

6.8 ANDREW HAMILTON BUSINESS ACTIVITIES

Andrew migrated to New Zealand in about 1875 at the age of 19¹. He arrived with 50 Sovereigns given to him by his family, a sum he was required to repay.² He joined other members of his family at Greymouth on the West Coast. Although there is no record of his arrival or subsequently being at Greymouth, this would have been the most logical destination for him. At that time, his sister was there with other members of the Gilmer family, next door neighbours from Castleblayney, as well as his brother John Knox and John Hamilton.

By that time, the Gilmer Brothers business was well established with hotels at Greymouth, Cobden, Ahaura, Charleston and Westport. Livery Stables were at Cobden, Greymouth Ahaura and Reefton and the business was operating on the coach route from Greymouth to Reefton. There was a need for trusted workers at a variety of locations in a variety of roles.

Andrew's Obituary says he entered business at Greymouth and he was said to be successful before moving to Wellington in 1881.

We know Andrew was later in a business partnership with W. F. Strike in Wellington. W. F. Strike arrived in New Zealand at Port Chalmers in 1862 on the *Gothenburg* with his brother John. He was 26 and John was 19. In 1865 he was an aerated water manufacturer at Maclaggin St Dunedin.³

W F Strike was also an early Greymouth settler who had been a brewer and cordial manufacturer there in late 1868 initially with John Strike and then with John James Blackmore trading as Strike and Blackmore. He was very well known to the Gilmers and he would also have known John Hamilton.

Strike's Greymouth business ran into financial difficulties in 1876 and Hamilton Gilmer was one of the Trustees of Strike's estate in bankruptcy⁴. The trustees aggressively collected outstanding debts and reached arrangements to pay creditors. However, on 23 June 1877 the partnership with Blackmore was dissolved and the business in future was to be carried on by J.J. Blackmore alone⁵.

Strike started the Grey River Brewery in early 1878 in partnership with Fitzgerald and Joyce. However, this was not successful and by the end of the year was the subject of a mortgagee's sale. In 1879 it was continued on by Joyce.

With Hamilton Gilmer, Strike had been a regular member of the Grey River Hospital Committee and was a member up to 1878. He did not nominate in 1879 and this seems to be the time that he moved to Wellington.

In view of the timing, the relationships with Hamilton Gilmer and the nature of their later business, there is a strong possibility that Andrew had known and worked with Strike at Greymouth.

A photograph of Andrew was taken at Nelson in 1879. Currently held at Nelson Museum, his photo has the number 1660 while there is a photograph of Robert Gilmer numbered 1659. This connects the two photographs. The photo is labelled "Hamilton". A first name is not given. The person is clearly young and at this time Andrew would have been 23 years old,

¹ Obituary Dominion 26 May 1945

² Andrew & Dan Hamilton

³ Harnetts Dunedin Directory 1865 NZSG Index

⁴ Grey River Argus 8 July 1876

⁵ Grey River Argus 25 July 1877

the only Hamilton fitting the youthful image portrayed. We have confirmed this is indeed Andrew from later photographs taken in 1910, 1913 and 1936.



Andrew Hamilton c1879

Nelson Provincial Museum: Bloch Collection 1860-1880 Ref: 1660

The implication of the photograph is that Andrew was working with Robert Gilmer at the Masonic Hotel learning the hotel business as his brother John Knox had done with John Hamilton and Sam Gilmer at Ahaura. This broadening would give him a better range of business interests for the future.

Andrew moved to Wellington in 1881⁶. Here he would have other opportunities with the move of a number of family members to Wellington. In 1879 Gilmer Brothers had purchased the Duke of Edinburgh and they also bought the Royal Oak in 1880. A little later in mid 1882 John Hamilton was at the Imperial Hotel and in late 1882 his brother John Knox was at the New Zealander Hotel.

The first clear indication we have of Andrew's business interests is in February 1885. A fire was reported at the aerated water factory of Strike and Hamilton in St. Hill Street⁷. This business was a partnership between W. F. Strike and Andrew Hamilton.

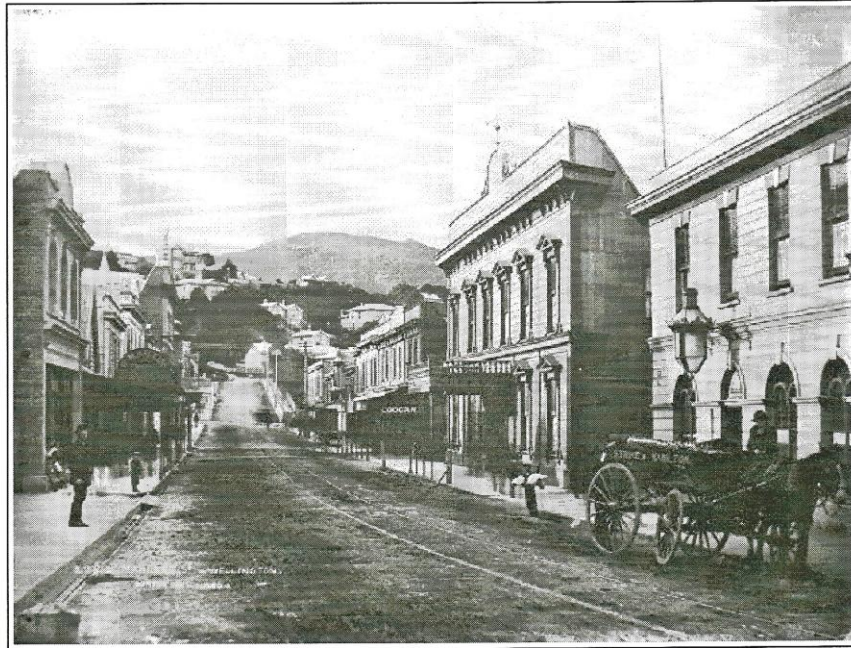
Shortly after this they were mentioned as exhibitors at an exhibition in Wellington in March 1885 and later in September.

After leaving Greymouth, Strike had gone into business with another brother, George, in Wellington and in 1879 they were operating an aerated water, cordial and brewing business there under the name of Strike Bros. However, in 1880 they got into financial difficulty and the brothers split up with George taking the business and running it in partnership with

⁶ Obituary Dominion 26 May 1945

⁷ Evening Post 9 February 1885

Fairlie. It later became the New Zealand Aerated Water Company. Strike again went through the bankruptcy process.



Strike & Hamilton Delivery Cart Manners St 1880's

Pascoe & Co, who in 1882 had sold John Hamilton the Imperial Hotel, had continued to have financial troubles and their Mitchelltown new Phoenix Brewery was offered for sale on 7 June 1883 under instructions from the Registrar of the Supreme Court.⁸

Shortly afterwards it was clear that Pascoe was still in trouble but he was operating the business in partnership with William Strike⁹. The listing of his assets at the meeting of creditors did not show the brewery among his assets¹⁰. It appears to have been purchased at the June sale by William Strike. This was to some extent confirmed during a Magistrate's Court hearing later that year which referred to drinking at Strike's brewery at Mitchelltown on Sundays.¹¹

Andrew entered business with Strike some time in the next 18 months. As mentioned earlier, they were operating their aerated water factory in St. Hill St in February 1885¹² and in March and September participated at Industrial Exhibitions.¹³ At one of these W.H. Pascoe was listed as an exhibitor. He was shown as from Palmerston North so he had definitely left Mitchelltown and the business with William Strike.

Andrew unfortunately had an accident at their bottling plant in which he lost the sight of one eye. This was caused by the explosion of a bottle top on one of their aerated water products. This did not interfere with Andrew's business activities nor does it appear to have curtailed

⁸ Evening Post 31 May 1883.

⁹ Evening Post 19 September 1883.

¹⁰ Evening Post 27 September 1883

¹¹ Evening Post 18 September 1883

¹² Evening Post 9 February 1885

¹³ Evening Post 4 March & 28 September 1885

his sporting activities. However, we believe he was naturally a little self conscious of how he looked for example in photographs.¹⁴

In 1885, Strike would have been about 46 and Andrew about 29. We are not clear about Andrew's experience and also his financial resources. The key factor would have been the Hamilton name. The family connections would have been good enough for Strike to take a risk with a relatively inexperienced partner. If this came with financial support, it would be a real bonus as Strike's financial and business management track record was not good.

Many years later Hamilton Gilmer's granddaughter, Mary, stated that Hamilton Gilmer owned Andrew's soft drink business.¹⁵ We also suspect that he could have been partially financed by John Hamilton as we believe both he and Hamilton Gilmer helped John Knox buy into the New Zealander Hotel and they were just as likely to have supported Andrew.

Gilmer's Family Hotel

As well as being involved in the aerated water business, Andrew applied for the license of Gilmer's Family Hotel In March 1885.¹⁶ Gilmer's Family Hotel had a chequered history in the three years prior to Andrew's application for a license. It had undergone two name changes and had a series of colourful events.

The hotel was on Lambton Quay a very central and busy part of Wellington. It was next door to the Theatre Royal and previously had been called the Theatre Royal Hotel. It was relatively large with 28 rooms available for accommodation. Harry Bennett applied for a license in May 1882 and also requested a change of name to the Oxford Hotel.¹⁷ The licensing bench agreed to the name change and also granted his license.

It was not long before Bennett was in trouble. He faced a number of charges for Sunday trading and other misdemeanours and by December he was in financial difficulty. He called a meeting of his creditors and the statement of assets and liabilities showed a deficit of 140 pounds¹⁸. Harry had had his day at the Oxford.

Robert Long was appointed as the licensee in December 1882. However, in January Walter Bishop was advertising¹⁹ that he had purchased the lease to the Oxford and it would undergo a thorough renovation. By June 1883 Bishop had obtained the license.

At the June meeting of the Licensing Committee, the police reported that the house was well conducted but the premises were "*out of repair*". The Chairman said "*a more dilapidated place he never saw in his life and it certainly reflected very little credit on the owned the house that it should have got into such a state.*" Bishop said he was about to leave the place.²⁰ The hearing was adjourned. Two weeks later an advertisement in the Post offered for sale by auction all the furniture of the hotel. A note indicated that "*the sole reason for the sale being that Mr. H Gilmer having taken over the lease intends to refurnish throughout in character with the hotel.*"²¹

¹⁴ Andrew & Dan Hamilton

¹⁵ Tim Jerram Notes of discussion with Mary Jerram (Aged 80) Taupo 26 January 1992

¹⁶ Evening Post 5 March 1885

¹⁷ Evening Post 8 May 1882

¹⁸ Evening Post 1 December 1882

¹⁹ Evening Post 22 January 1883

²⁰ Evening Post 4 June 1884

²¹ Evening Post 17 to 24 June 1884

Michael Monaghan applied for the transfer of the license from Walter Bishop and this was granted subject to the owners providing fire escapes to the building within a month. An article in the Post described the hotel subsequent to its renovation:

“.....it has been entirely refurbished from attic to kitchen, as is now in the extent and comfort of the accommodation which it affords, equal to any licensed house in town. The alterations have been carried out under the personal supervision of Mr. Hamilton Gilmour (sic), the well known licensee of the Duke of Edinburgh Hotel and are certainly of a most thorough character. The billiard room also is one of the best in the city and a special feature is now made of the quality of liquors vended. The stern comments made in regard to this house by the Lambton Licensing Committee have certainly produced a good effect in its passing into other hands, and under its new management the Oxford is likely to be recognized as one of the very best hotels in Wellington.”²²

This renovation closely follows Hamilton Gilmer’s script of purchasing stressed assets of good fundamental value and then upgrading them. He had obviously bought the lease at a deep discount allowing the place to be effectively renovated most likely without loss. Michael Monaghan became the licensee and proceeded to advertise daily in the Post²³. In December 1884 Monaghan requested that the name of the hotel be changed to Gilmer’s Family Hotel and this was agreed to by the Bench. This was a clear distancing of the hotel from the poor reputation of the Oxford.

Within 9 months Andrew Hamilton was applying for the lease of the hotel and the license passed to him at the June 1885 meeting of the committee. Within a week or so Andrew was charged and found guilty of Sunday trading. He was fined 40 shillings. The reality was that Sunday trading was carried on everywhere and very few were charged. However, if they were charged they very likely were fined.

Andrew’s license was renewed on 2 June 1886.²⁴ In March 1886, John Hamilton had advertised his hotel at Cobden for sale and had given the Oxford hotel as his address. He appears to have been staying there and helping Andrew.

Andrew was at the hotel for a further year with the license then being transferred to Jacob Lichtscheindl and the hotel changing its name to the Club²⁵. Jacob had previously been at Greymouth and later Hamilton Gilmer’s Empire Hotel for about ten years. In 1886 his lease there expired and Hamilton Gilmer took possession.

Issues in the Brewing Business

In March 1886, there were charges made against William Strike regarding the wording on labels not containing the words *“Bottled in New Zealand”*. This case confirmed his purchase of the brewery from the bankrupt estate of Pascoe three years earlier. Also the magistrate found there was a technical breach of the law and he thought a minimum penalty should apply.

However, a more significant charge was laid by the Collector of Customs against both Strike and Andrew Hamilton that they had neglected to cancel stamps affixed to two beer casks in a manner required under the Beer Duty Act. These charges again indicate that Andrew was a partner with Strike in the Mitchelltown Brewery as well as the St. Hill St operation. A further charge was also brought that casks were not branded on both ends with the name of the

²² Evening Post 29 July 1884

²³ Evening Post 29 July 1884

²⁴ Evening Post 2 June 1886

²⁵ Evening Post 2 June 1886

brewery, the brewer, the place where the beer was brewed and the number of imperial gallons contained. The defendants pleaded guilty and were fined one pound for each of the two casks involved and costs of 2 pounds 19 shillings. The other charge was dismissed and a further charge withdrawn.²⁶ This was quite fortunate but the matter was to arise a few years later with more serious consequences.

Six months after the Beer Duty Act case, the partnership between William Strike and Andrew Hamilton was dissolved, dated 7 September 1886, with Andrew to carry on the business in future.²⁷ With Andrew taking over the business he also took over the Mitchelltown Brewery. At this time, it is likely that the recent charges were a catalyst to their agreement to part. As well, Strike may have wished to reduce his level of activity.

William Strike died on 5 September 1887. He was 47 years of age. His funeral left his residence at the Mitchelltown brewery.²⁸ The Bolton St Cemetery record shows the burial date as 23 September 1887.²⁹

During 1887, Andrew had a major action against an Elizabeth Cooper for using his trade mark without legal authority or excuse. The trade mark was an eagle with outstretched wings and when he purchased Strike's share of the business it was expressly stipulated that the trade mark should be transferred to him and the lawyer was instructed to make provision to this effect in the deed of dissolution. The respective lawyers agreed to a fine of 5 Pounds with leave to appeal. It took some time for the appeal to be heard but it was finally dismissed with costs of 7 guineas.

It seems likely that the "Eagle" was in fact a "Phoenix" which was the symbol of the Phoenix Brewery at Mitchelltown. The Phoenix was a mythical bird having the appearance of an eagle with outstretched wings. The phoenix was supposed to live a very long life and near its end builds a nest that then ignites reducing the bird to ashes, from which a new, young phoenix is reborn to live again. This symbol appears to have been identified by people as an eagle and led people to call the brewery the Eagle Brewery rather than the Phoenix.

EXHIBITION ALES.



PHOENIX BREWERY

MITCHELLTOWN.

MESSRS. PASCOE & CO. desire to call the attention of the public of New Zealand to the SUPERLATIVE QUALITY and uniform condition of their MALT LIQUORS, and beg to solicit their patronage and a trial of their celebrated EXHIBITION PALE BITTER ALE and EXTRA BROWN STOUT, brewed from the choicest selection of HOPS and MALT, on scientific principles, possessing the advantage of age to mature their characteristic qualities, a TONIC and PRESERVATIVE condition, free from ACIDITY, without SEDIMENT, EQUALLING the best English BRANDS.

W. H. PASCOE,

From an extensive experience and success as a practical Brewer, having obtained PRIZE MEDALS—

MELBOURNE, 1866 and 1867
SYDNEY, 1873 and 1880
MELBOURNE, 1880 and 1881

Can, with confidence, recommend their Pale and Strong Ales and Brown Stout in pints and quarts.

City Depot—
PHOENIX STORES, DIXON AND
HERBERT STREETS.

Pascoe & Co. Phoenix Brewery Advertisement Evening Post 16 November 1882

²⁶ Evening Post 30 March 1886

²⁷ Evening Post 7, 8, 9 September 1886

²⁸ Evening Post 26 September 1887

²⁹ NZSG Index

Alleged Beer Duty Evasions

In December 1888 Andrew was charged with alleged breaches of the Beer Duty Act 1880³⁰. These all referred to neglecting to keep proper records of:

- material purchased for manufacturing purposes during November
- the kind and estimated quantity of beer on hand on 20 November
- seven hogsheads of beer brewed on 9 November
- certain hogsheads of beer removed from the brewery on five different dates.

Separate charges were laid for each of the five dates for removal of hogsheads from the brewery.

By the time the case got to Court a few days later further charges were added. These were:

- on 9 November he fraudulently entered in his books that 8 hogsheads of beer were brewed whereas in fact the number was 15
- on 25 October he fraudulently entered the actual quantity of beer brewed.³¹

When the case commenced Andrew's barrister requested an adjournment to allow time to prepare a defence but this was disallowed. Sworn evidence was presented from the manager that no beer was taken from the brewery without the amounts being entered or the duty stamps being fixed. It was also argued that very often the beer was removed for the brewery to the factory in town. Entries were made when the beer left the brewery but not when it left the factory for the customer so there was often a mismatch.³²

The case was adjourned until 7 January 1889. Andrew gave evidence that the beer brewed was always entered in the books and that it was sometimes stored at his factory and delivered to customers from there. However, he declined to produce his books to Customs Officers on the advice of his solicitor. The court declined to force the issue but noted that the refusal might prejudice his case.³³

The case continued throughout February and other witnesses were called. One was Emil Armstrong a licensee of John Hamilton's Imperial Hotel. The Imperial was tied to Andrew's brewery. Unfortunately, for the prosecution Armstrong could not locate his bar accounts for September and October and could not say how much beer was delivered in the same

³⁰ Evening Post 17 December 1888

³¹ Evening Post 21 December 1888

³² Evening Post 22 December 1888

³³ Evening Post 8 January 1889

months. The licensee of the Te Aro Hotel also stated that receipts were not kept of beer deliveries.³⁴

Another witness was TG McCarthy a brewer who had purchased Pascoe & Co.'s Phoenix Brewery in Tory St. He said he had complained to Government that a considerable quantity of beer was disposed of in Wellington on which duty had not been paid. However he was reported as saying that he had never heard anything disparaging about the defendant's character.³⁵

Another issue that arose was that some entries were made in bulk at the end of the month rather than on a day to day basis. It was conceded that this negligence was not necessarily fraudulent.

On 22 February the Evening Post headline was "*Hamilton Convicted*". The Magistrate on his examination of the evidence provided by Customs, from their examination of the brewery's Customs returns, indicated that there had been 100 hogsheads difference in the amount of beer produced that should have been produced from the amount of material used. His conclusion was that there had been a systematic falsification of the account by the brewer.³⁶ This was in respect of five charges and the other charges were withdrawn.

³⁴ Evening Post 2 February 1889

³⁵ Evening Post 2 February 1889

³⁶ Evening Post 15 February 1889

Evasions of the Beer Duty Act.

HAMILTON CONVICTED.

Decision in the cases brought by H.M. Customs under the Beer Duty Act against Andrew Hamilton, brewer, of Mitchelltown, for alleged evasions of the Act, was this morning given by Mr. Robinson, R.M. The charges heard were five in number, accusing the defendant of having, between the dates of 1st October and 15th November, 1888, neglected to make a proper entry of the beer removed from his premises. His Worship, in giving judgment, reviewed the evidence that had been adduced, and said that he had carefully verified the table submitted by the prosecution, which had been prepared from the defendant's own officially declared returns, after his refusal to produce his books, and which showed a difference of nearly 100 hogsheads in ten months in the amount of beer that should have been produced according to the quantity of material used. This difference the defendant had failed to account for. As the accounts of hogsheads sent away tallied almost exactly with the quantities alleged to have been brewed, the conclusion was irresistible that there had been a systematic falsification of the account by the brewer. He therefore felt obliged to say that he disbelieved the brewer's statement as to the regularity of entries of beer leaving the brewery. The defence thus fell to the ground, and he must convict on all the charges.

Mr. Jellicoe, for the defence, asked that before his Worship fixed the penalty he should be allowed an opportunity of considering his position.

Mr. Bell, on behalf of H.M. Customs, had no objection to the question of penalty standing over.

His Worship said he would announce the amount of penalty at 10 o'clock on Tuesday morning.

Mr. Bell intimated that the other charges (five in number) under the same Act would be withdrawn by the Customs.

Evening Post 22 February 1889

The Magistrate decided the penalty:

- to forfeit the beer made by him or for him on 23 October

- forfeit all vessels and apparatus used in making the beer
- pay a penalty of 50 Pounds and to pay costs of 25 Shillings and expenses of 6 Pounds 12 Shillings expenses of five witnesses
- failing payment imprisonment for 3 months
- the same decision to apply in the other four cases making a total penalty of 250 Pounds.³⁷

The Magistrate declined to allow the Crown solicitor his fees.

By the 4 March, Andrew had paid 200 Pounds of his 250 Pounds fine and the Commissioner of Customs (George Fisher) *“has remitted the balance of his penalty and also waived the forfeiture of the defendant’s brewery plant which was one of the penalties under his conviction.”*³⁸

The next day it was reported that the government had reduced the penalty to 100 Pounds indicating that it would be necessary to make a refund.

The case for the Department of Customs was brought by its investigator Samuel Jackman who had been pursuing similar actions all over New Zealand since the Beer Duty Act of 1880 had been passed. He had a reputation of being a zealot and he received a proportion of the fine as a reward. In Andrew’s case this was 25 Pounds.

At the time Andrew’s case was brought there were also cases against John Edmonds at Petone and also Hamilton Gilmer’s Junction Brewery. The Minister decided that the case against Junction Brewery should wait until after the other cases had been heard. This created a large scandal for the Government which ultimately led to the resignation of the Customs Minister George Fisher.

Hamilton Gilmer had seen the harassing nature of the case against Andrew which had been drawn out to almost three months. He immediately offered to pay whatever fine or penalty the Government cared to levy on him and his company. His objective was to avoid prosecution and a similar long drawn out affair to Andrew. The Government decided to prosecute.

Fisher had disagreed with his Premier on a number of issues but his involvement and actions in the Beer Duty cases of Andrew Hamilton and Junction Brewery, as a friend of Hamilton Gilmer, led the Premier to ask for his resignation.

After the Beer Duty Case

Following the Beer Duty actions things changed for Andrew. The actions seemed to have a significant impact on him. He initially took a holiday to England leaving on 30 May 1889 on the RMS Ionic.³⁹ There had been a lot of media exposure over a period of almost three months and he would have wanted to have taken a break.

On his return Andrew also appears to have reduced his interests in brewing and focused more on hotel management instead. In January 1890 a temporary transfer for a license of Barrett’s Hotel was applied for with the comment that a permanent license would be sought at the next sitting. The temporary license was granted as was the permanent license when it was applied for in March. It appears that Andrew had returned from London.

³⁷ Evening Post 26 February 1889

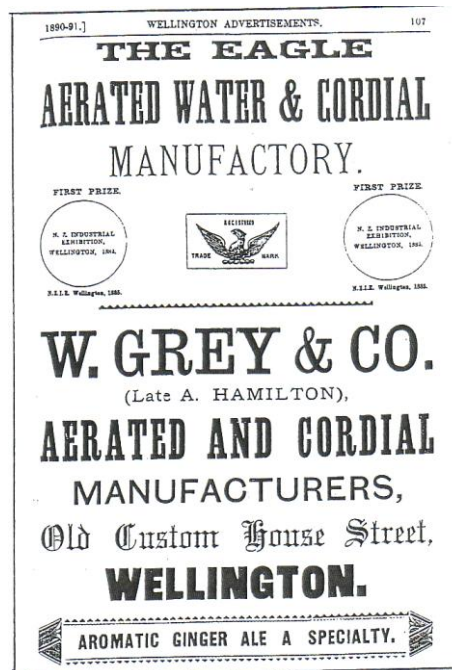
³⁸ Evening Post 4 March 1889

³⁹ Evening Post 30 May 1889

On 11 March 1890 Andrew brought a Supreme Court action to recover from Alexander Smith possession of the Victoria Hotel in Abel Smith St together with 150 Pounds damages for lost profits. The dispute was over the notice Andrew as landlord was required to give the lessee. The judgment went to Andrew and he received 2 pounds to cover profits. Either Andrew or his brewery owned this hotel and it had been leased to Smith.⁴⁰

Andrew purchased the lease on John Hamilton's Imperial hotel from Emily Armstrong. The same day, 14 May 1890, he called for tenders to have the hotel painted⁴¹. He also advertised his notice to apply for the license of the Imperial and this was granted at the next meeting in June 1890. However, Andrew's stay at the Imperial was short with James Crawford taking over in 1891.

In 1890/91 "the Eagle Aerated Water & Cordial Manufactory" in Old Customs House St was advertised by W. Grey & Co. as "Late A. Hamilton." This indicated that Andrew had sold his aerated water and cordial business as well although we know that this had been located in St Hill Street.



1890/91 Advertisement showing Eagle (Phoenix?) Trade Mark

In 1893, Andrew was involved in a Supreme Court action which was important for the principle of tied houses. However, of greater relevance, is that the evidence made it clear that he was proprietor of the Eagle Brewery. As mentioned earlier it is more likely that this brewery was the Phoenix Brewery and this had become more commonly known as the Eagle Brewery because of the eagle like look of the trade mark which has similarities to a Phoenix.

The court action also tells us that Andrew sold the brewing business to J Staples & Co Ltd which only came into existence in 1890. The Beer Duty Act actions of 1888/9 had led Andrew to move out of the brewing industry. Although we have no further background on the sale of Andrew's water & cordial business but it does seem that the trade mark had gone to

⁴⁰ Evening Post 12 March 1890

⁴¹ Evening Post 14 May 1890

Grey & Co with the sale of that business. The Trade Mark and name had value to the water business but it was of no value in the newly formed Staples brewery.

Andrew eventually returned to Barrett's Hotel where in March 1893 he was charged and pleaded guilty to Sunday trading. It was explained that the liquor was supplied by the defendant's wife "*who was ignorant of the Act*". He was fined 5 pounds and costs with the conviction to be endorsed on his license. This was avoided as the summons had not required production of the licenses at the hearing⁴². Isa was a staunch prohibitionist but this report indicates that she worked in the hotel. We have been told that despite her views she actually worked very hard to help Andrew run Barrett's.⁴³

At a Licensing Committee meeting the same day it was reported that Andrew had been advised to make repairs the committee would consider cancelling his license and the repairs had not been carried out. The Chairman commented that "*it showed the owner was treating the committee with disrespect. However, the matter would be considered at the Annual Meeting*".⁴⁴ Andrew later that year applied for the transfer of the license to Mary Moynihan and we have no record of him ever being involved in another hotel transaction.

With a reduction in activity in hotels now occurring it seems that Andrew was settling for a future career based around investments rather than "hands on" management. At this time he was still only 37 years of age. However, as we have recorded later he continued to live a full and interesting life.

⁴² Evening Post 3 March 1893

⁴³ Andrew (Mac) Hamilton.

⁴⁴ Evening Post 3 March 1893