

Copyright is owned by the Author of the thesis. Permission is given for a copy to be downloaded by an individual for the purpose of research and private study only. The thesis may not be reproduced elsewhere without the permission of the Author.

THE GROWTH OF AGRICULTURAL ADMINISTRATION,
1880-1900: THE DAIRY INDUSTRY AS A TEST CASE

Thesis presented in partial fulfilment
of the requirements for the degree of
Master of Arts in History at Massey
University.

Christopher James Rowe

1973

CONTENTS

	Page
PREFACE	i
ABBREVIATIONS	v
CHAPTER 1	1
Introductory: The Dairy Industry, Field Officers, and the Formation of the Department of Agriculture	
CHAPTER 2	16
The Process of Dairy Industry Legislation	
CHAPTER 3	42
The Liberal Bureaucracy	
LIST OF SOURCES	57

PREFACE

No historical writer is likely to deny that the growth of a relatively intensive administration was an integral part of the total Liberal achievement. Nevertheless, little enough research has been done on the nature of governmental growth in this period. Gibbons and Brooking have performed some of the spadework in this field and this thesis will attempt to slightly broaden and deepen the enquiry.¹

It is particularly in the explanation of Liberal administrative growth, comparable only with that experienced in the early years of the first Labour Government, that the hypothesis developed below will take a different course. Gibbons on the Labour Department, and Brooking on the Department of Agriculture, have emphasized the role of personalities, especially master bureaucrats, in their explanations of the massive quantitative and qualitative growth that the Liberal period of government (1891-1911) witnessed. The zealot Tregear, it would seem, successfully applied his peculiar bureaucratic ethic during those years of the 1890's when his idealism and effective control of the Labour Department existed in a relationship which enabled him to provide his conscious contribution to the "administrative revolution" then taking place. J.D. Ritchie, Brooking suggests, was only able to work his unobtrusive revolution once he was under the supervision of T.Y. Duncan and R. McNab, both decidedly weaker Ministers of Agriculture than Sir John McKenzie.

However, a close examination of the executive structure of the Department of Agriculture, especially as it concerned the dairy industry, has prompted the conclusion that "process" has been given insufficient consideration in favour of a single "personality".

1. See Gibbons, P.J. "'Turning Tramps into Taxpayers' - The Department of Labour and the Casual Labourer in the 1890's", unpublished M.A. thesis, Massey University, Palmerston North, 1970; and T.N.H. Brooking, "Sir John McKenzie and the Origins and Growth of the Department of Agriculture, 1891-1900", unpublished M.A. thesis, Massey University, Palmerston North, 1972.

The "unsung Tregear" whom Oliver "suspected was at work in the rural sector, masterminding the transition from permissive to coercive legislation, from local to central, from amateur to professional administration" certainly succeeded in this task;² but the credit for such a transformation must go not to one man, but a diverse body of administrative agents who constituted the field executive corps.

On examining dairy industry legislation as a test case from which to draw some tentative conclusions relating to the total growth of the Department,³ a logical process of expansion emerged. The initiative for such qualitative and quantitative change arises with the inspectorate charged with the direct supervision of the first Dairy Industry Act in 1892. Subsequent repeals and new enactments in 1894 and 1898 prove a nice correlation with the demands of expert departmental personnel, largely because their requests have the sanction of first hand local knowledge and a competent, scientific appreciation of the situation.

Beyond the realm of the dairying division expansion of departmental services in the fields of horticulture, viticulture, fibre production, stock supervision, veterinary medicine, entomology, chemistry and poultry science, appear to exhibit a similar pattern of growth.

The nature of executive initiative which follows the establishment of an effective field inspectorate would suggest that a similar process could well be significant in the development of the Health, Education and Labour Departments. However, as my research in these specific areas has been limited, such comments will remain speculative.

Although the bulk of my thesis is concerned with the years

-
2. Oliver, W.H., Towards a New History? (Hocken Lecture, 1969), Dunedin, 1970.
 3. Unless otherwise stated the "Department" will refer to the Department of Agriculture.

1880-1900, a useful degree of perspective has been lent to the discussion by considerable initial research into the political career of T.Y. Duncan, and departmental trends while he was Minister of Agriculture, 1900-1906.

+ + + + +

The Annual Reports of the Department provided much of the substantive material for this thesis, while the Appendix to the Journals of the House of Representatives, Parliamentary Debates and the New Zealand Statutes enabled a closer look at the legislative process. To complement the evidence of the inspectorate on field conditions and rural opinion, I spent some time perusing relevant issues of the Farmer and various newspapers. Secondary material in this particular area was scant, but Philpott's survey of the dairy industry offered a useful factual account of developments within the industry.⁴ I feel bound to acknowledge the work of Oliver MacDonagh, whose study of emigrant protection legislation in England provoked a closer investigation of the field executive corps.⁵ Although his controversial model of governmental growth was not appropriate for the situation with which I was dealing, it did afford some valuable insights.

The task of researching was alleviated by the cooperation of the staffs of the Alexander Turnbull Library, Wellington; the General Assembly Library, Wellington; the Massey University Library, Palmerston North; National Archives, Wellington; and especially Miss Judith Hornabrook of the latter institution.

Descendants of T.Y. Duncan, Mr and Mrs T.D. Grant of Oamaru, showed a constant interest in my work, and like Mrs J. Ward of

-
4. Philpott, H.G., A History of the New Zealand Dairy Industry, 1840-1935, Wellington, 1937.
 5. MacDonagh, O., A Pattern of Government Growth, 1800-1860: The Passenger Acts and their Enforcement, London, 1961.

Wellington, a relative of J.D. Ritchie, kindly loaned me relevant papers in their possession. The suggestions of fellow class-members and Tom Brooking are gratefully acknowledged, while credit for the typing of a draft and this final copy belongs to Mrs Maureen Macdonald. The preparation of this thesis was greatly assisted by the encouragement and time for discussion readily offered by my supervisor, Professor W.H. Oliver.

ABBREVIATIONS

AJHR	Appendix to the Journals of the House of Representatives
AR	Annual Report of the Department of Agriculture
<u>Farmer</u>	New Zealand Farmer and Bee and Poultry Journal
PD	New Zealand Parliamentary Debates
NZ Statutes	New Zealand Statutes

CHAPTER 1

INTRODUCTORY : THE DAIRY INDUSTRY, FIELD OFFICERS, AND THE FORMATION OF THE DEPARTMENT OF AGRICULTURE

Under the direction of John McKenzie the Department of Agriculture emerged in 1892 as an amalgamation of the Stock Department and the Agricultural Branch of the Lands Department.¹ The former department contributed 77 officers and the latter five officers, to make a total of 82.² Appropriations for the first year amounted to £35,520.³ That the Department experienced massive subsequent growth is evidenced in the same statistics for 1908: some £159,817 was to be dispensed in the work of 419 officers.⁴

Essentially the Department was intended to provide information and direction to the agricultural interests of the colony and should be seen as having the responsibility of complementing Liberal land policy which was enabling men of small means but larger wills to get established on the land. The abysmal ignorance of basic agricultural practice had been vividly revealed across the 1880's, and there existed an obvious need for such technical instruction and organization which an effective department alone could provide. Apart from this specific purpose the establishment of the department had a more diffuse justification. Adept Liberal politicians, led by McKenzie in this particular field, had noted and were prepared to act upon a growing sectional consciousness among the rural sector. It would seem that their ability to exploit such feelings conditioned their initial and subsequent electoral appeal within this sectional group. The previous decade had provided the malcontents to whom

-
1. Like Brooking, I have been unable to determine the precise date of the establishment of the Department of Agriculture in 1892.
 2. AJHR, 1892, B7, p.50.
 3. *ibid.*
 4. AJHR, 1908, B7, p.110.

Liberal policy would appeal: an electorally significant body of men who were anxious to become established farmers but were being constantly frustrated while pursuing their aspirations. The 1880's and early 1890's were gloomy years in New Zealand's economic development. The bright future promised by the advent of refrigeration in 1882 had been rendered illusory by near negligible immigration, reduced capital inflow, high land values and a drastically scaled down public works programme. Roads, in country districts especially, seemed to degenerate into an appalling state; in many cases they did, justifying feelings of rural deprivation. For the man attempting to eke out an existence from his recently procured rural property, depressed prices and distance from markets compounded with inadequately organised railway and shipping services to instil a general feeling of victimisation. Foreclosed mortgages added to rising unemployment figures. Pests such as rabbits, birds, insects and blights spared not the struggling farmer. Optimism was quickly snuffed out.

Individual introspection along such depressing lines promoted a sectional consciousness which found expression in the form of devil figures. The image of urban labour was aggravated by persistent striking and industrial unrest, particularly in 1890. The demands of the industrial sector were conceived as directly responsible for those rising consumer prices so punitive to agricultural interests. Editorially, the Farmer, a sectional monthly, condoned the formation of Farmers' Defence Associations to repel the unfair demands of Trade Unions.⁵ The large runholder represented a further devil figure in the eyes of bona fide settlers.

Faced with such overwhelming odds the farmers' belief in the value of practical experience seemed an inadequate prop, and the demand for the Government to provide assistance became stronger. In 1887 the Farmer exhorted farmers to combine and organise and reminded readers that "as a group the interests of agricultural

5. Farmer, September 1890, p.348.

settlers have never commanded that attention which they ought to have received".⁶ The Farmer's appeal was intended to favour bona fide small settlers and not the large land owner who was monopolising those resources which could provide an income for a host of eager settlers.

However the independent will had not entirely disappeared. A few enterprising farmers in the Taranaki district endeavoured to develop the dairy industry by effecting herd improvements and adopting the latest advances in dairy plant.⁷ But it must be emphasised that they composed a favoured and insubstantial minority.

All in all, the politique Liberals saw that the Department could offer assistance to struggling settlers while at the same time providing a focal point for rural identification with the new Government. McKenzie's rural sympathies assured agriculturists a sympathetic ear at the heart of Government, while his Department would ensure that judiciously conceived policy was put into practice.

+ + + + +

When reflecting on the origins of the Department of Agriculture, J.D. Ritchie, Secretary for Agriculture 1892-1909, recalled that with its establishment "a policy of instruction and encouragement of the agricultural resources and industries of the Dominion was initiated, first attention being devoted to the dairy industry".⁸ The promotion of dairying had earlier been recognized as a viable means of extricating New Zealand from the throes of colony wide depression. By the later years of the 1880's the economic prospects of wool, wheat and gold were on the wane. Dairy production emerged as the obvious staple to revitalise the flagging colonial economy. J. McKerrow, in a Lands Department report of 1886, warned of the

6. Farmer, September 1887, pp.209-10.

7. AJHR, 1887, H1, p.1.

8. AR, 1909, p.xxvi (underlining mine).

dull prospects of grain production and spoke of the improvement and extension of dairying as an "inexhaustible mine of wealth". On similar land the dairy farmers' gross receipts would amount to at least three times what they would be if the land was under sheep. Consequently, he decided, there devolved upon the Agricultural Branch a responsibility to assemble and disseminate useful knowledge to dairy producers and seek out new markets.⁹ This prerequisite to a flourishing dairy industry preoccupied those who participated in a Legislative Council discussion on dairy produce in November 1887. G.M. Waterhouse vehemently asserted that "if we can get hold of the United Kingdom market the dairy industry of the Colony will throw into the shade the sheep and pastoral interest and the mining industry of the colony".¹⁰ Such developments would revitalise the flagging economy and ensure a contented populace. Increased employment opportunities and the restoration or preservation of the closely knit family structure would also accrue from such a policy. The dairy industry offered both short term and long term prospects for attaining and perpetuating a favourable political reputation; and this is what the Liberals were about.

No great deal of perception was needed to realise that the most urgent problems facing the infant dairy industry were organizational and technical. For the individual farmer, especially when impoverished, these problems were insuperable. Their inability to help themselves created a predisposition to expect (and later accept) state assistance in their various enterprises. The governments of the 1880's, despite necessary parsimony, did see their way clear to stimulate dairy production.

The first evidence of the government's practical interest in the dairy industry was in the form of a bonus for the first 25 tons of butter or the first 50 tons of cheese produced in a

9. AJHR, 1886, C1, p.8.

10. PD, 1887, 58, p.365.

factory and capable of securing such prices in a foreign market as would show that the article was of fair quality.¹¹ This bonus was awarded to the Edendale dairy factory for its second season's cheese output in 1882-3.¹² A government supervision and advisory service was established in 1883 with the appointment of William Bowron from England as the first Government lecturer in dairying subjects.¹³ His career in this position was noted by his constant advocacy of the factory system of manufacture, rather than individual efforts, for the twin benefits of rational and uniform production. Geo. Bowron's¹⁴ report in 1884, Dairy Factories in New Zealand, revealed that the factories he had observed in operation were generally in a favourable condition, but he continued to present a more detailed argument for the need for absolute cleanliness in all stages of manufacture.¹⁵ The abysmal ignorance of those engaged in the industry, Bowron decided, would only be rectified by a system of government education of suppliers and managers.¹⁶ In the same report the manager of the Ashburton Factory inveighed against the suppliers of impure, adulterated or deteriorated milk, suggesting that such a client "not only commits an act of petty larceny, but injures his neighbours as well as the factory, and ultimately has returned upon his own head the reward of his misdeeds".¹⁷

The effect of such a report was hardly reassuring. The efficient probings of Bowron brought to the notice of the government

11. NZ Gazette, 1881, 18 May, p.640.

12. Philpott, H.G., A History of the New Zealand Dairy Industry 1840-1935. Wellington, 1937. p.34.

13. *ibid.*, p.49.

14. Although this report was signed by Geo. Bowron, Philpott suspects that it may be a misprint for William Bowron. See Philpott, p.52. This seems to be the only occasion on which the name Geo. Bowron appears in dairy industry records.

15. See AJHR, 1884, H9, pp.1-4.

16. *ibid.*

17. *ibid.*

and the public the actual state of the industry, thereby adding a further stimulus to government activity. The Agricultural Branch of the Lands Department soon felt some responsibility to act in this area, particularly in respect of the great want of uniformity in export produce. To this end, McKerrow suggested convening meetings of settlers in dairying districts, for the purpose of expert instruction in cheese and butter making, while at the same time conducting an investigation into new markets.¹⁸

Most observers agreed that the fundamental problem confronting dairy producers was their widespread disregard of the deleterious effects of their apparently innocuous practice. In 1887, W. de G. Reeves, officer in charge of the Agricultural Branch, noted the copious opportunities for milk to be contaminated by dust or odours while held at the farm. Obviously it was impossible to produce sound butter and cheese for discriminating foreign markets when milk was stored in dwelling-houses and workshops, and "among some of the poorer settlers milk pans have been known to be set under the beds". He saw little reason to believe that such carelessness would not accompany the whole process of butter making on the farm. He declared that a peripatetic model dairy, a competent expert and the payment for milk according to productive quality would bring about the much needed improvements in dairy production.¹⁹

However, for the bulk of producers in the factory or on the farm, the twin problems of insufficient scientific knowledge and disorganization proved endemic. If the Government could plead extenuating economic circumstances it could neither justify ignorance of such problems nor remain oblivious to its responsibilities in face of the barrage of official reports and the demands of newspapers. Reports from the London market, compiled by the Agent General, admonished New Zealand producers for lack of quality in their exports and emphasised that produce arriving out

18. AJHR, 1886, C1, p.8

19. AJHR, 1887, H1, pp.4-5.

of condition adversely affected prices and demand.²⁰ Such conclusions were reiterated and expanded throughout the colony, and gained prominence in the dairy section and the editorials of the Farmer. The damage done to the New Zealand economy by those various malpractices which produced a disparity in overall quality were baldly exposed. In October 1888 a Mr Meadows, with over thirty five years' experience at the London end of the provision trade, spoke of the limitless opportunities on the English market. But, he continued, "you have one grievous fault. Your butter is not uniform either in flavour, colour or package. Your makers have not arrived at the state of knowledge of the Home market to know the importance of thorough uniformity".²¹

Education in dairying matters, in the eyes of most commentators, seemed to be a panacea. There were soon charges that the government and Agricultural Department were overlooking practical instruction in details of dairy management. Such a state of affairs was barely mitigated by a letter to the Agent General in 1888, requesting him to select one dairy expert.²² Yet an editorial of the same issue of the Farmer suggested that this augured well for the future:

We welcome the step thus taken by the Government as a hopeful sign that at last our public men are beginning to realise the importance of affording some governmental encouragement to our pastoral and agricultural interests There has been wanting in our parliaments, no less than in our several ministries, that practical interest in the highest development of our agricultural resources which alone can lead to effective legislation to aid the successful progress of any national industry.²³

The editor opined that Denmark's outstanding success in dairying was

20. See AJHR, 1888, H33, p.5.

21. Farmer, October 1888, p.364.

22. Farmer, May 1888, p.151.

23. *ibid.*, p.165.

based on its efficient instructional service.²⁴

Such matters had not passed entirely unnoticed in Parliament. In 1882, W. Hutchison enquired as to what extent dairy inspection had been carried out according to the Public Health Act 1876 Amendment Act 1881. The Colonial Treasurer, T. Dick, could not provide a ready answer, as such action was within the province of local bodies who operated under their own regulations.²⁵ Extensive discussion arose in the Legislative Council on the topic of dairy produce. The absolute necessity for uniformity in quality and consistent quantities of goods for the London market was readily established. Waterhouse envisaged that the exploitation of available markets would dissipate the cloud of depression then shrouding the colony.²⁶ The question of new markets for a more expertly produced article was considered at some length. G. McLean was of the opinion that it was the Government's duty to assemble and disseminate relevant marketing information, and agreed that a Select Committee would be a useful measure toward this end.²⁷ The Australian market was considered unsuitable, not least because of its punitive tariffs. McLean aired his concern for the "injurious odours" arising from piggeries adjacent to dairies and in subsequent discussion J. Menzies advocated the investigation of foreign precedents and practices in the dairying field, and requested that all information compiled be distributed to those involved in the industry.²⁸

The appointment of R.M. MacCallum in 1888, to travel the colony and lecture on the establishment of dairy factories, was a governmental response to that situation made abundantly clear by

24. Farmer, May 1888, p.151.

25. PD, 1882, 82, p.253.

26. PD, 1887, 58, p.364.

27. *ibid.*, p.366.

28. PD, 1887, 59, pp.521-2.

official reports and newspapers. The Farmer accepted the appointment as a step in the right direction but considered it largely inadequate:

In all matters connected with the interests of agriculture the Government action in this colony has been only spasmodic. No doubt the absence of any sustained and systematic Government effort on behalf of this our most important field of industrial activity has been in great measure owing to the want of a properly organized Agricultural Department.²⁹

It had already been rumoured that G.F. Richardson, Minister of Lands, was about to organize an agricultural department, but one editor believed that "like Mr Nathaniel Winkle in Pickwick, the Government never appear to get any further in such matters than 'getting ready to begin'".³⁰ The editor continued to depict the vivid contrast between the dilatory efforts of the New Zealand government to encourage dairying, and those of New South Wales and Victoria.³¹ However the New Zealand Government was about to take a short but important step.

During the 1888 session Richardson assured the House that the Agent General had been requested to appoint a dairy expert for the purposes of colony wide instruction.³² By August 1889 he could inform the House that several applications for such a position had been received and were being considered by the Government. The first appointee as Dairy Instructor in 1889 was John Sawers. He had been in New Zealand for several years. After having managed several Scottish dairies he received a season's instruction from a Canadian expert and then ventured to New Zealand in 1885 to manage the Wairaka dairy factory near Oamaru.³³

29. Farmer, December 1889, p.489.

30. *ibid.*

31. *ibid.*, p.490.

32. PD, 1888, 60, p.143; PD, 1888, 61, p.199.

33. New Zealand Journal of Agriculture, November 1952, p.371.

Much of his time was spent in the South Island, his first report explained, where he had lectured to many receptive audiences on subjects concerning the dairy industry. When commenting on the factories he had visited he stressed the absolute need to eliminate such defects as poor siting, insufficient ventilation, inadequate drainage, and the too close proximity of piggeries. There was also a need in many cases for more practical internal construction. Like Bowron, Sawers remained an ardent proponent of the factory system to improve export produce. To combat the deleterious effect of inferior milk he advocated that managers should refuse to accept the impure article, thereby forcing the supplier to improve his working conditions.³⁴ Sawers remained aware of New Zealand's dependence on external markets for the sale of its dairy produce and constantly impressed this point upon those to whom he spoke. The overall impression he gained from his eight months as Dairy Instructor prior to this report was revealed in his concluding remarks:

I may say that the dairy industry is not on such a satisfactory basis as might be expected, resulting chiefly from the want of knowledge of many of those engaged in the manufacture and from the want of cooperation in the interest of the factory on the part of the settlers and milk suppliers.³⁵

Evidence given before the Flax and Other Industries Committee suggested that this want of practical and scientific knowledge would be alleviated by the appointment of at least two Danish dairy experts.³⁶ Sawers gave several pages of evidence and was explicit in asserting that the superiority of the Danish dairy industry - the paragon of dairying enterprise - was due to the supply company employing a qualified staff of inspectors and instructors to visit farms, examine cows and insist on scrupulous cleanliness of premises.³⁷ The Farmer

34. AJHR, 1890, H33, pp.2, 5.

35. *ibid.*, pp.6-7.

36. AJHR, 1890, I6a, p.3.

37. *ibid.*, p.59.

was also calling for more experts and it claimed that fewer than twenty five per cent of New Zealand farmers had ever heard of Sawers.³⁸ In a previous issue, W.S. Davidson, general manager of the Australia New Zealand Land Company which operated the Edendale factory, after closely investigating the Home market and foreign operations in dairying, revealed that "in most countries Government funds support schools or advisory experts We only need £1000 annually for dairy education in view to putting a good many thousand pounds, now lost every year, into the pockets of our farmers".³⁹

Such practical suggestions had the added sanction of Davidson's recognized authority and were about to gain ground. In 1891 the Liberals consolidated their position in the House and offered new hope to agricultural interests. The Liberal ministry, constantly seeking to remove those obstructions which tended to minimise opportunities, were prepared to discharge their duty of improving instructional services to the agricultural sector. Agricultural journals were optimistic; now the Government they had characterized as continually getting ready to begin had been removed from office. The Farmer trusted that there was some foundation in the rumour that the setting up of the Department of Agriculture was imminent:

There would be no formidable expenditure involved in such a department, an important function of which would be to gather and disseminate sound information on such subjects as the best modern systems of dairying, including packing for export and the facts to be known concerning foreign markets.⁴⁰

The Government already had some guarantee that their efforts would be appreciated. The attentive audiences to which Sawers had referred were substantial evidence of the desire of farmers to improve their means of production. A.J. MacGregor, M.H.R. for Akaroa informed a Committee deliberating on the dairy industry,

38. Farmer, October 1890, p.400.

39. Farmer, September 1890, p.337.

40. Farmer, March 1891, p.47.

that farmers of his district would readily act upon any suggestions. His comments would seem applicable to a wider sector than that for which he spoke. He interpreted local anxiety for further information as a realisation that "they are falling behind in the race, and simply as a matter of self preservation they find that they must do something. They look to expert information as being able to assist them".⁴¹ The frustration associated with scientific enquires before 1890 were outlined by William Pember Reeves:

As for scientific instruction, it used to be said in New Zealand that, prior to 1890, if anyone asked the Government for information on a matter calling for agricultural science, his enquiry was regularly sent forward to the colonial geologist. If the question had to do with insects the geologist took counsel of a certain telegraphic clerk. If the clerk was puzzled, the twain would seek advice of the New Zealand University.⁴²

Obviously there was a need for a coordinated central body to deal with agricultural matters.

The existence of foreign precedents was to provide an important impetus to the formation of a central agricultural department, and was to continue as a basis for much of the ensuing rural legislation. After all, in the revered Denmark,

until the State bestirred itself, the commercial value of butter was very low What the Government of Denmark did on the matter was simply to arrange for the systematic instruction of the people in practical and scientific knowledge concerning dairy work.⁴³

When discussing the report of the Livestock Committee in the House in September 1891, F. Lawry (Parnell) believed McKenzie's title of Minister of Agriculture to be anomalous if he was not in charge of a department providing essential services.⁴⁴ Captain

41. AJHR, 1890, I6a, p.26.

42. New Zealand Journal of Agriculture, op cit., p.371.

43. Farmer, October 1890, p.399.

44. PD, 1891, 74, pp.864-5.

Russell, the leader of the opposition, expressed ardent support for a scientifically based department of agriculture.⁴⁵ Sir John Hall protested that more must be done to help the dairy industry but McKenzie could at best promise that more dairy experts would be appointed as occasion arose. Further, "he did not think it was ever supposed by the House that a separate and expensive Agricultural Department was to be set up".⁴⁶ Yet this seemed the very mood of the House, or at least the opposition members who could oppose such a move, and it was already established that the expenditure involved would not be prohibitive. Valentine had concluded from his investigations that the South Australian Bureau of Agriculture, costing £600 per year, was a model worth emulating. Nevertheless the reluctant McKenzie saw no reason at this stage (22 September) to "rush matters". He was prepared to "let matters grow a little" and he assured the House that he would be assessing the responses of various agricultural and pastoral associations which had been consulted on this issue, during the recess.⁴⁷

On 4 September, R. Pharazyn had reminded the Legislative Council of a resolution passed in July 1891, by the Wellington Philosophical Society (an affiliate of the New Zealand Institute): "in the opinion of this Society, the establishment of a fully equipped expert Agricultural Department is urgently required in New Zealand".⁴⁸ Five days later the Council passed a resolution calling for the urgent establishment of an agricultural department which would inform and advise in all matters concerning the agricultural sector.

Perhaps the ultimate impetus to the formation of the Department in 1892 was the request of the Agricultural Conference which met in

45. PD, 1891, p.866.

46. *ibid.*, p.867.

47. *ibid.*, pp.867-8.

48. See PD, 1891, 74, p.232; and Transactions and Proceedings of the New Zealand Institute, vol.xxiv, 1891, p.627.

May of that year in Christchurch. A Government grant of free rail passes to delegates denoted cooperation in such ventures and undoubtedly facilitated the representation of eighteen Agricultural and Pastoral Societies at the Conference. The proposition of an expertly equipped department gained extensive approval and several further resolutions dealt with more specific areas in which state activity would be desirable.⁴⁹

By the end of 1892, McKenzie, who had been Minister for Agriculture since 24 January 1891,⁵⁰ had taken charge of a duly constituted Department.⁵¹ It would be misleading to assert that the promotion of the dairy industry was the sole *raison d'être* of the Department. However, Ritchie's statement that prime attention would be devoted to dairying seems adequate when the socio-economic ramifications of such a concern are assessed. Nevertheless, orchardists, pastoralists and those engaged in more specialised pursuits such as viticulture, apiculture, flax and cereal production, all professed a well founded optimism once the department was established.

The dairy industry was that branch of agricultural pursuits which would benefit most from the application of science. The pathology of cattle and the biotechnology of cheese and butter-making required a corpus of specialists to deal with problems as they arose, and fulfil a general educational role. Because such men as were appointed were specialists their opinions were respected by Parliament and producers alike.

Marketing issues also provided that the dairy industry was a special case. Being almost entirely export dependent the development of this young industry of incalculable potential was

49. Farmer, July 1892, pp.276-7.

50. NZ Gazette, 1891, p.100.

51. See above, footnote 1.

predicated on producing articles which satisfied foreign demands. The great distances involved in transporting produce to the London market, and the still experimental state of cool storage made absolute care in uniform production and packaging imperative. The problems were clearly delineated and suggestions as to means of their solution were at hand.

The limited field executive corps, operating before the formal organization of the Department, had assembled a large body of objective evidence which was a primary influence on governmental measures in this area. Not only did their experience throughout the 1880's bear adequate testimony of field conditions and local opinion; it also provoked Members of the House, journalists, and agricultural bodies into pressuring government to remedy explicitly revealed problems. A centrally organized department with an expanding body of officers to alleviate problems as they arose, accelerated this total trend and can be traced in the specific area of dairy industry legislation.

CHAPTER 2

THE PROCESS OF DAIRY INDUSTRY LEGISLATION

Dairy industry legislation provides a useful test case from which to gauge departmental developments, although the prime stress given its development does tend to produce a somewhat atypical case. As would be expected, the preponderant consideration was in terms of improving export conditions, and it was in response to a widely publicised need that McKenzie introduced the first Dairy Industry Bill in 1892.

For almost a decade the problems of uniformity in production and the damaging effect of the poor quality produce had been reiterated on several fronts. The Farmer drew on the observations of authoritative observers of local conditions and British markets when it attacked the "despicable dishonesty" of those who discredit the whole trade by offering produce under deliberately misleading terms:

Amongst other tricks it is said that last season's butter has been sent forward as the fresh product of this season's manufacture, the ends of kegs sometimes being filled in with good fresh butter, while the centre is composed of stale and rancid stuff remaining over from the previous season We trust that some practical measure will be introduced this session calculated to discourage these frauds, and to protect from their disastrous effects the industrial prosperity of the country, and the bona fide exertions of honest producers and shippers of colonial produce.¹

In September 1890, G. Beetham informed the House that he was aware of false branding of butter. A certain storekeeper purchased butter from a number of farmers and then branded it "prime separator butter" in direct contravention of the Patents, Designs and Trades Marks Act 1889. Richardson had not been notified of such illicit practices but would investigate the matter and take steps to curtail such activity.²

1. Farmer, July 1890, p.259.

2. PD, 1890, 69, p.689.

Consistent with their appointments, the Governmental dairy officers were prepared to offer solutions to the difficulties. In July 1892, Sawers intimated his intention to suggest that a Branding Act should be passed with the purpose of preventing inferior quality produce from being "palmed off". However, he would consult the opinion of those concerned before presenting his report to the Legislature.³ Later that year, before the Agricultural and Pastoral Industries Committee, he urged that the matter of fictitious branding be given serious consideration and the only conceivable means of guarding New Zealand's reputation would be by adequate regulation: "what you want to do in respect of this is to make it compulsory by competent legislation for all cheese and butter-making to have registered brands, and to compel such to be used, before the articles leave the factories"⁴ He also deemed it necessary that "there should exist some statutes to provide against frauds in the supplying of milk to cheese and butter-manufactories"⁵

Less direct, but still influential agitation in this direction came from enlightened rural opinion. The majority of farmers agreed with the suggestions of the dairy experts, and the technological bent of their particular agrarian pursuit predisposed them to place confidence in expertly conceived scientific solutions to existing problems. Furthermore, depressed economic conditions had the effect of inclining both legislators and the farming community in general to favour increased central activity.

On 20 July 1892 John McKenzie introduced a Dairy Industry Bill. It subsequently emerged as "an Act to regulate the manufacture of cheese and butter for export and to promote the purity of the milk used in such manufacture".⁶ This long title evidences an attempt

3. Farmer, July 1892, p.279.

4. AJHR, 1892, I12, p.2.

5. ibid., p.8.

6. This is the long title of the Act as it emerged. See NZ Statutes, p.177.

to embody in legislation those most urgent aspects of regulation needed for the improvement of the dairy industry. The twin problems of a lack of uniformity and an unclean milk supply were reiterated throughout the debate on the second reading in the House. No member questioned McKenzie's claim that it was a "new class of legislation" nor doubted that the dairy industry deserved attention. But McKenzie's assurance that the measures in its implementation were necessary, based on the best foreign precedents, and had the support of dairying interest groups who had studied the Bill, failed to allay criticism.⁷ Opposition members decried the "irksome interference" of inspectors enforcing "vexatious restrictions" which would inevitably arouse the hostility of milk suppliers.⁸ T. MacKenzie voiced a common opposition complaint: "Though the Bill would be an advantage in some respects, it gave too much power to the Inspectors, and was likely to cause serious inconvenience".⁹ John McKenzie retaliated, reminding the House that the measure was largely experimental and therefore subject to revision, and because he had the mandate of those consulted he felt no need to compromise the inspection clauses.

The third reading of the Bill aroused further rhetoric. J. Duthie denied the Government the right of such interference. His speech centred around such emotive terms as "despotism" and "corruption" and concluded with the charge that the proposed enactment would "tend to induce such a state of things as exist [sic] in Russia".¹⁰ His more general comments bear some relevance to the rationale of administrative processes. He related something of a bureaucratic axiom¹¹ - for the New Zealand situation at any rate - when he suggested that "many of those engaged in this trade are jealous that their neighbours are not carrying on their business

7. PD, 1892, 77, p.95.

8. *ibid.*, pp.92-6.

9. *ibid.*, p.95.

10. PD, 1892, 78, p.303.

11. See Gibbons, *op cit.*, p.1.

as they think they ought to carry it on, and think that their neighbours and not themselves, require some supervision"¹² A further outburst purveys the general tenor of the growing body of Liberal legislation: "we are endeavouring to make everybody virtuous, and we are loading the statute book with new crimes and punishments. If we go on this way we shall make it impossible for a decent man to live".¹³ R.C. Bruce also regarded this Bill as an example of an overall trend in Liberal legislation. He pronounced that the paternal emphasis of the Government's legislation fosters to a degree and then cramps development. The only consolation he derived from such a policy was that "it will be at any rate another strand in the rope which will eventually be used for the purpose of strangling the so called Liberal Government, which goes in the direction of interfering so much with the liberty of the subject".¹⁴ H.S. Valentine reminded those opposed to the Bill that, as it now stood, after having been altered in Committee, little more than a system of branding was proposed. Moreover, it would only be the unscrupulous individuals who would suffer under the regulations enforced by inspectors. He repeated that it was a direct response to the clamour for Government assistance over the past two or three years and if found to be ineffective, amendments would be immediately considered.¹⁵

Masses of dairy farmers turning to sheep farming was the situation predicted by Thomas MacKenzie. This transition would be occasioned by the inspectors right to "have egress and ingress to all places of business, dairies, factories, creameries, carriages, cars, vessels, cans and steamers used for the manufacture, storage, and carriage or transit of milk, cream, cheese or butter".¹⁶ As a

12. PD, 1892, 78, p.303.

13. *ibid.*

14. *ibid.*, p.304.

15. *ibid.*, p.307.

16. NZ Statutes, 1892, p.178.

comment on this unnecessarily complicated legal jargon, H.S. Fish quipped that perhaps a race of pigmy inspectors would be engaged to perform such impossible feats as crawling in and out of milk cans.¹⁷ This ridiculous power was not so obnoxious a provision as the Government's ability to appoint as many inspectors as it wished. He feared that inspectors might become as prolific as rabbits.¹⁸

In the Legislative Council the third reading aroused the most passionate debate. L. Walker postulated that self interest would ensure a pure milk supply and he considered the proposed inspection to be tyrannical. Pharazyn agreed with the Bill in the hope that it would be the Government's undoing. While the purpose of the Bill satisfied G.S. Whitmore, he did detect traces of noxious legislation entering the statute book.¹⁹

Had McKenzie succumbed to these pressures to compromise the inspection clauses of the Bill, it would have been immediately rendered a dead letter. Those suppliers and manufacturers who had approved the passage of the Bill in the form in which it was circulated were those more articulate members of the rural sector who, if not already influenced by official lectures, pamphlets and practical instruction, would have appreciated the deleterious effects of those practices to be condemned by law, on the economies of both the individual and the colony. However, in the course of their duties the instructors had contacted a few indolent factory managers and a significant body of ignorant, recalcitrant, or conservative producers, who would need to be coerced into conformity with the provisions of the Bill. Regarding inspection, McKenzie envisaged few problems as he believed the inspectors would operate with tact and he expected the benefits of compliance to soon appear self evident. His profession of being amenable to subsequent alteration

17. PD, 1892, 78, p.305.

18. *ibid.*

19. *ibid.*, pp.485-7.

of the Act was a ploy useful in facilitating the passage of the Bill through Parliament. The comprehensive nature of the enactment gave him reason to feel that it would continue to benefit the industry until changed circumstances made its emendation expedient.

During its first year of operation the provisions of the 1892 Act were not strictly enforced. However, in the annual report of the Department for 1893, Ritchie, Secretary for Agriculture, warned that for the next season, because every manufacturer would have had ample opportunity to apply for certification, inspectors would require that the provisions of the Act be more closely observed.²⁰ In later pages of the same report Sawers revealed his optimism regarding the 1892 Dairy Industry Act. He justified the existence of such legislation by arguing that only the unscrupulous producers would be affected and contended that the Government had as much right to prevent the manufacture and exportation of inferior goods as proprietors of dairy factories had to enforce by laws to protect themselves from the dishonest practices of milk suppliers.²¹ The decline of the dairy industry would have been imminent had not he and other inspectors ensured only the best quality produce was exported.²²

Stricter enforcement of regulations came in the 1893-94 season. The inspectors of shipments found quantities of damaged or inferior butter inappropriately branded.²³ Although inspection of eight shipments from Port Chalmers, Lyttleton and Wellington had secured the prosecution of eleven offenders,²⁴ the Chief Dairy Expert, C.R. Valentine, considered that the "admirably intended" existing Act

20. AJHR, 1893, H21, p.3.

21. *ibid.*, p.24.

22. *ibid.*, p.25.

23. AR, 1894, p.7.

24. *ibid.*, p.193.

was almost a dead letter.²⁵ McKenzie had not anticipated reviewing the legislation at this early stage. In answer to a question in the House in August 1893, he stated that a reconsideration of the Act was not envisaged for that year and the test of time would evaluate the Act.²⁶ The main proponent of a totally reorganized enactment was C.R. Valentine. To this end, within the confines of his annual report, he submitted eight provisions to be made compulsory clauses. He revealed that his conclusions were derived from investigations in New Zealand, "other" dairying countries and consumer trends in the leading markets of the world.²⁷ His recommendations dealt with those aspects of grading and the provision of a pure milk supply which comprised the core of the 1894 enactment. Philpott suspects that Valentine's regulations concerning the grading and classification of dairy produce were closely modelled on those of New York with which he was familiar.²⁸ But, if it was Valentine who supplied the potential solutions, it was these dairy instructors whom he supervised who afforded the local information to supplement his own observations.

Obviously a departmental hierarchy existed with Ritchie at the top, and in the field of dairying, the instructors at the base. Valentine came mid-way as head of the dairy section in the department. Ritchie's request for the establishment of cool stores at each port of shipment, the appointment of official graders to classify produce, and to check the suitability of stock, feed and premises, was but a general summation of those conclusions listed by Valentine, which were in turn derived from a consensus within the dairying section of the Department. Proof of such a pattern is readily found in the annual reports of Valentine's subordinates. Sawers, like Valentine, had noticed in his travels a widespread want of cleanliness in buildings

25. AR, 1894, p.127.

26. PD, 1893, 80, p.361.

27. AR, 1894, pp.137-40.

28. Philpott, op cit., p.233.

associated with the industry.²⁹ Indolence - rather than the lack of capital which proprietors pleaded - was seen by Sawers as the causal factor involved. Because he also noted the willingness of the majority of factory proprietors and farmers to receive instruction, he felt that it would be expedient to equip the Department with more experts.³⁰ The Assistant Dairy Instructor, J.T. Lang, concurred in this need for further instructional personnel. Sawers submitted for departmental (and ultimately governmental) consideration a series of proposals similar to those of Valentine. Consistent with his being more aware of local conditions, Sawers had more to say on the state of farmers' premises and was more specific in his suggestions on how best to rectify the situation.³¹ It would seem that Sawers' more detailed demands for inspection of farms, buildings, cattle and personnel and the more thorough inspection of all milk supplied after being aerated "while still warm from the cow", are the base line of the generalising process by which recommendations ascended to the Secretary of the Department. Such details only re-emerged in the explicit clauses of the enactment.

There were two social issues which also impinged upon dairy legislation, and as they were considered sufficiently significant to be included in the course of parliamentary debate, they are worth pursuing. The first and more directly relevant of the two was the question of public health. It was the departmental inspectorate, especially stock inspectors, and veterinarians who had brought the spectre of tuberculosis to public attention. The inspectors of stock consistently reported the incidence of tuberculosis in their respective areas. In his report to the Stock Branch in 1889, E. Clifton, Inspector for the Wellington and East Coast District, recounted with alarm the presence of this disease in a number of cattle, some of which were in town supply herds. He felt

29. AR, 1894, p.200.

30. *ibid.*, p.193.

31. *ibid.*, pp.215-6.

sufficiently concerned to suggest that "legislation should be provided for dealing with this disease"³² When considering the Cattle Act, the Joint Committee on Livestock and Rabbits reiterated the danger to the general public wellbeing of diseased cows.³³ Urgency was lent to the problem when an article by a recognized medical expert, E. Robertson, appeared in the Transactions of the New Zealand Institute of that same year. Because he believed tuberculosis to be communicable to human beings through the consumption of diseased milk and meat, the remedial action he advised the Government to take was to ensure that all premises were inspected by a competent official. His argument was lent additional effect by asserting that ten to fourteen per cent of all deaths in New Zealand were attributable to tuberculosis, figures approaching those of Britain and Continental Europe.³⁴ In 1893, Dr Chapple once again assured an anxious public that "the milk and flesh of affected cattle ... [was] the most important medium by which [tuberculosis was] communicated to man".³⁵ His conception of the duty of Government was explicitly expressed: "Nothing but legislative interference - compulsory, not permissive legislation, which is a farce - will protect the public of New Zealand from the danger that exists from the alarming amount of tuberculosis at present to be found in stock".³⁶ The consumption of infected meat would be prevented by a regulated abattoir system, while for the dairy industry he calculated the legislative remedy to be quite practical: "The licensing and thorough inspection of all dairies with adequate penalties for offences against this Act, would satisfy the demands of public health, as it does in other parts better off than ourselves for hygienic laws". His parting shot was sure to be effective: "It

32. AJHR, 1889, H15a, p.2.

33. AJHR, 1890, I11, p.3.

34. Transactions ..., vol. xxiii, 1890, pp.580-1.

35. Transactions ..., vol. xxvi, 1893, p.528.

36. *ibid.*, p.532.

will not redound to the credit of our legislators if, in the face of an abundant knowledge on the subject, the health and life of the people are not protected by useful legislation in this direction".³⁷

After being informed of a case of a Napier girl dying from tubercle on the brain, J.E. Jenkinson of the Legislative Council entreated the Government to amend the Public Health Amendment Act 1881 with a view to securing more rigid enforcement of its provisions regarding dairy premises. He considered that a more efficient inspection would prevail if stock inspectors or slaughterhouse inspectors, rather than an incompetent local body medical officer or inspector of nuisances, inspected cattle. In reply W. Montgomery agreed that both the Central Board of Health and local bodies were remiss in this function and his promise that something would be done was realised in the text of the 1894 Act where more rigid supervision of premises was required.³⁸

A more tenuous, yet still important consideration in the promotion of the dairy industry was the preservation or restoration of family life. In the House, Lawry considered this issue worth mentioning in support of the Bill. He seemed to think that by the provisions of this new Bill and related legislation "the settler sold his stuff [butter] and got cash within a month, and by this means he was enabled to keep his family together and make them comfortable".³⁹ As early as 1886 dairying was offered as the panacea for unemployment and the preservation of the virtuous nucleated family, because the members of the family could all become involved in production.⁴⁰ The editor of the Farmer commented on the report of the 1891 Livestock Committee and noted in full a statement of the Chairman, Mr Lawry:

He pointed out that the dairy industry was not now

37. Transactions ..., vol. xxvi, 1893, p.532.

38. PD, 1894, 83, pp.306-7.

39. PD, 1894, 86, p.636.

40. AJHR, 1886, C1, p.8.

calculated to give a large amount of individual profit to our settlers, but it had the great advantage of finding employment for settlers' children and thus providing the means of keeping together many family circles. This he believed to be a matter of greater moment in many cases, than the mere acquisition of wealth.⁴¹

It is difficult to assess the precise impact of these latter sentiments, but as they were considered important enough to be introduced to promote the passage of the Bill one can conclude that they did have a general relevance. Scattered sources from the Farmer and the daily press reinforce this contention.

The actual question of grading had arisen even prior to the 1892 Dairy Industry Act. In 1890, G.H. Scales, a prominent produce merchant, believed that a system of grading would be of infinite value to the industry.⁴² Another merchant, speaking before the same Select Committee, also requested government grading, providing that cool storage at ports was arranged. But he was not confident that cool stores would be provided.⁴³ At that point in time Sawers considered classification at ports impractical, as he believed butter should never be opened once packed, and cool storage facilities did not exist.⁴⁴ The editor of the Farmer believed that grading was a prerequisite to stabilizing the market situation.⁴⁵ By early 1894 his attitude toward grading was unequivocally favourable:

We have more to justify this belief than mere opinion, and before we feel confirmed in our previously expressed views in favour of some system of expert grading immediately before shipment or at the port of

41. Farmer, November 1891, p.461.

42. AJHR, 1890, I6a, p.11.

43. *ibid.*, p.28.

44. AJHR, 1890, H33, p.7.

45. Farmer, July 1890, p.259; October 1892, p.409.

arrival, which might be a protection both to the English honest buyer and the New Zealand honest shipper.⁴⁶

For his part C.R. Valentine considered the grading of export butter at the port of destination as the most practical means of solving that real problem of deterioration of produce in transit which would render branding in New Zealand valueless.⁴⁷

The general opinion of the rural sector on this issue had begun to crystallise into firmer demands by 1894. At the annual meeting of the National Dairy Association, after some debate, a motion was carried to allow for the grading of export produce and to provide for more efficient inspection of dairies through employing local stock inspectors for this work.⁴⁸ The Dairy Committee of the Agricultural Conference meeting in Wellington, June 1894, reported in favour of government grading, cool storage at ports, the inspection of milk suppliers and requiring the immediate cooling of milk on the farm.⁴⁹ As this report was adopted by the Conference, McKenzie had ample reason to expect little opposition from the agricultural sector when he introduced on 27 June 1894, a Dairy Industry Bill "to regulate the manufacture of butter and cheese, and to provide for the purity of milk".⁵⁰

Discussion in the House was more moderate than that which had surrounded the existing Act. Several members failed to see how the Bill would improve the industry as the brands rather than grade marks were observed on the English markets. For this reason they were not satisfied that branding would prevent low market prices based on inferior goods.⁵¹ The wide powers given to inspectors offended

46. Farmer, January 1894, p.15.

47. Farmer, May 1894, pp.164-5.

48. Farmer, July 1894, p.245.

49. ibid., pp.262-3.

50. NZ Statutes, 1894, p.393.

51. See PD, 1894, 86, p.641 (Flatman).

F. Pirani and A.W. Hogg in particular.⁵² Hogg feared that over-inspection would hamper and harrass the industry unnecessarily.⁵³ Considerations of public health placated Massey, but he deemed the inquisitorial nature of Schedule B, requiring particulars for the registration of a dairy as offensive:

For instance, the Minister wanted to know how many pigs were kept by certain factories, and the price settlers received for their milk; he wanted to know on what terms the settlers received back skim milk, and a great many other questions had to be answered that seemed to him to have nothing to do with the quality of butter.⁵⁴

McKenzie countered all criticism with statements similar to those he had made regarding the 1892 Act. The regulations enforced in the Dairy Acts of Canada, the United States and Victoria were far more stringent and the exigencies of foreign market dependence demanded such control.⁵⁵ The interest groups consulted were mainly in favour of the measure although he was unable to please them all. One of the few examples of complete opposition to the Bill was related by Montgomery, member for Ellesmere, who had previously told the House that the Agricultural Society in his district had unanimously agreed that "the Act is of a very stringent and tyrannical nature, calculated to materially injure all producers of milk products, except those that had the advantage of being in the immediate vicinity of large factories".⁵⁶

The 1894 Act altered the focus of departmental attention from its exclusive concern with export products to a stricter regulation of conditions on the farm. The incontrovertible reports of the field executive corps and the evidence given before Select Committees

52. See PD, 1894, 86, pp. 638, 643.

53. *ibid.*, p.643.

54. *ibid.*, pp.639-40.

55. *ibid.*, p.644.

56. *ibid.*, p.641.

revealed that supervision would have to extend beyond the point of manufacture and the port of shipment. The grass roots of the industry was in need of departmental guidance, as experience showed that not all farmers or factory managers were aware of the need for technical improvements and meticulous cleanliness at each stage of production. Because Sawers reported that pure indolence and not mere ignorance was often the case, more coercive measures were to accompany instructional efforts. Wide powers of entry applied to any premises which the inspector decided to check and his authority to remove samples for analysis was unlimited. The powers of the Governor to extend or revoke provisions by Order in Council, and to appoint personnel for the operation of the Act, allowed for flexibility should circumstances demand it. Severe penalties discouraged the resisting, impeding, or obstructing of an inspector and where contraventions of these or any other clauses arose, the onus of proof of innocence rested with the defendant.⁵⁷

The correlation between inspectorial demands and legislature response was again remarkably close. No government intent upon the promotion of the dairy industry could ignore the scientifically based opinions of its instructional personnel who possessed a wide ranging and objective perception of conditions at home and abroad. Their conclusions had gained the favour of such representative interest groups as the National Dairy Association and the Agricultural Conference. Their explanatory lectures to Agricultural and Pastoral Societies and farming groups informed the general rural community of the most urgent problems and their solutions. When consulted for comments on impending legislation rural bodies tended to accept those aspects of regulation which the field executive corps had adequately explained. The socio-economic ramifications of a developing dairy industry ensured that the network of newspapers operating throughout the colony afforded dairying subjects an extensive audience. The feed back network from field officials was further developed as Parliamentary Select Committees

57. NZ Statutes, 1894, pp.373-9, passim.

capitalised on the informative evidence of the Dairy Instructors.

The initiative for legislation was undergoing a subtle transition from the legislature to the executive. By 1898, when this shift became rather obtrusive, it occasioned considerable alarm among some members and was consequently a feature of the debate on the Dairy Industry Bill of that year.

Meanwhile, the 1894 Act was implemented. For the purposes of grading four graders were assigned to the main ports - Auckland, Wellington, Lyttleton and Dunedin - where cool storage facilities were soon completed.⁵⁸ With the new wider powers of inspection, Ritchie considered it expedient to allow some initial flexibility in administering the Act. Inspectorial discretion would ensure that those regulations dealing with such urgent problems as the supply of milk from diseased cows were more strictly enforced than the clause requiring the immediate aeration of milk. Although tact would be used at all times, Ritchie warned that during the next season a stricter compliance with regulations would be sought.⁵⁹ The Dairying Service ensured that grading of butter was effected but it bemoaned the continued ignorance of dairy producers. Sawers requested a stricter enforcement of the sections requiring general cleanliness, aeration and cooling as these were basic to a pure milk supply.⁶⁰

Because the department was pursuing a more stringent policy in relation to public health and diseased dairy stock, stock inspectors became involved more closely with the process of legislative initiative. The inspector for Whangarei referred to inadequate supervision of dairies and slaughteryards.⁶¹ Those agents operating in the Wairarapa and Canterbury areas felt that more systematic inspection of dairy cattle was required by those appointed under the

58. AR, 1895, p.xi.

59. *ibid.*

60. *ibid.*, p.76.

61. AR, 1896, p.2.

Dairy Industry Act.⁶² The most alarming report was proffered by the Southland stock inspector, who called for a "duly qualified man" to inspect dairies supplying Invercargill, as "one and all were in a filthy state, and the places and utensils where milk was kept were just as bad". He considered his notifying the local authorities would be futile as nothing would be done.⁶³

This was only the first of a series of reports informing the central Department of the condition of dairies supplying towns and the unwillingness or inability of local bodies to take remedial action. This first hand evidence assembled by district officers was to provide the prime impetus for further emendation of the law. The Chief Dairy Expert, when presenting the consensus of divisional opinion, revealed that although policy had been to work on instructional rather than coercive lines, there was still evidence in the instructors' reports that widespread carelessness on the farm prevailed. Aeration was being neglected and rusty containers were being used for the storage of milk. There had also been discovered an inexcusable carelessness among the managers, proprietors and directors of factories. He calculated that a high percentage of financial losses accumulated from the continuation of such a state of affairs.⁶⁴ He could suggest that "power should be given under the Dairy Act to allow Instructors and Inspectors to supervise these conditions".⁶⁵

The condition of some dairies was considered to be so repulsive that children were refusing to milk cows.⁶⁶ Another inspector was prompted to the same conclusion after hearing the following common grievance among farmers: "the children will not milk, and we will

62. AR, 1896, pp.12, 19.

63. *ibid.*, p.33.

64. *ibid.*, pp.58-9.

65. *ibid.*, p.58.

66. *ibid.*, p.90.

have to sell the cows, although we believe in cows".⁶⁷ The state of cowsheds was further jeopardising those ideal harmonious family relationships which were supposed to prevail in the unique New Zealand environment.

To ensure that ignorance of scientific principles did not aggravate indolence in preventing the expansion of the dairy industry, the Dairying Division called for the establishment of dairy schools. The call for such an instructional service was given effect in the winter of 1896 when dairy schools were conducted at Edendale and Waverley. Such efforts were appreciated by large audiences with "the instruction [having] an important influence on the excellence and uniformity of produce".⁶⁸

The growing concern for the presence of tuberculosis in dairy stock became prominent in the 1897 Annual Report. In order to combat the spread of disease several suggestions were made. Sterilization or pasteurization of all milk, tuberculosis testing of all stock, and the closer inspection of dairies were constantly requested by inspectors. One of the predominant features of the individual reports was the demand for increased central control of the dairy industry. Ritchie summed up this demand in his typically dispassionate style: "Some necessary amendments [to the Dairy Industry Act] are required, and at the same time power should be taken to place the whole of the milk supply to the public and factories under departmental control".⁶⁹ This claim was based on the evidence assembled by field inspectors who determined that local bodies were incompetent to provide the necessary services. The Southland inspector saw such a move as essential to the continued sound public health of the people of Invercargill.⁷⁰ As other inspectors registered

67. AR, 1896, p.100.

68. AR, 1909, p.xxxvi.

69. AR, 1897, p.xvi.

70. *ibid.*, p.70.

general dissatisfaction with the condition of dairies within the orbit of local body supervision, the transition to central control at least had their tacit support. The need for state action was also recognized by the Farmer. Centralized control allowed men with the necessary scientific knowledge and resources (e.g. veterinary services) to carry out such duties effectively. In this way, indifference on the part of municipal officials would be transformed into that action which would preserve the public health. In addition, efficiency would be more likely, as duties would be performed "without fear or favour of any local potentate".⁷¹

In 1898 a third Dairy Industry Act was passed to "regulate the Inspection of Dairies, and the Manufacture, Inspection, Sale, and Export of Dairy Produce, and also to assist the Dairy Industry by providing for Government Advances to Dairy Companies".⁷² In essence, it accommodated solutions to those problems which the field inspectorate had so explicitly revealed. It gave increased power for the inspection of dairies and cattle and the marking of dairy produce. The Department assumed control of local milk supplies and established uniform regulations for the whole colony. It was intended that part two of the Act would facilitate the establishment of dairy factories.

In addition to extending the orbit of regulation the field inspectorate had also imparted a qualitative influence on legislation. On the advice of the rural inspectorate the Department had gradually assumed considerable real and potential regulatory powers, and it was the ability of the executive to regulate afresh without the consent of parliament which alarmed opposition members.

When debating the third reading of the Bill in the House, they were quick to attack the wide ranging powers given the Government

71. Farmer, August 1898, p.273.

72. NZ Statutes, 1898, p.73.

through the medium of Orders in Council. W.H. Herries declared that he had "never seen a Bill in which there were so many regulations where the regulations were not laid on the table of the House".⁷³ He had noted that regulations constituted the bulk of the Bill and tended to allow the Government to continue legislating once the Act was in operation without any ultimate responsibility to the people they represented. Altogether, it was a "farce calling Parliament together and not giving it a voice in the laws that are made, because these regulations are laws; and yet the representatives of the people have no voice in making these laws of the country".⁷⁴ R. Moore, F. Pirani and G. Hutchison spoke in similar vein, suggesting that the Government could do entirely as it wished in both sections of the Bill.⁷⁵

These comments are particularly significant as they incisively express the degree to which authority had been transferred to the executive wing of government. This transition was altogether a logical process, arising from the need for administrative discretion. In this respect the Department was susceptible to such a development, because the exigencies of a wide range of variable situations and the necessity to apply scientific principles uncomprehended by the Legislature militated against the laying down of a fixed body of rules. Cases of epidemic diseases in the past (e.g. pleuropneumonia, anthrax, and scab) had shown the need to act immediately, regardless of Parliament, which could be in recess. No particular case could be accommodated within the "rules" without allowing for a degree of further administrative interpretation.

Whereas administrative tact and discretion could operate on the local or individual level to successfully overcome a particular situation, wider ranging provisions were made possible through the

73. PD, 1898, 95, p.92.

74. *ibid.*

75. *ibid.*, pp.92-3.

Governor's ability to instigate or delete regulations by Order in Council.

Under the 1892 Act the Governor was empowered to "appoint or remove such Inspectors for the administration of the Act" and he could, by similar process, "prescribe regulations for all purposes of such administration, or for the conduct of officers engaged therein".⁷⁶ On the repeal of this enactment in 1894, the new Act allowed for continuation of such powers. As the Act was now broader in its orbit, so too were the Governor's powers, as cool stores and related business became subject to the volition of the executive. Furthermore, the same regulatory process could "alter or revoke any such Order in Council in whole or in part".⁷⁷

Those far reaching aspects of control which bestirred the House in 1898 were detailed in sixteen clauses. Nine of these applied to dairies and a similar number could affect the operation of manufacturers. The fifteenth clause listed seems to render the others superfluous as the Governor in Council would regulate "any other matter for which regulations are contemplated or required by this Act, or which he deems necessary for the efficient administration of this Act".⁷⁸ Part two of the Act required that no loans should be granted unless the Minister of Agriculture was satisfied as to the capacity of the dairy factory and the milk supply.⁷⁹ Hutchison vehemently opposed such a provision, as "the amount which may be advanced still remains in the discretion of the Minister for Agriculture, uncontrolled by any Board or any Authority. Such a state of things is most undesirable". He believed this to be an avenue of that patronage the Ministry relied upon in order to stay

76. NZ Statutes, 1892, p.178.

77. NZ Statutes, 1894, p.374.

78. NZ Statutes, 1898, p.80.

79. *ibid.*, p.81.

in office.⁸⁰ Earlier, while in Committee, Herries unsuccessfully proposed a motion for a new clause requiring that the Ministry be accountable to the House for its regulations through having to lay all regulations on the table at the commencement of each session of Parliament and that they be subsequently referred to the Agricultural, Pastoral and Stock Committee for consideration and report.⁸¹ McKenzie had no objection to the first course of action but would not have regulations referred to the Stock Committee "to be torn to pieces through party feeling".⁸² Such sweeping powers for the executive branch of government were to remain.

The regulatory impulse had certainly intensified across the period of these three Acts. The regulation of export produce was laid down in the branding clauses of the first enactment. The inspectors had considerable powers of entry to any "place of business" connected with dairy production and could remove samples from suspect packages for analysis. The supply of diseased or otherwise impure milk was prohibited and the certification of a factory (which was a prerequisite for continued production) was at the complete discretion of the inspector. Any person who impeded an inspector in his duties or failed to act upon the inspector's recommendations was liable to a penalty "recovered in a summary way before a Resident Magistrate or any two or more Justices of the Peace".⁸³

The new Act of 1894 brought the farm under closer scrutiny. Should a wide range of provisions not be "to the satisfaction of the Inspector" or not rectified within the time that he designated, the supplier was liable to a penalty of one to fifty pounds, or prohibited from disposing of his milk until such work was done. The inspection of suspect cattle was performed under those conditions applying to

80. PD, 1898, 95, pp.93-4.

81. *ibid.*, p.92.

82. *ibid.*, p.95.

83. NZ Statutes, 1892, p.180.

the Stock Act 1893, and the aeration or cooling of milk was now made compulsory. A further set of elaborate provisions delineated the duties and powers of produce graders.

The man on the land was to see the presence of even more rigid and far reaching inspection following the 1898 Dairy Industry Act. At this point the Stock Inspectors were added to those appointed under the 1894 Act. Beyond the supervision of those provisions outlined in the 1898 Act, all inspectors were to have the powers and functions of an inspector under Stock Act 1893, and the Adulteration Prevention Act of 1880. In reality, the new policy of central inspection of city milk supplies amounted to regulation where neglect had previously been the rule.

The overall impression gained from inspectorial reports and the newspapers is that in very few cases did those being regulated show any marked recalcitrance. Undoubtedly, a small minority of inspectors were over zealous in their activities, but usually tact and discretion prevented any serious friction arising between the inspectors and the inspected.

There were factors beyond the executive's largely educational and instructional role which minimised harrassment. McKenzie's practice of circulating copies of each of the Bills among interested groups enabled him to gauge the opinion of those whom the Bill would affect. Such a procedure pleased the editor of the Farmer:

The new departure of the present Government in consulting Agricultural and Pastoral societies with regard to measures intended to be introduced into Parliament, affecting the farming and stock raising of the colony, is to be commended. Much after amending of Acts is likely to be prevented by thus availing ourselves of the practical knowledge of subjects of projected legislation possessed by those actually engaged in the industries to which such legislation is intended to apply.⁸⁴

84. Farmer, July 1893, p.249.

Once the inspectorate was established, it too complemented those feed back factors which produced a prepackaged consensus. Their first hand knowledge of field conditions allowed them to assess the range of the possible both in terms of material resources and local cooperation. As their reports were crucial in the formulation of new legislation the smooth operation of regulations followed. They were apt to mention cases where tensions had arisen but most were resolved either by discussion or by legal action. However few prosecutions seem to have resulted, reflecting a considerable degree of tact among inspectors and a readiness to act within the prescribed limits by those dairying interests affected. A report of summonses and convictions under the Dairy Industry Act 1898, from 1 January 1899 to 22 October 1903, shows that only 52 persons had been summoned and 44 convicted.⁸⁵ Should an inspector decide to lay charges, the penalties could be severe: for some infringements up to £50. Also, the onus of proof of not being liable to any penalty lying with the defendant and the inspector's power to prohibit the supply of milk to a town or factory, were strong disincentives to flouting regulations.

Two local dairymen appeared before the Dunedin magistrate on 11 April 1901 on charges laid by the local inspector. The departmental spokesman, Fraser, said that the first was not really a bad case but it was time for a rigid enforcement of the regulations. He considered it to be something of an exemplary case. The magistrate was rather lenient, charging only 5s. fine and 10s.6d. costs. The same penalty was imposed on the second defendant, who had permitted manure and swine to remain too close to his milk-house. The judge's concluding warning, that in any future cases full fines would be imposed, suggests that the transgressions to date had been sufficiently infrequent to allow leniency rather than the imposition of stiff penalties as a deterrent, to prevail.⁸⁶

Positive evidence of harmonious relations between the Department

85. AJHR, 1903, H36.

86. Otago Daily Times, 18 April 1901, p.7.

and the public appeared in individual reports. The Wellington produce grader, A.A. Thornton, was pleased to state that there was an evidently increasing interest taken among all connected with the industry in the work of inspection and grading.⁸⁷ S.M. Robbins, Dairy Instructor, reflected on the willingness to comply with the regulations among those suppliers he had visited. Although a "great many expressed themselves as very pleased that the inspection of premises was started" he cautiously added that "these were men who had no cause to fear any inspector seeing their premises."⁸⁸

The relationship of the dairy industry with markets and science also promoted cooperation. Because of an entire dependence on foreign markets those conditions laid down by the importers were understood by those more enlightened members of the rural sector. The work of the inspectorate gained respectability because of a general acceptance of the relevance and efficacy of science in this industry. The economic plight of newly established farmers instilled a reliance upon central direction among all but the most remote farmers, whose difficult physical situation aggravated crass ignorance which compounded to ensure continuation or slow improvement of detrimental practices. But the many pages of evidence on the proposed extensive dairy regulations of 1908 given before the Agricultural, Pastoral and Stock Committee, reveal that it was in such cases that field personnel exercised most discretion. The Inspector in charge of the West Coast district of the North Island related that ninety per cent of Taranaki farmers welcomed inspection, largely because they had good land and were well established. For the purpose of enforcing those regulations associated with the 1898 Act and introduced in 1901, he had instructed his eleven subordinate inspectors to treat the backblocks in a different manner: a policy of gradualism would be observed in such areas.⁸⁹ One of the

87. AR, 1897, p.118.

88. AR, 1898, p.88.

89. AJHR, 1908, I12a, pp.18-19.

examiners, A.W. Hogg, M.H.R. for Masterton, vividly outlined the hardships which would be faced by a certain farmer near Wellington who would have, under the proposed 1908 regulations, to use a separate cart for his milk to be transported in absolutely rust-free cans after his disease-free cows had been milked in an immaculately clean, half-yearly whitewashed, cowshed built to strict specifications. How could a man get gravel to his property for a concrete floor when he had neither a cart nor passable roads? "This struggling dairyman being compelled to carry his milk in kerosene tins, place it in a wheelbarrow, travel over a log fallen across a river, through swampland to the factory"⁹⁰ When confronted with such a case each of the inspectors assured the Committee that a reasonable standard being attained they would refrain from forcing compliance with the exact letter of the law.

The argument then arose, that if such discretion was practised, the existence of an elaborate body of regulations was unjustified.⁹¹ Others wished to see stricter regulations and less discretion,⁹² while those of more moderate opinion argued the necessity of some guidelines for inspectorial action.⁹³ Because the regulations, if strictly enforced, would drive a great number out of dairying, some decided that a competent body of inspectors should have full discretionary powers.⁹⁴ Ultimately, the regulations were never strictly enforced and discreet supervision was to continue to prolong the life of the "goose that [laid] the golden eggs".⁹⁵

Although the 1908 Dairy Industry Act consolidated "certain enactments of the General Assembly relating to the inspection of

90. AJHR, 1908, I12a, p.33.

91. *ibid.*, p.39.

92. *ibid.*, p.45.

93. *ibid.*, p.24.

94. *ibid.*, pp.50, 69.

95. New Zealand Herald, 24 September 1908, p.4.

dairies, the manufacture, sale and export of dairy produce, and the making of Government loans to dairy companies",⁹⁶ the 1898 Act was the last Dairy Industry Act to enforce new provisions under such a title until 1915, which lies outside of the period under consideration. Why should this length of time pass before review of the enactment was necessary? Primarily because the 1898 Act was exceedingly comprehensive. The many clauses of the Act compounded with the ability of the Governor to regulate afresh and administrative discretion, to accommodate a wide range of situations. Hence, frequent emendation was avoided.

The correlation of executive demands and legislative response allows one to assert confidently that the wellspring of administrative growth (both qualitative and quantitative, as more extensive regulation required more agents in the field or head office) within the microcosm of the dairy service of the Department was primarily the executive field corps. Their avenues of feed back were various and effective.

The first of the two essential attributes of the field officials was their role in shaping legislation as it went into the statute book. The administration then secured continuing powers to meet new circumstances through its ability to alter existing regulations or regulate afresh. Beyond this aspect of initiative, the administration also possessed a second important influence; the operation of discretion. These two avenues of shaping the law left the executive largely in control of legislation as it was made and as it was administered. Should such a process have operated in the macrocosm of the total Department or perhaps - and this will be most speculative - the overall Liberal administration, further conclusions would be in order.

96. See Consolidated Statutes, 1908.

CHAPTER 3

THE LIBERAL BUREAUCRACY

In discussing the bureaucratisation of the Department of Agriculture, Brooking concentrated on the personalities of the Ministers McKenzie, Duncan, McNab and the Secretary, Ritchie, who served each of them.¹ His hypothesis, that McKenzie alone maintained a tight rein on the Department is quite acceptable. A brief personal paper penned by Ritchie stated that McKenzie "had a strong personality and was eminently practical".² And as one of the solid core of the Liberal Ministry, McKenzie could draw considerable support for his agricultural bills. The "rapid development" (to use Ritchie's phrase) of the Department after 1892 was indebted to his political acumen, and undoubtedly "his loss [in 1900] was irreparable to the Department".³

After 1900, Brooking asserts, the decidedly weaker Ministers, T.Y. Duncan (1900-1906) and R. McNab (1906-1908), permitted a state of affairs which enabled "the bureaucrat [Ritchie] to efficiently and unobtrusively work his silent revolution".⁴ Statistical evidence, on cursory examination, would fit well with this claim. The departmental growth rate, in terms of personnel, was approximately eight per cent per annum from 1892 to 1900, while the succeeding eight years witnessed an annual expansion rate of near fifteen per cent.⁵

But two sources of evidence belie Brooking's contention that Ritchie, the master bureaucrat, was responsible for this latter

-
1. Brooking, op cit., passim.
 2. From an undated, untitled typescript I possess in photocopy, p.2. Textual evidence suggests it was written by J.D. Ritchie following his retirement. Hereafter cited as JDR.
 3. ibid.
 4. Brooking, op cit., p.50.
 5. Calculated from AJHR, 1892-1908, B7.

growth rate. After 1900, the Department, "despite Mr Ritchie's many attempts to hold it together, drifted along and became more or less disorganised; no forward movement was possible".⁶ Ritchie himself related that after the retirement of McKenzie and the coming to office of a political dark horse, T.Y. Duncan, "the development of the Department was somewhat retarded but the routine was maintained".⁷ His ever dispassionate phrases, here, and in the preambles to annual reports, bear no hint of any frustrated - or (after 1900) untrammelled - bureaucratic ethic at work. Neither does a closer investigation of the number and classification of new personnel engaged.

The greatest increase in Departmental officers occurred between the 1900-01 and 1901-02 years. In this case an evaluation of new personnel reveals that three quarters of these were directly associated with the recently implemented Slaughtering and Inspection Act of 1900. McKenzie had introduced Slaughtering and Meat Inspection Bills to Parliament in 1897 and 1898. On each occasion the Bill lapsed or was withdrawn, and a Bill of the same title, introduced by Seddon on McKenzie's behalf in 1899, suffered the latter fate following the second reading. It was only in 1900 that parliamentary opinion favoured the passage of such Bill under the direction of Duncan. His personal effort accounted for little but significantly, the eventual enactment required the employment of duly qualified veterinary surgeons. Though the Slaughtering and Meat Inspection Bill had lapsed in 1898, an amendment to the Stock Act had been submitted, empowering the appointment of Meat Inspectors. This work was undertaken by six veterinary surgeons.⁸

The Act of 1900 came into operation on 1 April 1901, placing the inspection of all meat and slaughtering places, and the licensing

6. From an undated typescript entitled J.D. Ritchie. Textual evidence suggests that it was a newspaper's assessment of Ritchie's career.

7. JDR, p.2.

8. AR, 1899, p.xi.

of the latter, under Departmental control. For the purpose of meat inspection, the Chief Veterinarian, J.A. Gilruth, proceeded to Great Britain and engaged a further fourteen veterinary surgeons.⁹ The additional workload entailed by this Act led to the employment of a further seven assistants to Meat Inspectors and several extra clerical cadets to handle routine administration.¹⁰

One may note that a similar process to that observed in the Dairy Section has occurred here. Enactments to remedy a situation exposed by the inspectorate brought a number of new professional appointments with supervisory duties to perform under the guidance of the central Department. Prior to this enactment, stock inspectors had been employed to obtain "authentic information as to the actual condition of the slaughterhouses throughout the colony".¹¹ Ritchie's preamble to the 1899 annual report summarises the submissions of each of the Inspectors of Stock.

It is almost unnecessary to say that the reports disclose with the exception of a few, a most unsatisfactory state of affairs, showing that the local authorities exercise little or no control over the slaughterhouses under their jurisdiction, and merely act as tax collectors, without in any way protecting the public in the matter of meat supply. The consumers of meat cannot be aware of the insanitary condition of many of the slaughterhouses, otherwise such abominations would not be allowed to exist. Some drastic reform is urgently required.¹²

As with the dairy industry's milk supply, the concern for tubercular infection had by this time reached crucial proportions, and a public opinion, ever growing in awareness on this issue, ensured that the Bill was passed in 1900.¹³ Administrative feed back was intensified

9. AJHR, 1901, B7, p.64.

10. *ibid.*

11. AR, 1899, p.xii.

12. *ibid.*

13. The spectre of tuberculosis was so widely feared that a report on the matter made in Great Britain was included in the AJHR, 1899, H37.

when the 1898 Select Committee which deliberated upon this Bill, relied heavily upon the evidence of Gilruth. Although he had not personally visited every district of the colony, he believed he could rely on the objective and authoritative reports of the stock inspectors to give him an accurate impression of the state of affairs concerning local body inspection and the incidence of tuberculosis in live-stock.¹⁴

Again one can see evidence of that same process that was operating in dairy industry legislation, and, although the whole spectrum of agricultural legislation has not been conclusively researched, random evidence can be marshalled to reinforce the contention that this same process was at work in other rural statutes.

By 1906, the Department of Agriculture administered the following range of Acts: Agricultural and Pastoral Statistics Act, 1895; Small Birds Nuisance Act, 1892; Dairy Industry Act, 1898; Fertilizers Act, 1904; Noxious Weeds Act, 1900; Orchard and Garden Pests Act, 1903; Slaughtering and Inspection Act, 1900; Stock Act 1893 and amendments; Rabbit Nuisance Act 1882, and amendments; and the Products Export Act of 1903. In each case, though in varying degrees, a process similar to that analysed in chapter two occasioned the intensification of bureaucratic control. Several examples can be outlined. Incidental comments from Stock Inspectors on the widespread problem of small birds, so injurious to crops, stimulated central control of eradication programmes.¹⁵ The efforts of local bodies were revealed to be farcical and there were many direct executive appeals for more effective action.¹⁶ The farming of rabbits and their prolific breeding in their natural habitat were constant sources of difficulty which the Department attempted to control. The initial Rabbit Nuisance Act of 1882 underwent

14. AJHR, 1898, I8, p.22.

15. AR, 1896, p.vii.

16. See AR, 1898, p.iv.

frequent amendments, each one further enhancing the power of central government to coordinate control of the pest. Local Stock Inspectors also noted the presence of noxious weeds in the areas through which they travelled. The Department had long remained aware of the need for legislation to control noxious weeds, and Ritchie applauded the eventual passage of the Noxious Weeds Act in 1900:

It is with a considerable degree of satisfaction that the passage of the Noxious Weeds Act can be announced ... and it is pleasing to report that the bulk of the landowners are willingly and energetically complying with the requirements of the Act.¹⁷

The passage of a comprehensive Orchard and Garden Pests Act was delayed until 1903, largely because of the conflicting outlooks of two substantial groups implicated. The problem of the codlin moth pest had not been effectively solved even though legislative attempts had commenced with the Codlin Moth Act of 1884. This early Act was permissive and its operation was the responsibility of Borough and County councils.¹⁸ What hindered the passing of effective legislation to terminate the existence of "that bane to every community, the careless and lazy class, who would do nothing towards the repression of the pests unless compelled by Act of Parliament",¹⁹ was the opposition of Auckland fruitgrowers. In that region, due to favourable climatic conditions, the codlin moth flourished and spraying specifics, so effective elsewhere in the colony, afforded little relief from the pest. Auckland interests protested that until a practical pesticide was discovered, legislation on the matter could not be justified.²⁰ The Government feared that should legislation be passed which left Auckland as an exception, the Bill would be "too elastic and thus enable artful orchardists to evade

17. AR, 1901, p.v.

18. NZ Statutes, 1884, p.209.

19. Otago Daily Times, 11 July 1901, p.4.

20. *ibid.*

the very object for which it was framed". As Government spokesman, Ritchie passed a comment which expresses the hypothesis of administration having its own internal dynamic. The existence of administrative activity in one area was used as a precedent to justify its extension to a comparable sector. He realised that

the necessity for some legislative protection [could] scarcely be questioned. The Government has thought fit to protect sheep and cattle dealers by enactments against the spread of pleuro-pneumonia and like stock diseases; the farmer is protected by the Noxious Weeds Act, but the fruitgrower is left absolutely at the mercy of all those who fail to wage war against orchard pests.²¹

From a slightly different angle the Farmer argued that

a sheeponwer is not allowed to keep a scabby flock without taking the proper measures to cure the disease. The law compels him to clean or destroy in the interests of the whole community. Why then, should a man be allowed to keep a scabby orchard, worthless to himself and the cause of loss to others and the public in general.²²

The rights of the individual, the editor decided, were irrelevant: what was good for the one was good for the other.

Horticultural legislation lacked a sound scientific basis, and evidence that scientific advances usually predicated legislative activity in the agricultural field was given by the Premier, Ballance, in 1891:

Scientific men and experts have not yet discovered any means of getting rid of such pests although a great many remedies had been tried. If any effectual remedy were discovered it might be necessary to compel the people to adopt that remedy, but at the time it was impossible for legislation to deal with the evil.²³

Conversely, advances in veterinary diagnostic medicine, pastoral management, and dairy instruction had afforded a sound scientific

21. Otago Daily Times, 11 July, 1901, p.4.

22. Farmer, January 1895, p.17.

23. Farmer, August 1891, p.329.

basis for extension of administrative control regarding livestock, the dairy industry and noxious weeds.

The relatively limited Orchard and Garden Pests Act of 1896 entailed the inspection of orchards and vineyards for phylloxera. The powers left to the Governor in Council were extensive. He could "appoint Inspectors and other officers with such powers and functions, as he deems necessary in order to carry out the provisions of this Act".²⁴

The 1896 Act was repealed and replaced by a new enactment, with the same short title, in 1903.²⁵ As Canterbury orchardists felt their orchards to be particularly vulnerable to the ravages of the codlin moth which found its way south with apples for cider making, they were anxious for departmental control of such produce movements.²⁶ So were the Departmental experts. W.J. Palmer, Government Pomologist for the Northern District predicted ruination of the fruit industry unless the sale, disposal or removal of fruit from affected orchards or districts was strictly prohibited.²⁷ In 1899, J.C. Blackmore, Pomologist for the Southern District, directed Ritchie's attention "to the urgent necessity for compulsory measures to check the spread of codlin moth. Compulsory concerted action on the part of all is urgently required to be immediately enforced".²⁸

As in reports from other areas of the Department's work, the field workers' demands, if not entirely similar in substance, did express a common plea for urgent action. And once more the experience of the field officers was turned to profit by Select Committee. Preceding the 1903 enactment, the Joint Agricultural,

24. NZ Statutes, 1896, p.135.

25. NZ Statutes, 1903, pp.266-71, passim.

26. AR, 1897, p.vi.

27. *ibid.*, pp.155-6.

28. AR, 1898, p.236.

Pastoral and Stock Committee convened on the subject of this Act in 1898, 1902 and 1903. On the first occasion Blackmore proffered vital evidence regarding the need to control distribution: a provision of the 1903 Act.²⁹ The sole examinee before the Committee in 1902 was W.A. Boucher, a departmental Fruit Instructor,³⁰ while in 1903, he joined T.W. Kirk, F.L.S., head of the Division of Biology and Horticulture, to provide the bulk of evidence on the Bill.³¹

Horticulture interest groups were consulted and invited to submit comments on the Bill as circulated to them. Although this particular area of legislation did not afford McKenzie or Duncan as unanimous a mandate as was received concerning other agricultural measures, the support of the south, and the opposition of the north³² could be accurately gauged from these grass roots submissions and could be judiciously assessed by the legislature.³³

If one accepts the operation of this consultative process, a reassessment of Ritchie's role in bureaucratic developments is called for. Rather than playing a role similar to that in which Gibbons has depicted Tregear, he should be considered as representing only one stage in the evolution of a departmental consensus. As head of the Department he was closest to the ear of the Ministry, and as he was frequently involved as a Select Committee member, his connections with governmental legislation were not remote. He was close to McKenzie, a personal friend over some years before he obtained office.

29. AJHR, 1898, I6a, p.17.

30. AJHR, 1902, I12b.

31. AJHR, 1903, I12.

32. *ibid.*, p.14.

33. Time has not permitted a conclusive study of the formulation of those other enactments administered by the Department, but a close study of annual reports and a briefer survey of the voluminous Select Committee Reports and Statutes reinforces my contention that this process was basic to all fields of agricultural legislation.

Prior to 1891 he had managed the Mount Royal Station near Palmerston only a few miles from McKenzie's own holding.³⁴ In April 1891 he accepted McKenzie's personal offer of the position of Chief Inspector of Stock for the colony and the following year, on the formation of the Department, he was appointed first Secretary.³⁵

However, while representing the apex of the departmental pyramid, he was not (nor wanted to be) cut off from the wider body of divisional heads, who in turn derived their conclusions from personal experience and, most importantly, the reports of their subordinates in the field. Given Governmental policy of consulting bodies likely to be implicated in further legislative developments, and Select Committee deliberation on nearly all Bills introduced, Ritchie's opportunities for playing an influential personal role in bureaucratisation were very limited. It would seem safe to postulate that McKenzie and his successors were guided by a practical assessment of situations as they arose. In the rural sector, where the character of the beneficiaries (or the problems they faced) were such that little could be left to their own efforts, central instruction, inspection, coercion and control was the most expedient current solution, and had the support of not Ritchie alone, but the total Department.

McKenzie's successor, "honest Tom" Duncan, a diffident man, inept in debate and devoid of that charisma McKenzie possessed, acted in a similar fashion though less effectively than McKenzie. Ritchie's departmental duties intensified, due more to Duncan's incompetence and new legislation implicating more executive servants, than to any bureaucratic predisposition. Because of his farming background and his experience in Departmental affairs gained since 1892, he accurately assessed those most urgent needs of the rural sector: if central control had alleviated conditions in one area, on this basis he was prepared to support its extension elsewhere.

34. New Zealand Journal of Agriculture, op cit., p.371.

35. JDR, p.1.

That the Liberals tended to act upon the informed opinion of the field executive corps, after ensuring through widespread consultation that such legislative action would not set at variance any electorally significant segment of the rural sector, suggests that their governmental policy was largely pragmatic. Land, Labour, Health and Agricultural policies were intended to promote a general contentment among New Zealanders, to establish a state of social well being among those subjects they governed. The term "subjects" is apposite, in view of the degree of bureaucratic control exercised in order to remove such excrescences as frustrated practical expectations - whether they be to get on to the land or make a living out of farming in fair proportion to one's effort; to ensure a fair day's pay for a fair day's work under reasonable conditions, or to maintain the physical and mental health of those in society who (and this was an important criterion) were still able to contribute a personal effort. No mere handouts were to be given; the Government would help those who helped themselves, thereby creating equality of opportunity and promoting social justice. Those at the lower end of the socio-economic scale, with impoverished minds, bodies or wills, had no reason for optimism under the Liberal Government. Both the greedy and the absolutely needy were too far on the verge of the main path of Liberal electoral concern to command legislative respect. It was the "man on the make" who benefited from the post 1895 prosperity partly created, largely articulated by the Liberal Government.

Unless one keeps in mind this policy which bureaucratic growth was to help formulate and implement, the dynamics of growth remain devoid of an essential context. The basic values of economic advancement and a not altogether obtrusive humanitarian strain conditioned the Liberal Government to take charge of situations as they arose. Where ignorance of fundamental practices or rights presented insurmountable hurdles to advancement, the Liberals were prepared to extend their helpful executive arm. The Legislature accepted on pragmatic grounds the first hand knowledge of those field personnel totally conversant with the people and places to be drawn within the ambit of central administration.

Such local officers may not have always been completely aware of all sides of the problems they were airing, but neither were they totally ignorant. Whether Stock Inspectors checking on slaughterhouses, local constables inspecting factories, or Health Inspectors commenting on local dairies, each officer had an adequate, if basic, familiarity with his particular aspect of supervision. An initial degree of unfamiliarity may well have stimulated those frank criticisms of conditions which augmented the pressure for legislative change.

It is doubtful whether Departmental archives, if they did exist for this period - they do not for Agriculture or Labour - would reveal just how far beyond their original intentions the momentum of government carried the Liberals. Each revelation of an evasion of the laws implied further regulations, and to this extent it could be said that initial horizons were extended. The Dairy Commissioner, J.B. MacEwen, reported with some urgency that a certain farmer surreptitiously removed nine out of ten cows to which an officer was administering a tuberculin test, in order to invalidate the damning evidence likely to emerge. He concluded that "this shows the necessity for some legislation upon the subject to enable one to effectively cope with deliberate obstructions of this sort".³⁶ Alterations to the Dairy Industry Act and the Stock Act of 1898 went in the direction of preventing such fraudulent practices.

What had been initially considered self evident was, on the evidence offered by the inspectorate, found to require modifications, glosses and sometimes repeal or significant amendment. Field inspectors also experienced a change in perspective, as changes which initially seemed unattainable in their boldness were accepted by the legislature as practicable. Sawers of the Dairy Division evidences this new confidence in in 1896 report: "The success which has attended the efforts of the Department [in the inspection of dairies and herds] has been such as I think would encourage us

36. AR, 1897, p.70.

to go a little bit further".³⁷

Objective facts rather than the aspirations of bureaucrats such as Tregear, MacGregor of the Health Department, and Hogben of the Education Department, were the essence of Liberal administrative growth. In respect of education, the New Zealand Herald praised the legislative utility of school inspectors' reports.

The peculiar opportunity they have for observing, in all its working details, the inwardness of our scholastic methods; their intimate acquaintance with the personnel of the service; their frequent occasion for comparing rival theories and watching the effect of varying forms of inculcation; make the opinions and advice of intelligent inspectors of extreme importance. As we recently pointed out, it is the faithful work of conscientious and enthusiastic experts which prevents our educational system from petrifying into something of the Chinese type.³⁸

In the Labour department lesser officials inspired many of Tregear's recommendations. Labour statutes required each inspector to report annually on the working of legislation. Gibbons noted that, as many local agents were also policemen, their reports tended to reflect a preoccupation with "control and punishment of recalcitrant labourers and swaggers". On this evidence the present writer would conclude that Tregear's requests for firmer control of such individuals were occasioned by, and not merely "echoed" or "reinforced" by local agents as Gibbons decided.³⁹ Tregear articulated their demands in a form suitable for formal presentation to the legislature, but it must be emphasized that the requests for more control which he reiterated were not the machinations of an overwhelming bureaucratic ethic to which he subscribed, but a synthetic and sympathetic summation of the problems and solutions emerging from a departmental consensus. Labour field agents may not have possessed that authority which Dairy Experts possessed, but their reports were the substance of legislative and

37. AR, 1896, p.81.

38. New Zealand Herald, 5 July 1900, p.4.

39. See Gibbons, op cit., pp.86-7.

administrative extension. The Labour Bills Committee solicited information from a range of individuals and interest groups before its influential opinion was passed. When considering the Master and Apprentices Bill No.2, Grace Neill offered informative knowledge on female workers and ensured that this substantial sector of the work force gained adequate attention. James MacKay, chief clerk of the Labour Department, spoke from evidence accumulated by subordinates, while the submissions of the Book Makers Union and the Boot Manufacturers Association gave further valuable facets of the problem.⁴⁰ On these bases legislation could be well evaluated in terms of expedience.

The Health Department was established in 1900. Immediate impetus was given such a move by the need to bring down legislation to deal with the bubonic plague then threatening New Zealand. This alarming situation was responsible for securing a central department in that year, but there had been developing in recent years a public awareness of the incompetence and indolence of local bodies. Stock inspectors had revealed their remiss attitude towards health hazards presented by insanitary dairies and slaughterhouses. The editor of the Press saw the issue clearly: "It has been abundantly shown that in matters of health local authorities are not to be trusted unless they are under some controlling hand". It was time, he concluded, that we gave ourselves as much attention as that devoted to livestock.⁴¹

Once the Health Department was established a process of growth similar to that operating in the Agricultural Department ensued. Medical officers supervising various localities informed the Health Department of weaknesses in legislation and made explicit recommendations for alterations to existing enactments. Similarly, they maintained a well-informed public opinion and their conclusions carried authority before Committees deliberating on health legislation.

40. AJHR, 1894, I13.

41. The Press, 5 July 1900, p.4.

The enhancement of executive power already noted in Dairy Industry enactments also occurred in other sectors of Liberal legislation. When considering the Orchard and Garden Pests Bill of 1896 the Stock Committee rejected clause five, empowering the Governor "to make such regulations as he thinks proper for the destruction in the colony of any plant, fungus, parasite or insect, or the eradication of any disease or the checking of its spread" This clause was deemed necessary by the executive because threatening circumstances required immediate action and could not await the opinion of the House. A subleader in the Farmer agreed that the clause

was rightly rejected, not because it would enable drastic regulations to be framed for the suppression of insect pests, but because to leave the framing of these regulations entirely to the Governor-in-Council, or in other words to the Agricultural Department officials would, in our opinion, have been very undesirable.

The editor perceived the comprehensiveness of such a clause which, if passed, would have rendered any further clauses superfluous.

Under its provisions the Department would have done exactly as they [sic] please, and imposed whatever obligations and restrictions they [sic] chose upon the orchardists of New Zealand independent of any further Parliamentary sanction, but simply by Order in Council.

Although the Department meant well and had done good work in the past, the editor was "far from regarding the institution as possessing a practical knowledge and wise discretion so absolutely reliable that fruitgrowers of the colony could safely place themselves in the hands of its officers with their eyes shut".⁴² But when the 1896 Act was repealed and replaced in 1903, the Governor's powers to regulate by Order-in-Council had no precise limits. He could make regulations "generally for any other purpose for which regulations are contemplated by this Act, or which he deems necessary in order to give full effect to this Act".⁴³

42. The preceding four quotations are from Farmer, May 1897, p.154.

43. NZ Statutes, 1903, p.270.

The existence of this trend of legislative initiative from the executive arm of government is a basis for correcting those commentators who suggest that Liberal legislative energy was exhausted by the mid 1890's. Sinclair is not so harsh, but does believe that the legislative programme of the Liberals was completed by 1900. He tends to explain this slowing down of the legislative process in terms of the eventual removal of such radical politicians as Ballance, Stout and Reeves.⁴⁴ Yet, given that Liberal policy was intended to promote and maintain social justice through constant administrative vigilance, and that by 1900, prosperity - that most obvious indicator of social wellbeing - had rejoined the colony, the range of the possible in legislation (and it was the practicable alone that concerned the Liberals) was very much narrowed. Frequent assessment of enactments and amendment where necessary, together with a dynamic, flexible administrative programme, brought a satisfying degree of success to the Liberals by this date. Also, the changing nature of executive power outlined above largely precluded the need to legislate afresh. As enactments became more comprehensive in detail and in general provisions at the discretion of the Governor-in-Council, situations, which before the mid-1890's would have required the deliberation of the formal legislative structure, could be settled out of Parliament. A glance at the Gazettes - as all Orders in Council had to be gazetted - and annual reports of each department, rather than the statutes of this later period, would correct this error.

44. K. Sinclair, "The Legislation of the Liberal Party, 1891-1898", in R. Chapman (ed.) Ends and Means in New Zealand Politics. Auckland, 1963, p.11.

LIST OF SOURCES

Note: The material listed here is confined to sources directly relevant to the present study. This list has no claim to being a comprehensive bibliography concerning rural administration.

Arrangement: OFFICIAL
 UNOFFICIAL
 CONTEMPORARY PERIODICALS AND NEWSPAPERS
 OTHER CONTEMPORARY MATERIAL
 SECONDARY WORKS
 THESES
 MISCELLANEOUS

OFFICIAL

Appendix to the Journals of the House of Representatives, 1884-1908.
Journals of the House of Representatives, 1890-1908.
New Zealand Consolidated Statutes 1908, and Appendices.
New Zealand Gazette, 1881/1891-1900.
New Zealand Official Year Book, 1898-1902.

UNOFFICIAL

Contemporary Periodicals and Newspapers:

Christchurch Press, 1900-01/1906/1908.
The Farmers' Advocate, 1902-04.
New Zealand Farmer and Bee and Poultry Journal, 1887-1900.
New Zealand Herald, 1900-01/1906/1908.
Otago Daily Times, 1900-03.
Transactions and Proceedings of the New Zealand Institute, 1890-1898.

Other Contemporary Material:

Cyclopaedia Company Limited. Cyclopaedia of New Zealand. Six volumes, Wellington and Christchurch, 1897-1908.
 New Zealand Agriculture Department. Agriculture in New Zealand. Wellington, 1906.
 Siegfried, André. Democracy in New Zealand. Trans. E.V. Burns, London, 1914.
 Webb, S. & B. Visit to New Zealand in 1898: Beatrice Webb's Diary with Entries by Sidney Webb. Wellington, 1959.

SECONDARY WORKS

Books:

- Baum, B.H. Decentralization of Authority in a Bureaucracy. New York, 1961.
- Burdon, R.M. King Dick: A Biography of Richard John Seddon. Christchurch, 1950.
- MacDonagh, O. A Pattern of Government Growth, 1800-1860: The Passenger Acts and their Enforcement. London, 1961.
- McLintock, A.H. (ed.). An Encyclopaedia of New Zealand. Three volumes, Wellington, 1966.
- Milne, R.S. Bureaucracy in New Zealand. Wellington, 1957.
- Oliver, W.H. The Story of New Zealand. London, 1967.
- Parris, Henry. Constitutional Bureaucracy: The Development of British Central Administration since the Eighteenth Century. London, 1969.
- Philpott, H.G. A History of the New Zealand Dairy Industry: 1840-1935. Wellington, 1937.
- Polaschek, R.J. Government Administration in New Zealand. Wellington, 1958.
- Sinclair, K. A History of New Zealand. First edition, London, 1961.
William Pember Reeves: New Zealand Fabian. Oxford, 1965.
- Sutch, W.B. Poverty and Progress in New Zealand. Second edition, Wellington, 1969. (First published 1941).
- Wild, L.J. The Life and Times of Sir James Wilson of Bulls. Wellington, 1953.

Articles:

- Benda, H.J. "Bureaucrats and Politicians", New Zealand Journal of Public Administration, September 1950, pp.72-79.
- Campbell, D.F. "Ministerial-Departmental Relations in New Zealand", New Zealand Journal of Public Administration, September 1948, pp.44-52.
- Hart, Jenifer "Nineteenth-century Social Reform: A Tory Interpretation of History", Past and Present, No.31 (1965), pp.39-61.
- Lang, H.C. "Policy Making in New Zealand", New Zealand Journal of Public Administration, March 1951, pp.25-32.
- MacDonagh, O. "The Nineteenth-century Revolution in Government: A Reappraisal", Historical Journal, No.1 (1958), pp.52-67.
- Oliver, W.H. "Reeves, Sinclair and the Social Pattern", in Munz, P.(ed.). The Feel of Truth, Wellington, 1969.
- _____. Towards a New History? (Hocken Lecture, 1969), Dunedin, 1970.
- Sinclair, K. "The Legislation of the Liberal Party, 1891-98", in Chapman, R. (ed.). Ends and Means in New Zealand Politics, Auckland, 1963.
- Sutherland, Gillian "Recent Trends in Administrative History", Victorian Studies, vol.13 (1970), pp.408-11.

Theses:

- Brooking, T.W.H. "Sir John McKenzie and the Origins and Growth of the Department of Agriculture, 1891-1900", unpublished M.A. thesis, Massey University, Palmerston North, 1972.
- Gibbons, P.J. "'Turning Tramps into Taxpayers' - The Department of Labour and the Casual Labourer in the 1890s", unpublished M.A. thesis, Massey University, Palmerston North, 1970.
- Horsfield, I.W. "The Struggle for Economic Viability: A Study in the Development of the New Zealand Economy in the Nineteenth-century", unpublished M.A. thesis, Victoria University, Wellington, 1960.
- Murdoch, D. "Freeze and Prosper: The Impact of Refrigeration on the Rural Development of the South Island, 1881-1901", unpublished M.A. thesis, University of Otago, Dunedin, 1968.
- Duncan, R.J. "The New Zealand Farmers Union as a Political Pressure Group, 1900-12", unpublished M.A. thesis, Victoria University, Wellington, 1965.

Miscellaneous:

Two undated typescripts concerning J.D. Ritchie; one titled J.D. Ritchie, the other untitled.

Assorted photocopies of documents concerning T.Y. Duncan.