrial works, farming, and military activities (Davidson 2023, McCarthy 2017: 234; Petchey 2015: 73). Yet despite this, prison labourers were mostly treated as invisible and unacknowledged: 'a history hidden in plain sight' (Davidson 2023: 7) fulfilling an increasingly ambiguous desire for punishment as spectacle (McCarthy 2017: 234; Pratt 1992: 79)

Hard labour at Mount Eden provided the material for the new prison buildings. Prisoners were not always hidden, they could work in the quarry outside the wall, but they were contained. Any additional punishment could be held within the walls and away from the public gaze, except for the ultimate sanction of death. The wall and then the stone prison building embodied society's compensation for crimes committed. However, it was the buildings that were the most obvious manifestation for the public to view the consequences of those crimes.

The separatist philosophy at Mount Eden was a departure from what had occurred in Queen Street. As noted earlier, the first gaol and courthouse very quickly became part of the activities in central Auckland, with a range of social groups interacting in and around the buildings. The courthouse building was part of the physical disciplinary system. While not in the class of the Old Bailey in London, where in the 18th and early 19th centuries prisoners were put in irons and branded in front of spectators, the building did have punishment cells – for debtors, petty offenders, and for solitary confinement. Descriptions of the executions also describe the condemned being held under the courthouse, but these are unsubstantiated (The Old Supreme Court. *Daily Southern Cross,* 31 August 1875, p. 1 [Supplement]).

It was also associated with the first legal hanging in New Zealand, in 1842. This was of Maketu Wharetotara, the 17-year-old son of a Northland chief, who had killed 5 individuals in the Bay of Islands. His case was heard the day after the courthouse opened, and he was hanged six days later. The temporary scaffold was erected at the front of the building facing Queen Street and consisted of a hinged platform. One account recalls that Maketu was pushed onto it through a window, which at that time could only have been in the courthouse itself (The Old Supreme Court. *Daily Southern Cross,* 31 August 1875, p. 1 [Supplement]).

It was six years before the next execution, that of Joseph Burns in 1848. The process was undertaken with some pageantry, with Burns being escorted from the Queen Street Gaol, down to the wharf, across by boat to the North Shore and then up to the scaffold erected where Burns had committed his murders. Meanwhile, the population on both sides of the harbour watched the procession and flotilla across the water. At the time, there was disquiet about capital punishment being used (A Murder by Law. *Daily Southern Cross,* 17 June 1848, p. 2), but the prevailing opinion seems to have been that the 'gallows… does well to those who do ill. It does more. It curbs the passions of many a ruffian, who but for its wholesome terrors would not scruple to wade in blood, if necessary to his object' (Execution of Joseph Burns. *New Zealander,* 21 June 1848, p. 2).

A total of 41 hangings were carried out in Auckland

from 1842 to 1957 (Young 1998). Four of these took place at the Queen Street Gaol between 1852–1858, with the scaffold erected outside the Gaol itself, usually the night before the early morning execution. The event was a popular spectacle, and the last person to be hanged in public in New Zealand, John Killey, 'underwent the extreme sentence of the law yesterday in front of the jail… As usual we are sorry to say, that a large number of women and young children were present at the disgusting spectacle' (Auckland. *Taranaki Herald,* 3 April 1858, p. 2).

The stocks outside the gaol at the corner of Queen and Victoria Streets were used to punish minor crimes, mainly drunkenness. They were in regular use until the end of August 1845 (with 20 individuals sentenced in the first eight days of the month) and then only two instances recorded up to early November 1845, and none over the next seven months, despite 80 cases of drunkenness before the court in that time (District Court Auckland, BADW A130a, b). Their removal has been credited to objections raised by Governor Fitzroy's wife before Fitzroy handed over to George Grey at the end of 1845 (The Old Supreme Court. *Daily Southern Cross,* 31 August 1875, p. 1 [Supplement]).

When the Courthouse closed for legal business in 1864, and the last gaol inmates were moved to Mount Eden Prison in 1865, the site saw various activities over the next ten years; including a market, circus, cart stand and shops.

The building's past association with violence however was not completely forgotten. Waxworks shows were a major source of entertainment at the time, often featuring the grimmest of events, and two were displayed in the old courthouse. The first was that of Madame Sohier, 'the Madame Tussaud of the colonies' (*New Zealand Herald,* 25 April 1866, p. 4). Sohier's tableau showing Henry Kinder, his wife, and her lover Henry Bertrand, who had shot Kinder in Sydney in 1865, was the most controversial. Kinder was the younger brother of well-known Auckland artist, teacher and clergyman John Kinder (see also Figure 3) and had worked in Auckland for some 14 years before moving to Australia two years before. Sohier withdrew that exhibit after complaints, but when the waxworks moved to Hokitika the following month, Mrs Kinder's father Samuel Wood stormed the stage and the exhibit (*New Zealand Herald,* 22 June 1866, p. 3).

Nine days before the waxworks show closed, five Māori were hung at Mount Eden for the murder of the Reverend Volkner and James Fulloon. Their figures had not made it to the show while it was in Auckland, but they were the main attraction at its next venue in Hokitika (*Evening Post,* 18 July 1866, p. 2). The dismantled gallows were auctioned in the courthouse a month later, fetching 35 shillings - five rope burns on the crossbeam were said to be 'plainly visible' (Sale of the Drop Used at the Execution of the Maoris at Auckland. *Wellington Independent,* 30 June 1866, p. 5).

Five months after Sohier's show, and as the market was about to open in the old gaol yard, it was decided that in 'respect for public decency' the remains of the five men who had been executed and buried there should be exhumed and reburied in the Symonds Street Cemetery, and this was carried out during Saturday lunch hour (Exhumation of Bodies in the Old Gaol Yard. *New Zealand Herald,* 19 November 1866, p. 4). In contrast, when the exhumations of the Mount Eden executions took place in 1989, partly in response to complaints by prisoners about the burials in their exercise yard, they were conducted with utmost secrecy. The proceedings commenced at 1 a.m. on 19th October, and only a select group of invited witnesses, which included Simon Best, were present.

The second waxworks show was that of Ghiloni's from Sydney, in September-October 1869. A 'hideous daub' on the verandah of the courthouse invited passers-by to call in. They would have seen Major Gustavus von Tempsky being killed at Te Ngutu o te Manu in September 1868, together with tableaux featuring the Poverty Bay and Taranaki massacres. The massacres depicted Te Kooti's men slaughtering settlers at Turanga and a Ngāti Maniapoto war party doing the same at Pukearuhe Redoubt near New Plymouth: 'The figures of the Maoris – some shooting, some tomahawking their victims – are well executed; and the women, with infants clinging to their breasts, quite startle the visitors by their life-like appearance' (*Otago Daily Times,* 13 May 1869, p. 2).

The 'life-like appearance' of waxwork models was often not just the result of artistic skill. Death masks or casts from those hung were often taken in both Europe and Australia, sometimes with stated medical or phrenological reasons (López de Munain 2020). In New Zealand, newspapers reported that at least 12 executed men between 1865 and 1882 had post-death casts made for waxwork shows. One of these was confirmed in 1989 during the Mt Eden gaol exhumations, when a plaster mould was found in the 1882 grave of the individual concerned. In August 1882, this figure was displayed in a waxworks show where 246 Queen Street is now located, opposite the old gaol site.

The courthouse and gaol buildings, 'the hated gibbet of civilisation' (The New Theatre. *Auckland Star,* 14 March 1876, p. 3), were removed in mid-1875 to make way for a new theatre. The Theatre Royal, designed by Edward Mahoney, whose proposal for Mount Eden Prison was to be later rejected, opened on the site in August 1876 (The New Theatre. *Auckland Star,* 14 March 1876, p. 3). A more edifying show was to go on.

Meanwhile, at Mount Eden, the stone wall encircling the main prison block was complemented by additional fencing as new or re-purposed buildings on the edge were brought into use to house prisoners throughout the 20th century. Public access to the compound continued to become more difficult and prisoners more contained.

The hangings were moved from Queen Street to the Mount Eden Stockade in 1858 following the passing of the Execution of Criminals Act that year, coming into force just three months after the last hanging at the gaol. The Act specified that executions had to be 'within the walls or the

enclosed yard of some gaol, or within some other enclosed place' (Victoriae Reginae 1858, Section I). Attendees at executions were restricted to various officials, medical, religious, and military/police personnel and 'other male adult spectators, not exceeding ten, unless under permission from the Governor' (Victoriae Reginae 1858, Section III).

The new rules did little to reduce public interest. Contemporary descriptions of the executions in the newspapers at the time were often, but not always, detailed and included the size of the crowds and the degree to which they were able to witness the hangings themselves. At the Mount Eden execution of Joseph Eppright (a whaler from Philadelphia) in 1873, the hanging was carried out early in the morning expressly to prevent crowds gathering. Despite this, there were so many people on Mount Eden that eight policemen were sent up to control them: 'It was especially melancholy to notice that on every available point of 'vantage on Mount Eden, crowds of persons – composed of men, women and children, were to be seen, desirous of gratifying the morbid taste of witnessing the execution of a fellow creature: some of the women having even babes in their arms' (Execution of Eppright. *Daily Southern Cross,* 30 July 1873, p. 5).

Throughout the early half of the 20th century, sensibilities were changing, and punishment was no longer meant to be a public spectacle. Increasingly, efforts were made to hide capital punishment from the public. However public interest remained; at Arthur Munn's hanging at Mount Eden Gaol in 1930, 'a small knot of curious people collected outside the prison, and stared up at the grey walls of the building in which the grim drama was being enacted. They could see nothing, but that did not deter them, and they remained on until well after the hour of the execution' (*NZ Truth*, 7 August 1930, p. 1). At one of the executions in the early-mid 1950s, a group of about 30 students at Auckland Grammar School, built next to the prison in 1916, went to vantage points in the school grounds to see some action (D. Lyon pers. comm. 2022). Students there today are still occasionally told stories by their teachers about curtains having had to be drawn in the upper towers of the school to avoid the distraction of the executions (G. Bickler pers. comm. 2022).

VIEWS IN AND OUT

Punishment and discipline constantly evolved in colonial Auckland. From an easily accessible gaol in Queen Street where prisoners were often on display, to the creation of a Dickensian 'stone jug', to criminals separated from society at 'The Rock', these institutions have used increasingly aggressive ways of managing the physical landscape and architecture form to implement social sanction.

The Queen Street Courthouse and Gaol as well as Mount Eden Prison started out as important focal points for the growing colonial city of Auckland. Situated at the margins of the growing city, they were still designed as overt displays of British civilisation arriving at the farthest reaches of the Empire. Queen Street Courthouse and Gaol saw a cross-section of society pass in front of the judges: from Polly Longstockings, a local identity who accused the gaoler of inappropriate behaviour, to Dr Daniel Pollen, who was marched down Shortland Crescent to face cattle-roaming charges, and who went on to become Premier of New Zealand. The institutions were a place of public spectacles; supposedly some 1000 onlookers were at Maketu's hanging in 1842, when the population of Waitemata was around 3000; while crowds congregated on Mount Eden to see hangings into the 1900s, despite official disapproval. Despite this, the gaol ended up an embarrassment and the decade-empty Mount Eden Prison has been rapidly approaching the same plight.

During the 2008–2011 Mount Eden Prison excavations, the archaeology team was conscious of a certain irony. Surrounded by wire fencing and the basalt wall, we were the ones doing 'hard time', re-excavating the basalt in the pouring rain while the prisoners in the modern prison looked on in relative comfort, providing commentary from their cells. The greater irony, however, was inherent in the construction of the main prison building and wall itself. Evidence of this process was found throughout the site with large quantities of flaked material found in the excavations in the layers above the early stockade buildings (Bickler *et al.* 2011: 121–30). The prisoners' labour was used to quarry, dress, and build the structures that were there to incarcerate them.

The buildings of the new Mt Eden prison have morphed the separatist model from horizontal wings to the vertical high-rise of corporate offices, with new security options and challenges. These buildings also created new problems with neighbours. In 2010–2011 Auckland Grammar School took legal action against the Department of Corrections, complaining that the new buildings would shadow sports fields, preventing grass from growing well in what had once been part of the old quarry (Auckland Grammar School taking legal action against Mt Eden Prison. *Newshub,* 21 June 2010). Furthermore, the new prison development could block the public and 'million-dollar views' of Auckland Harbour from near the Prison, and the facility would allow 'prisoners …[to] be able to see pupils from [the] neighbouring boys' secondary school' (Prison sea views blocked, but school pupils visible. *Stuff.co.nz,* 31 March 2011). Prisoners must be hidden from the public and the public hidden from the prisoners. Artificial surfacing for the school's tennis courts (Figure 9) has solved the shading problems, and the old prison is now well-concealed and problems with the prison contained within. However, the barriers around such total institutions are often more permeable than is often acknowledged (D'Gluyas *et al.* 2024; Marti 2021, Whitley 2015).

The results of this history derived from archaeological excavations expose the dynamic and dialectic changing nature of such institutions and their material expression

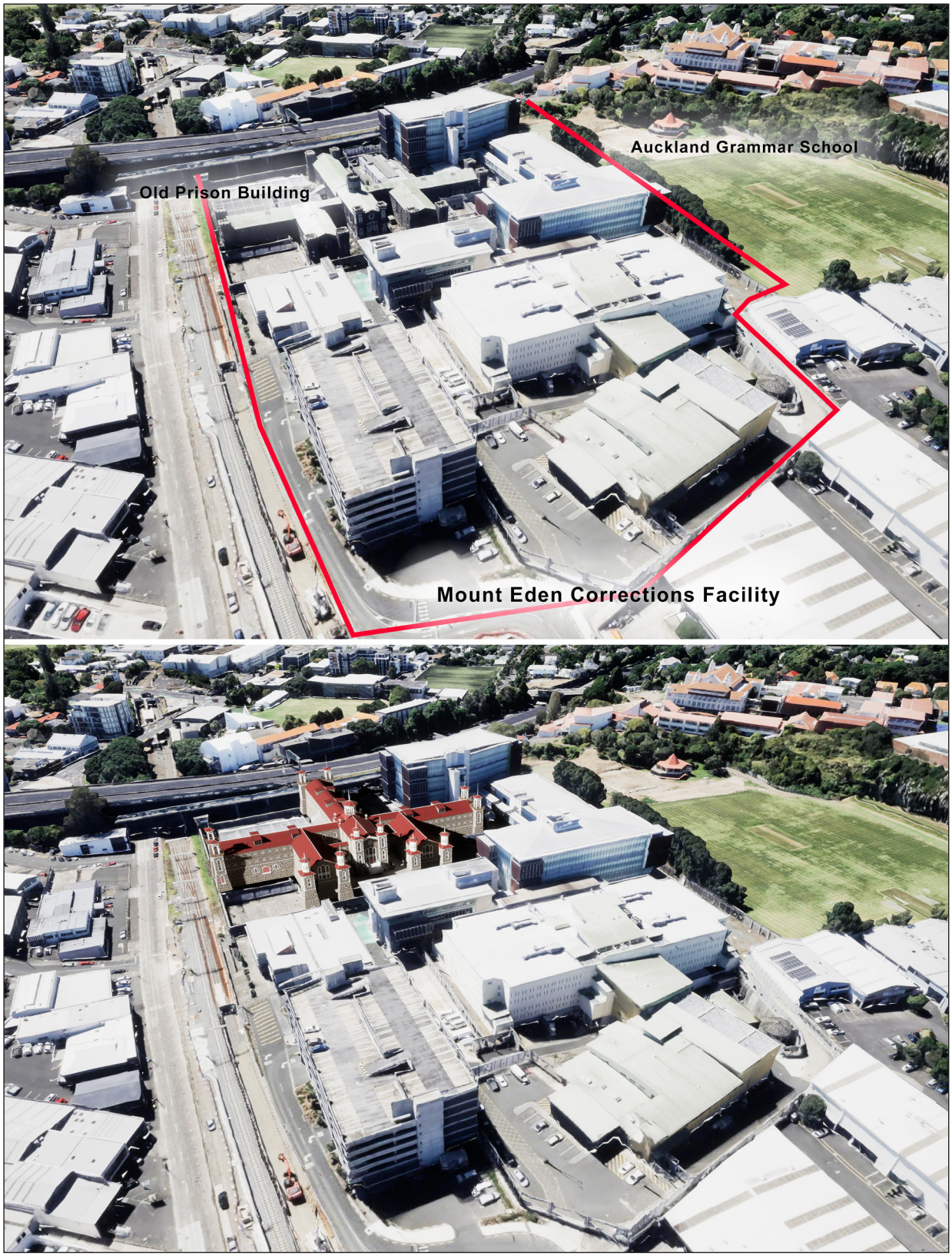

Figure 9. Modern oblique view looking at the old Mount Eden Prison block (top) and 3D reconstruction of Burrows' Plan (bottom) surrounded by the modern prison buildings. Motorway in background, Auckland Grammar School to the right showing tennis courts (Images created by Simon Bickler and Thomas MacDiarmid using Unreal Engine 5 using Cesium Plugin and Google Map Tiles API).

(Davies *et al.* 2013: 206–207; McCarthy 2022). The structures that had been built, renovated, added to, and torn down throughout the history of Mount Eden Prison, and elsewhere in New Zealand (see *e.g.*, Habberfield-Short 2007; McCarthy 2017; Petchey 2015), reflect changing social responses to criminality in the country (*e.g.*, Davidson 2023; Derby 2020; McCarthy 2022; Newbold 2007). Proposals to convert the prison into a museum experience, unfulfilled to-date, toy with a public voyeurism of incarceration to set up new directed narratives based on the buildings without the people (Rodgers 2016: 223). The archival information relating to Mount Eden Prison provided snapshots into some of the swirling threads of history around the site, but it is the archaeological work that is most revealing about these living spaces and puts recent developments in their context: the latest response to the latest social pressures.

Engagement with the material and archival record of the prisons described here is not done without an appreciation that these places involved people. Mount Eden Prison functions as an existing institution and plays an integral, albeit often hidden, part of our society, and has done so since colonial times. Prison guards talked to the archaeologists about prisoners they looked after and sometimes the generations that they have interacted with throughout their careers. There is little research focus on the lives of the prison officers and their community, beyond some of the early wardens, despite the importance of their role in prison life (c.f. Paterson 1997 for Victoria's penal history).

Mount Eden Prison was and continues to be at the nexus of a range of class, gender, race, and power relationships during the shift from colony to modern nation (see *e.g.*, Davidson 2023; Derby 2020; Franklin 1956; Macdonald 1989; McCarthy 2022; Newbold 2007). Archaeologically, many relationships remain largely invisible. Derby (2020: 111), for example, describes Māori prisoners grouping together in what was internally known as 'the Pa' (a traditional defended Māori settlement), as they found the lack of communal space difficult. Women, originally kept in the same prison as men at Mount Eden, in a wing completed in 1893, were moved in the 1920s and ended up in the repurposed Superintendent's House outside the main prison. This was demolished in 2008 (see Bickler *et al.* 2011: 72–88) with the women prisoners already evacuated to a purpose-built facility in an industrial part of south Auckland.

The prisons organise people into hierarchical and usually supervised groups, bounded and separated from the outside, socially and physically (*e.g.*, Flexner 2012: 136–37; Goffman 1961; Sutton 2003) For archaeologists, the appeal of such total institutions in examining the evolving roles of these places relates to the expression of their architectural design and location manifesting these contested views in the colonial and post-colonial landscape. This landscape reflects changes in social attitudes towards prisoners in New Zealand. The Queen Street Gaol was meant for short term stays, using public shame as the main deterrent for bad behaviour. Prison labour was used to build colonial New Zealand with prison gangs concealed in the landscape in and around growing settlements (Davidson 2023). Increasingly that labour was pushed away from the public view with convict labour used to undertake infrastructural work in the countryside alongside agricultural contributions (Davidson 2023: 186ff). Architecture and the organisation of later penal institutions like Mount Eden Prison were designed to move away from spectacles of public shame and reinforce public ambivalence and concealment of punishment (McCarthy 2017). Hard labour was hidden (Davidson 2023) to be replaced by social reform (see *e.g.*, Johnston 2000: 158ff). The exterior institutional concealment also complemented the concealments of the people within (*e.g.*, Casella 2001, 2007; Davies *et al.* 2013: 5ff). Prisons continue to be built away from centres of populations reinforcing the separation from society which underpinned the creation and development of Mount Eden Prison. For Mount Eden Prison to continue to function within suburban Auckland, the solution has been to create new buildings, in the form of office blocks. Today, fashionable corten steel panels harken back to the old rusting prison bars, concealing the institution and prisoners in plain sight (Figure 9, top). We can still imagine less grim choices (Figure 9, bottom) but the spectacle of public hangings and prison labour gangs are long forgotten with menacing architecture of the Victorian-era prison block obscured from casual view by both location and design.

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