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**‘Should He Serve?’**

**The Military Service Boards’ Operations in the  
Wellington Provincial District, 1916-1918**

A thesis presented in partial fulfilment of the requirement for the degree  
of Master of Arts in History at Massey University

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2010

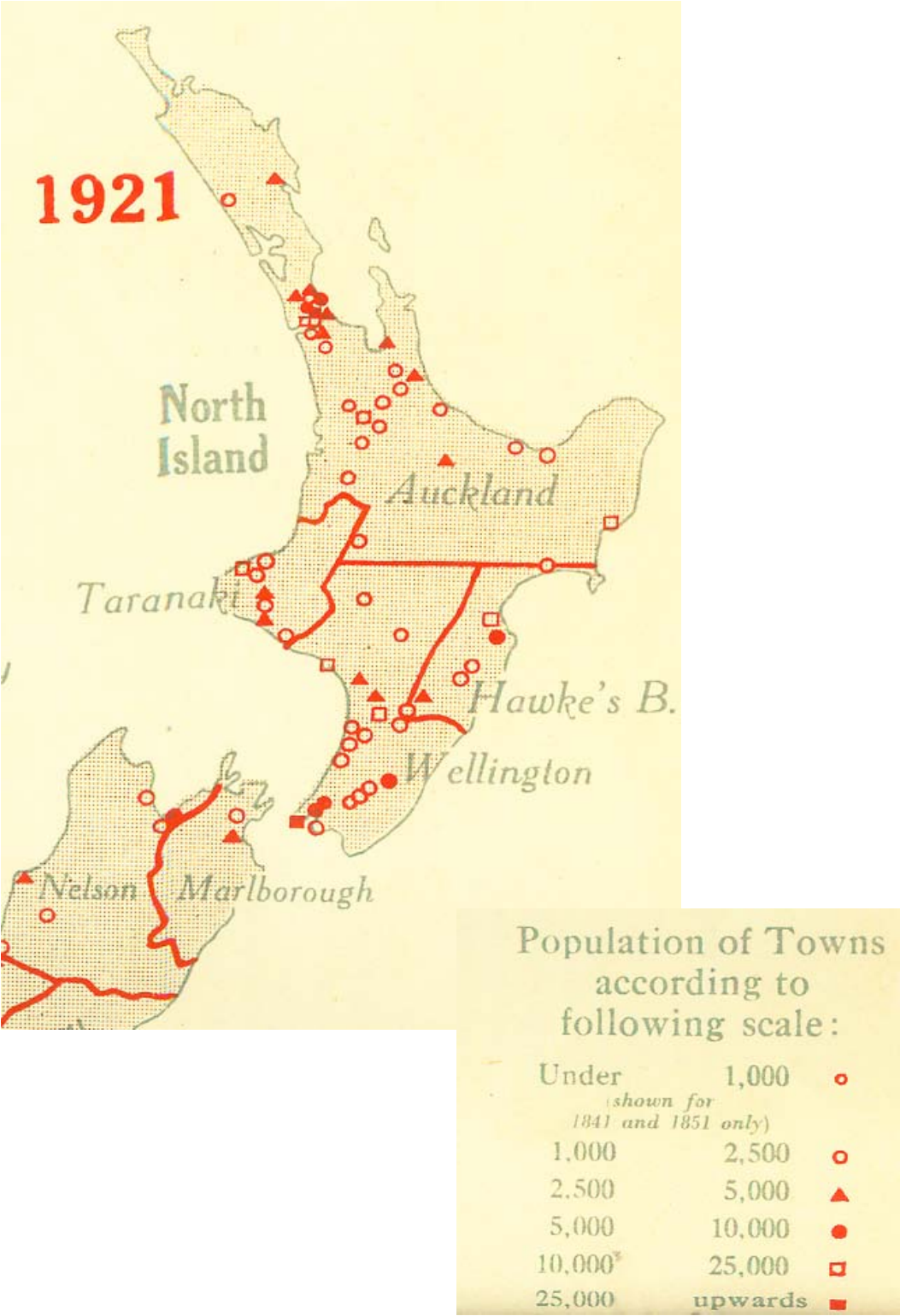
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## Abbreviations

AD	Army Department
AP	Sir James Allen Papers
AJHR	<i>Appendices to the Journals of the House of Representatives</i>
EP	<i>Evening Post</i>
FS	<i>Feilding Star</i>
MES	<i>Manawatu Evening Standard</i>
MP	Member of Parliament
NEB	National Efficiency Board
NZG	<i>New Zealand Gazette</i>
NZH	<i>New Zealand Herald</i>
NZS	<i>New Zealand Statutes</i>
NZT	<i>New Zealand Times</i>
NZPD	<i>New Zealand Parliamentary Debates</i>
PH	<i>Pahiatua Herald</i>
WDT	<i>Wairarapa Daily Times</i>
WC	<i>Wanganui Chronicle</i>

# Boundaries of North Island Provincial Districts in 1921



Source: 1921 *Census*. The boundaries of the Provincial Districts were the same in 1921 as they were during the Military Service Boards' operations

## Charts

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My thesis is dedicated to the memory of the members of the Military Service Boards, and to the men and women who appeared before them. Whatever their beliefs or actions, each of them was forced to make difficult decisions in the midst of an unimaginable catastrophe. I only hope I have portrayed them all fairly.

David Littlewood  
2010

## Introduction

At Wanganui on 23 March 1917, Alexander Phillips explained why he should be exempted from conscription into the New Zealand Expeditionary Force. Phillips argued that he was running his mother's farm in place of his father, who was 78 and crippled by rheumatism. As well as carrying out general farm work, he helped to milk 50 cows. Phillips claimed that, without the benefit of his assistance, there would be no option but to sell the holding, as his mother had been unable to secure any replacement labour. Thankfully for Phillips, the hardship evinced in his appeal was sufficient for him to be awarded exemption on that occasion, and several others thereafter, meaning he spent the rest of the war at home. In the process, he was quite possibly saved from becoming one of the casualties of the First World War.<sup>1</sup>

The Military Service Act that introduced conscription to New Zealand in 1916 has been labelled 'the most important legislation passed during the war'.<sup>2</sup> Yet many studies of the home front, in addition to general histories of New Zealand, have downplayed or ignored a critical aspect of its implementation.<sup>3</sup> By focusing on outright resistance, these works give the impression that opposition to being called up was limited to a distinct minority of the population; militant workers, conscientious objectors and certain Maori iwi and hapu.<sup>4</sup> It is rare to see equal significance placed on the fact that, like Alexander Phillips, thousands of balloted reservists appealed that their domestic situation or the importance of their occupation meant they should not be expected to serve. Each of these appeals was heard by a Military Service Board, whose verdict on whether a man should go to the front would have the same

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<sup>1</sup> WC, 23 March 1917, p. 4.

<sup>2</sup> Paul Baker, *King and Country Call: New Zealanders, Conscription and the Great War*, Auckland: Auckland University Press, 1988, p. 86.

<sup>3</sup> In their introduction to a recent collection of articles, the editors describe the home front during the First World War as 'a black hole of New Zealand historiography'. John Crawford and Ian McGibbon (eds), *New Zealand's Great War: New Zealand, the Allies and the First World War*, Auckland: Exisle, 2007, p. 25.

<sup>4</sup> James Belich, *Paradise Reforged: A History of the New Zealanders from the 1880s to the Year 2000*, Auckland: Penguin, 2001, pp. 100-103. Barry Gustafson, *Labour's Path to Political Independence: The Origins and Establishment of the New Zealand Labour Party 1900-19*, Auckland: Auckland University Press, 1980, pp. 108-119. Michael King, *The Penguin History of New Zealand*, Auckland: Penguin, 2003, pp. 301-302. Elsie Locke, *Peace People: A History of Peace Activities in New Zealand*, Christchurch: Hazard Press, 1992, pp. 52-62. Ian McGibbon, 'The Price of Empire' in Bronwyn Dalley and Gavin McLean (eds), *Frontier of Dreams: The Story of New Zealand*, Auckland: Hachette Livre, 2005, pp. 239-240. W.H. Oliver, *The Story of New Zealand*, London: Faber and Faber, 1960, p. 171. Jock Phillips, *A Man's Country? The Image of the Pakeha Male - A History*, Auckland: Penguin 1996, pp. 162-163. Philipa Mein Smith, *A Concise History of New Zealand*, Cambridge: Cambridge University Press, 2005, pp. 133-134. Matthew Wright, *Reed Illustrated History of New Zealand*, Auckland: Reed, 2004, p. 266.

life-or-death implications as they had for Phillips. The operations of these Boards in the Wellington Provincial District are the subject of this thesis.

The primary focus here is on analysing the verdicts delivered by the Wellington Boards and how these decisions were reached. This revolves around four key areas, the first being the extent to which the Boards' operations were directed by the Government. The attitudes that the Boards' civilian members, and the attached Military Representatives, adopted towards the appellants is a second concern. A third point of investigation is the proportion of men who appealed and the grounds they cited in support of their cases. Finally, the likelihood of the Wellington Boards granting exemption, and whether they favoured appeals from men employed in certain occupations, will also be looked into.

Although this is the first specific study of the Military Service Boards, they have been considered as part of other works, invariably in a rather negative light. The most significant such work is Paul Baker's thesis on conscription, which forms the basis of his later book.<sup>5</sup> His main contention is that a belief that the Boards would only gain public confidence if they were seen as impartial led the Government to 'de-politicize' them and place them outside of its control.<sup>6</sup> Baker maintains that the Government came to regret this decision, as certain 'maverick' Boards provoked extensive criticism by refusing to follow the executive's directions, particularly over the exemption of Catholic clergymen and the 'last man' on the farm.<sup>7</sup>

Other historians have differed. John Martin and Gwen Parsons agree with Baker that the Government initially gave the Boards little guidance over who should be exempted.<sup>8</sup> Yet they go on to assert that the Boards closely adhered to the formula set out in the classification of industries once it was published in mid-1917.<sup>9</sup> James Belich moves further from Baker's argument; the Government sought to neuter antagonism towards conscription by making the exemption of the strategic unions

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<sup>5</sup> Paul Baker, 'New Zealanders, the Great War, and Conscription', PhD Thesis in History, University of Auckland, 1986 and *King and Country Call*.

<sup>6</sup> Baker, *King and Country Call*, p. 117.

<sup>7</sup> *ibid.*, pp. 119-129.

<sup>8</sup> Gwen A. Parsons, 'The Many Derelicts of the War? Repatriation and Great War Veterans in Dunedin and Ashburton, 1918 to 1928', PhD Thesis in History, University of Otago, 2008, pp. 44-45. John E. Martin, 'Blueprint for the Future? 'National Efficiency' and the First World War' in John Crawford and Ian McGibbon (eds), *New Zealand's Great War: New Zealand, the Allies and the First World War*, Auckland: Exisle, 2007, p. 520.

<sup>9</sup> Parsons, 'Many Derelicts of the War', p. 44. Martin, 'Blueprint for the Future?', pp. 522-523.

and 'most' farmers 'virtually automatic', a decision with which the Boards passively complied.<sup>10</sup>

There has been further divergence over the Boards' attitude towards farmers. Whereas Belich states that they were practically guaranteed exemption, Sonia Inder suggests that farming appeals in the district of Middelmeach 'tended to receive little sympathy' and Kerry Stratton finds that 'The vast majority of such appeals were denied' in Tuapeka County.<sup>11</sup> Baker argues that the Boards were harsh in their initial treatment of farmers, before a change in attitudes and the effects of government policy led to 'rural workers' being overrepresented amongst those exempted at the war's conclusion.<sup>12</sup> Conversely, Parsons suggests that, in the early months, Ashburton appellants were more likely to receive a favourable verdict than those from Dunedin, but that this advantage 'had melted away by the end of the war'.<sup>13</sup>

Despite these disagreements, historians are virtually unanimous in presenting aspects of the Boards' operations unfavourably. Parsons finds that very few appeals were allowed outright and that adjournments were usually only for a limited period. She attributes these findings to the Boards being 'cautious and even sceptical about the appellant's claims', a stance that meant hearings were unpleasant experiences.<sup>14</sup> For Baker, the Boards' initial approach revolved around granting minimal exemptions and 'regarding every appellant as a potential shirker'.<sup>15</sup> While claiming that the Boards became increasingly liberal, Baker maintains that they remained inconsistent and more likely to dismiss an appeal than to grant it.<sup>16</sup> A more positive assessment is provided by Graham Hucker, who investigates the Boards' operations in Taranaki. He points to the fact that the Boards delivered the full range of verdicts as evidence that they considered each case on its merits.<sup>17</sup> Nevertheless, Hucker's analysis is far from a ringing endorsement of the Boards. He agrees that they viewed many

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<sup>10</sup> Belich, *Paradise Reforged*, p. 101.

<sup>11</sup> *ibid.* Sonia Inder, 'Middelmeach 1914-1918', PG Dip Research Essay in History, University of Otago, 1992, p. 36. Kerry Stratton, 'Doing Their Bit' the Impact of the First World War on the Inhabitants of Tuapeka County', PG Dip Research Essay in History, University of Otago, 1992, p. 102.

<sup>12</sup> Baker, *King and Country Call*, pp. 119-123 and 141.

<sup>13</sup> Parsons, 'Many Derelicts of the War', p. 36.

<sup>14</sup> *ibid.*, pp. 48-49.

<sup>15</sup> Baker, *King and Country Call*, p. 117.

<sup>16</sup> *ibid.*, pp. 117-123 and 'New Zealanders', pp. 258 and 262.

<sup>17</sup> Graham Hucker, 'The Rural Home Front: A New Zealand Region and the Great War, 1914-1926', PhD Thesis in History, Massey University, 2006, pp. 167-173.

appeals with suspicion, while maintaining that their differing decisions on similar cases suggests a 'degree of inconsistency, even indecision'.<sup>18</sup>

The most damning indictments concern the Boards' treatment of conscientious objectors. P.S. O'Connor believes that the Boards arbitrarily limited the scope for appeals on this ground, with Baker opining that they refused to recommend overseas non-combat service to some deserving appellants.<sup>19</sup> In terms of the Boards' attitudes towards objectors, Parsons suggests that their members were more concerned with attacking the appellants' beliefs than assessing claims to exemption.<sup>20</sup> Hucker's assessment is even more critical; objectors were routinely treated with 'disdain'.<sup>21</sup> For Ian McGibbon, 'humanitarian arguments against involvement in war cut no ice with those responsible for hearing appeals' and David Grant states that the Boards held 'a collective attitude that conscientious objection was tantamount to a failure of citizenship'.<sup>22</sup> Both Baker and O'Connor argue the Boards were less brutal in their questioning than the British tribunals. Yet Baker describes the members' questioning as 'unedifying', while O'Connor points to there being 'coarse idiots on some of the Military Service Boards'.<sup>23</sup>

Although the focus has been on those appellants who cited conscientious objections, other historians have taken a broader view. Both Baker and Hucker maintain that appealing was common; Baker implies that around half of all balloted men came before the Boards, while Hucker likens the volume of Taranaki appeals to the high number identified in Britain and Australia.<sup>24</sup> These historians are joined by Parsons in arguing that overt conscientious objectors were rare when compared to those men

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<sup>18</sup> *ibid.*, p. 172.

<sup>19</sup> P.S. O'Connor, 'The Awkward Ones - Dealing with Conscience, 1916-1918', *New Zealand Journal of History*, 8:2 (1974), pp. 120, 123, 127 and 132-133. Baker, *King and Country Call*, p. 176.

<sup>20</sup> Parsons, 'Many Derelicts of the War', p. 37.

<sup>21</sup> Hucker, 'Rural Home Front', p. 169.

<sup>22</sup> McGibbon 'Price of Empire', p. 239. David Grant, *Field Punishment No 1: Archibald Baxter, Mark Briggs & New Zealand's Anti-militarist Tradition*, Wellington: Steele Roberts, 2008, p. 44. These assertions are similar to that made by Archibald Baxter, one of the fourteen conscientious objectors transported to Britain for their refusal to serve. He recounts that his failure to apply for exemption was partly motivated by a belief that it was a hopeless cause, as 'The Appeal Boards were farcical as far as objectors were concerned, their members usually ridiculing the objectors who were rash enough to appeal', *We Will Not Cease*, Whatamongo Bay: Cape Catley, 1983, p. 11.

<sup>23</sup> Baker, *King and Country Call*, p. 176. O'Connor, 'The Awkward Ones', pp. 132-133. The Boards' operations have not only been portrayed by historians; a novel by Nelle M. Scanlan describes a fictional sitting in Palmerston North, *Tides of Youth*, London: Jarrolds, 1933, pp. 268-272.

<sup>24</sup> Baker, *King and Country Call*, p. 106. Hucker 'Rural Home Front', pp. 162-163.

who cited domestic responsibilities or necessity to the workplace.<sup>25</sup> However, Baker does indicate that the Boards' refusal to grant exemption to any man they perceived as 'shirking' could have prompted some appellants pragmatically to conceal their reluctance to serve.<sup>26</sup>

Defence Department files are a crucial source for this thesis.<sup>27</sup> They contain government correspondence with the Boards, statements of the executive's policies on exemptions, additional papers regarding the Boards' operations and returns of their decisions. While the majority are pertinent to the Boards nationally, a number of these files include information specifically relating to the Wellington Boards.<sup>28</sup> They are not complete records of the Boards' operations; documents referred to elsewhere are absent, while further items have chronological gaps. Undoubtedly, some papers would have been destroyed either accidentally or deliberately and others not filed in the first place. Nevertheless, they provide invaluable details on the Boards' management and attitudes.

Information has been gleaned from several other sources. Most significant are the papers of the Minister of Defence, Sir James Allen, who was the central figure in the Boards' administration. These include Allen's correspondence with the Prime Minister, William Massey, to keep him informed of the domestic situation during his absences from New Zealand.<sup>29</sup> Given that the National Efficiency Board was set up to help the Boards determine which men could be spared for service, its files contain additional particulars.<sup>30</sup> The *New Zealand Parliamentary Debates* have been utilised when analysing the legislative framework that was established for the Boards and the subsequent controversy surrounding their decisions. Any regulations were drawn from the *New Zealand Gazette*, while the *Appendices to the Journals of the House of Representatives* has a little data on the Boards' decisions.

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<sup>25</sup> Baker, *King and Country Call*, p. 106. Hucker 'Rural Home Front', p. 163. Parsons, 'Many Derelicts of the War', pp. 37-39.

<sup>26</sup> Baker, *King and Country Call*, p. 106.

<sup>27</sup> The files are held at the Wellington Office of Archives New Zealand.

<sup>28</sup> The highest number of Boards in operation at any one time was ten; three in the Wellington and Canterbury Military Districts, and two in the Auckland and Otago Military Districts.

<sup>29</sup> Between August 1916 and June 1917, and April and October 1918, Allen was the Acting Prime Minister in the absence of both Massey and the Deputy Prime Minister, Sir Joseph Ward. Baker, *King and Country Call*, p. 227.

<sup>30</sup> The Allen Papers, and the National Efficiency Board files relating to the Wellington Boards, are held at the Wellington Office of Archives New Zealand.

Newspapers are central to this study, as only their reports detail what took place at the Boards' sittings; the questions asked, the statements made and the verdicts delivered on individual cases. Furthermore, these accounts are the sole means of discerning the circumstances of the appellants and the grounds on which they based their appeals. Seven daily publications were consulted; the *Evening Post*, *Feilding Star*, *Manawatu Evening Standard*, *New Zealand Times*, *Pahiatua Herald*, *Wairarapa Daily Times* and *Wanganui Chronicle*. These were selected because their combined coverage took in most of the Wellington Provincial District, meaning they reported on the majority of appeals from the men who lived within it. The settlements in which several of the newspapers were based; Wellington (*EP* and *NZT*), Masterton (*WDT*), Palmerston North (*MES*) and Wanganui (*WC*), were the District's main population centres and therefore hosted the largest numbers of sittings. While the smaller populations of Feilding and Pahiatua meant they were the location of fewer hearings, the reliability of the statistics in this thesis required an analysis of the maximum possible number of appeals. Furthermore, the relative size and location of these settlements ensured that their newspapers would detail a high proportion of hearings. As Wellington was a large city, most of the appeals determined there came from men engaged in urban occupations. Far more of the appellants in other settlements worked in small scale industries or primary production. Details of every appeal mentioned in these newspapers throughout the Boards' operations, November 1916 to November 1918, were entered into a database so the information could be easily sorted.<sup>31</sup>

Utilising the newspaper reports presented some problems. In a number of instances, it was difficult to identify whether an appellant was the same individual as one with an identical name who had previously come before the Boards.<sup>32</sup> To mitigate this issue, appellants were only entered into the database if at least their initial and surname were reported. Comparing the occupations of the appellants and considering whether the decision at the previous hearing suggested the appeal would be reheard usually provided sufficient evidence to determine whether the

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<sup>31</sup> The database was created using Microsoft Excel.

<sup>32</sup> In the face of complaints that men were being balloted incorrectly, the Government Statistician, Malcolm Fraser, outlined just how many eligible's had the same name, including 75 'John McDonalds', 68 'John Smiths' and 64 'James Smiths'. *NZT*, 26 April 1917, p. 4.

individuals were the same. Where a definite conclusion could not be reached, the men were treated separately.

A further matter concerned appellants whose cases were heard within the Wellington District, but who did not reside there. At an early stage in the Boards' operations, provision was made for every appeal lodged by an employer or union representative whose organisation was based in Wellington to be heard in that city.<sup>33</sup> Not taking this factor into account would produce distorted findings, as government policy meant that appellants from certain occupations were virtually certain to be exempted. Crediting the Wellington Boards with the favourable decisions given to every appellant engaged in these callings would portray them as being more liberal than was the case. Any conclusions on which occupational groups were more likely to appeal would also be skewed, as in some cases only the reservists employed in the Wellington District would be included, while other categories would feature every man in that occupation in the Dominion.<sup>34</sup> To address this issue, it was necessary to determine whether men who had appeals lodged on their behalf by 'national' employers lived within the Wellington District. As the newspapers only provided such information approximately seven-eighths of the time, the ballot lists in the *New Zealand Gazette* were consulted as well. Appellants who were drawn in one of the Recruiting Districts that formed part of the Wellington Provincial District were included in the database, except when they were specifically listed as residing elsewhere.<sup>35</sup> Men not drawn in these Districts had their name entered into the *New Zealand World War I Service Personnel & Reserves Index*.<sup>36</sup> If the appellant's

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<sup>33</sup> Correspondence in AD 82 Box 8 74. Union representatives were permitted to act as employers for the purpose of appeals. See correspondence in AD 1 Box 1046 66/8.

<sup>34</sup> It is equally important to consider the other side of this argument. Previous region or city specific studies of the Boards outside of Wellington might well have found them to be harsher than was actually the case, because they were never given the chance to grant exemption in appeals where they very likely would have done so, because those appeals had been dealt with in Wellington. Findings on whether certain occupational groups were more likely to appeal would also be compromised. This applies to Parsons, 'Many Derelicts of the War' and Hucker 'Rural Home Front'.

<sup>35</sup> The country was divided into 21 Recruiting Districts, four of which were completely or largely within the Wellington Provincial District. These Districts were; Five (Wellington), Six (Manawatu), Eighteen (Wairarapa) and Twenty (Wanganui). *NZT*, 5 August 1916, p. 11.

<sup>36</sup> St. John's Branch, New Zealand Society of Genealogists, *New Zealand World War I Service Personnel & Reserves Index*, CD ROM, Auckland: St John's Branch New Zealand Genealogists Society, 2002. This resource combines information from a range of contemporary Government lists and rolls, and from databases created by historians.

address was outside the Wellington Provincial District, or if he did not appear in the *Index*, he was removed from consideration for the purpose of this thesis.<sup>37</sup>

This methodology garnered information on a vast number of appeals. The seven newspapers did not report on every case that was heard in the areas they covered, while some sittings were held outside of these zones. Nevertheless, the sample on which this thesis is based does represent a substantial percentage of the appeals from the Wellington Provincial District. In October 1916, there were 41,530 men of military age living in the District; 20.82% of the eligible men in the Dominion.<sup>38</sup> If the figure of 20.82% is applied to the national total of 43,544 appellants, it yields 9,066 appellants from the District.<sup>39</sup> The 6,057 men in the sample therefore constitute over two-thirds of the estimated number of appellants.

This thesis begins by examining the role of the Government in the Boards' operations. Chapter One looks at the decisions that were taken before sittings began, while Chapter Two moves on to the executive's policies between November 1916 and November 1918, and the Wellington Boards' response to these directions. In Chapter Three the focus is on the attitudes that the Boards' civilian members adopted towards the appellants and how these compared to the approach of the Military Representatives. The appellants themselves are central to Chapter Four, which examines how likely men were to appeal, whether this varied between occupational groups and the grounds on which individuals based their claims to exemption. Chapter Five is narrower in its concerns, focusing on the Boards' interpretation of the Military Service Act's provision for appeals on the grounds of conscientious objection and the attitudes of their members towards such cases. The final chapter analyses the overall verdicts delivered by the Wellington Boards, to determine the likelihood of them granting exemption.

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<sup>37</sup> Two other categories of men who appeared before the Wellington Boards are also omitted. During 1917, it was determined that the Boards would be responsible for hearing all appeals from reservists who had already gone into camp, but who wished for a short leave of absence for domestic or work related reasons. In 1918, the Boards were further charged with hearing pleas for the early return of relatives from the front. As neither of these types of appeals was based on a reluctance to be conscripted, they are outside the scope of this thesis. *NZT*, 9 November 1917, p. 8.

<sup>38</sup> *Census of New Zealand*, 1916, part II, p. 9.

<sup>39</sup> This national total of appellants is garnered from the *Numerical List of Reservists* and is discussed at length in Chapter Four.

The findings of this thesis contradict a great deal of the existing historiography. The Government undermined its claim that the Boards would be allowed complete freedom to judge appeals by the attachment of Military Representatives and the issuing of extensive directions over reservists employed in essential industries. Generally, the Boards followed these instructions, regarding them as a crucial factor in upholding their mantra; that while no man should be unduly exempted, no man should be unduly sent to the front either. This attitude is manifest in the Boards' treatment of appellants and in the verdicts they delivered, both of which were considerably more liberal than historians have claimed.

# Chapter One: Setting the Parameters

## Government Decisions prior to the Boards' Operations

In their analysis of the Boards' operations, historians have largely failed to consider the importance of a series of decisions taken by the Government before sittings began. The crucial exception is Baker, who claims that the Government's choice of Board members 'met with general approval' and downplays the importance of the attachment of a Military Representative to each Board by maintaining that their role was 'theoretically...impartial'.<sup>1</sup> Baker's central argument is that a government belief that the Boards would only win public confidence if they were perceived as judging each case impartially on its own merits led it to 'de-politicize' them and free them from its control.<sup>2</sup> Both Parsons and Martin concur that the Government's initial efforts to direct the Boards over appeals from men employed in essential industries were haphazard.<sup>3</sup> However, Belich advances a contrasting view: that the executive took unofficial steps to ensure that the strategic unions; 'miners, seamen, wharfies [and] freezing workers' would be exempted.<sup>4</sup>

Many of these arguments regarding the independence of the Boards are problematic. While the Government claimed that the Boards would be allowed to judge cases impartially, it was prepared to undermine this principle to achieve political objectives. The sections in the Military Service Act were designed to smooth the legislation's passage by compromising between the wishes of Reform and Liberal MPs. Furthermore, although the Boards were granted considerable latitude, the Government retained several means of reining them in. It was readily apparent that exemptions could exacerbate sectional tension and Government configured the Boards' membership to preclude accusations of favouritism. However, the need to ensure that the country's reinforcement quotas would be filled prompted the executive to introduce Military Representatives effectively charged with getting cases dismissed. Despite the misgivings of some Ministers, the Government's desire to direct the Boards over essential industries caused it to reduce their discretion in certain appeals and to issue extensive guidelines over how to determine others.

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<sup>1</sup> Baker, *King and Country Call*, pp. 115-116.

<sup>2</sup> *ibid.*, p. 117.

<sup>3</sup> *ibid.* Parsons, 'Many Derelicts of the War', p. 44. Martin 'Blueprint for the Future?', pp. 519-520.

<sup>4</sup> Belich, *Paradise Reforged*, p. 101.

Allen outlined the Military Service Bill to the House of Representatives on 30 May 1916. It would both continue volunteering and introduce conscription, with each Recruiting District assigned a monthly quota to be met by volunteers, or by balloted conscripts if numbers were lacking. A First Division of the unmarried, widowers without children and those married after the war began would be exhausted initially, followed by the predominantly married men of the Second Division. The exception was where a family had at least two eligible sons and none had enlisted; here the sons were to be available for immediate call-up.<sup>5</sup> Allen maintained that the provisions regarding the Boards were meant to ensure their impartiality. The Bill contained no automatic exemptions for occupational classes. If a balloted man desired exemption, he or his employer would have to appeal to a Board 'on the grounds that it is contrary to public interest, or because there are domestic circumstances or other reasons why his calling up will be the cause of undue hardship to himself or to others'. Allen further asserted that the Defence Department would not administer the Boards, with this task being entrusted to Arthur Myers, the Minister of Munitions and Supply.<sup>6</sup>

The ensuing debate revealed political divisions over the degree of independence the Boards should be granted. Several members, almost all Liberal, applauded Allen's insistence that the Boards would have complete discretion. They emphasised that the only equitable way to sort 'shirkers' from those with legitimate grounds of appeal was for each case to be considered individually.<sup>7</sup> Government interference would jeopardise the legitimacy of this process and its involvement should be limited to selecting impartial Board members.<sup>8</sup> These views stemmed from the hostility of the Liberals towards any encroachment of 'class' or 'sectional' interests.<sup>9</sup> Opposing arguments were advanced by those MPs who felt that the Bill placed 'too much

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<sup>5</sup> This would become Section 35 of the Act, often dubbed the 'family shirkers section'.

<sup>6</sup> Allen, *NZPD*, 175, pp. 484-491. Myers was a Liberal.

<sup>7</sup> Somewhat surprisingly, the only MP to explicitly call for automatic exemptions was a Liberal; the Minister of Internal Affairs, George Russell. He asserted that men engaged in industrial production or farming should not have to endure the 'humiliation' of appealing, when they were quite willing to serve but for the essential nature of their calling. *NZPD*, 175, p. 763.

<sup>8</sup> Anstey, *NZPD*, 175, p. 571. Dickie, p. 594. Forbes, p. 607. Buddo, p. 621. Talbot, p. 622. Poole, p. 724 (Liberal). Similar sentiments were expressed by Anderson, a Reform MP. *NZPD*, 175, p. 512.

<sup>9</sup> David Hamer, *The New Zealand Liberals: The Years of Power, 1891-1912*, Auckland: Auckland University Press, 1988, pp. 40-43. Len Richardson, 'Parties and Political Change' in Geoffrey W. Rice (ed.), *The Oxford History of New Zealand*, 2<sup>nd</sup> edition, Auckland: Oxford University Press, 1992, p. 202.

power in the hands of an irresponsible body'.<sup>10</sup> The Reform members, who constituted the majority, speculated that the Boards could prove ignorant or uncaring of the needs of essential industries. These MPs implored the Government to issue firm directions and to call the Boards to order if necessary.<sup>11</sup> A few Liberal members also wanted guidelines in place, but they feared a lack of uniformity between the Boards or that families with influence would secure exemption at the poor's expense.<sup>12</sup> Although disagreeing with their party colleagues, their desire for appeals to be on a level playing field was still rooted in Liberal beliefs.

The Bill received some amendments, with the marital deadline for membership of the Second Division changed to 1 May 1915.<sup>13</sup> To achieve consistency, the Legislative Council introduced a section that permitted the Government to establish a Final Appeal Board.<sup>14</sup> Allen supported this measure, urging that it was 'for the sake of uniformity, and to provide a means of giving general directions...rather than for hearing individual appeals'.<sup>15</sup> Despite fears that the Final Board would lack local knowledge, the amendment was accepted by the House.<sup>16</sup> The embargo on automatic exemptions was lifted slightly, with the sole surviving son of a family where at least one had been killed not being compelled to serve.<sup>17</sup>

The Bill passed its third reading by 44 votes to four (with two pairs).<sup>18</sup> An impasse followed over appeals based on religious objections, the majority of the House being against allowing them while the majority of the Council insisted they should be included. Eventually a section was inserted to permit appeals from men who, since

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<sup>10</sup> A.K. Newman, *NZPD*, 175, p. 498 (Reform).

<sup>11</sup> *ibid.*, pp. 498-499. Wilkinson, pp. 507-508. Pearce, p. 534. Young, p. 640.

<sup>12</sup> T.W. Rhodes, *NZPD*, 175, p. 590. Brown, p. 557. Wilford, p. 717.

<sup>13</sup> *NZPD*, 175, p. 685.

<sup>14</sup> Earnshaw, *NZPD*, 176, p. 4. *NZPD*, 176, p. 184. The Legislative Council was the Upper House whose members were appointed rather than elected. It lacked the power to introduce Bills, but could propose amendments.

<sup>15</sup> Allen, *NZPD*, 177, p. 186.

<sup>16</sup> See for example Malcolm, *NZPD*, 177, p. 187 (Reform).

<sup>17</sup> *NZPD*, 175, p. 694. Belich makes this section out to be considerably more liberal than it actually was by stating that 'The death of one son exempted the others when conscription was introduced', *Paradise Reforged*, p. 100. This would have led to far more successful appeals than was the case; appellants were only guaranteed exemption if they were the sole surviving son, irrespective of how many of their brothers had been killed.

<sup>18</sup> The ayes consisted of 23 Reform MPs, 20 Liberals and Veitch from United Labour. One Liberal and one Reform member made up the paired ayes. The noes were the Social Democrats McCombs and Webb, the Labour supported independent Payne, and Fletcher, a Labour supported Liberal. Two United Labour MPs, Hindmarsh and Walker, were the paired noes. *NZPD*, 175, p. 786. H.E. Holland, *Armageddon or Calvary: The Conscientious Objections of New Zealand and "the Process of their Conversion"*, Wellington: Maoriland Worker Printing and Publishing Co., 1919, p. 13.

the beginning of the war, had 'continuously been a member of a religious body the tenets and doctrines of which...declare the bearing of arms and performance of any combat service to be contrary to divine revelation'.<sup>19</sup> These appeals would only be allowed if the appellant consented to non-combat duties.<sup>20</sup>

The Military Service Act became law on 1 August 1916. Under its provisions, an appeal had to be registered by posting a prescribed form to the Commandant of the Defence Forces within ten days of the balloted man's name appearing in the *Gazette*.<sup>21</sup> A Board would then hear the case and, from the evidence, reach one of several verdicts. The appeal could be dismissed, adjourned for re-hearing at a set date, adjourned sine die (indefinitely), or allowed. Unless they were found to not be a reservist, successful appellants would be eligible for subsequent ballots.<sup>22</sup>

Some sections in the Act appear to justify Allen's insistence that the Boards would be independent and Baker's claim that the Government had placed 'them beyond [its] control'.<sup>23</sup> The only concrete prescription was to exempt the sole surviving son.<sup>24</sup> While the grounds for religious objectors had a tight wording, those for public interest and undue hardship remained open to interpretation.<sup>25</sup> The Boards were granted further latitude to decide their time and place of sitting, to develop procedures and to judge which evidence to admit and accept.<sup>26</sup>

Yet the leeway granted by these sections must be contrasted with the potential restrictiveness of several others. The first stated that, when determining appeals, the Boards would be required to abide by any regulations the Government chose to make.<sup>27</sup> Second, the Government could establish the Final Appeal Board to review

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<sup>19</sup> NZS, Military Service Act 1916, Section 18 (1) (e).

<sup>20</sup> *ibid.*, Section 18 (4).

<sup>21</sup> *ibid.*, Section 23.

<sup>22</sup> *ibid.*, Sections 26, 27 and 28. 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2).

<sup>23</sup> Baker, *King and Country Call*, p. 117.

<sup>24</sup> Both Baker and O'Connor incorrectly claim that the Act required the Boards to accept a Ministerial Certificate for exemption on the grounds of public interest unless they saw good reason not to, *King and Country Call*, p. 117 and 'Storm over the Clergy - New Zealand, 1917', *Journal of Religious History*, 4:2 (1966), p. 131. As discussed below, this was in fact part of a later set of regulations.

<sup>25</sup> NZS, Military Service Act 1916, Section 18 (1) (c): 'That by reason of his occupation his calling-up for military service is contrary to the public interest' and Section 18 (1) (d): 'That by reason of his domestic circumstances or for any other reason his calling-up for military service will be a cause of undue hardship to himself or others'.

<sup>26</sup> *ibid.*, Sections 19 (5) and 21.

<sup>27</sup> *ibid.*, Section 18 (2).

and supersede decisions. This body would have the power to determine any question of interpretation, administration or procedure arising from the Act relating to exemptions, with the Boards being bound by its rulings.<sup>28</sup> Finally, the Act made clear that Board members held office only during the Government's pleasure.<sup>29</sup> These sections suggest that Baker places too much stock in Allen's assertion that the Government would surrender the ability to control the Boards.

Baker's claim that the Act had 'de-politicized' the Boards is also questionable. Its sections suggest that the same party divisions over Board independence amongst MPs had also split the coalition Cabinet. The latitude granted to the Boards to judge each case individually was probably pushed for by the Liberals, while the Reform Ministers doubtless insisted that the Government retain the ability to issue directions. The Act has all the appearances of a compromise between these positions.

Having established a legislative framework for the Boards, the Government's next task was to determine their composition. Here the Military Service Act granted it a virtually free hand. While many MPs advanced views on who should be appointed, only a few voiced misgivings over giving the Government such discretion. Some Liberals insisted that the magnitude of the Boards' role meant that all MPs should be entitled to decide their membership.<sup>30</sup> Two Social Democrat MPs cited the Government's past record on establishing commissions as evidence that it would select men who could be relied upon to do its bidding.<sup>31</sup> Despite this opposition, the only proposed amendment was a defeated attempt to increase the personnel of each Board to five and the Act merely stipulated that they would consist of three individuals with one acting as Chairman.<sup>32</sup>

Allen invited suggestions for membership and was inundated by over 150, most coming from organisations rather than individual applicants.<sup>33</sup> After the Recruiting

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<sup>28</sup> *ibid.*, Section 31.

<sup>29</sup> *ibid.*, Section 19 (3).

<sup>30</sup> Thacker, *NZPD*, 175, p. 502. Ell, p. 546. Wilford, p. 716.

<sup>31</sup> Hindmarsh, *NZPD*, 175, p. 728. Webb, p. 732.

<sup>32</sup> The amendment was defeated by 33 votes to thirteen. *NZPD*, 175, p. 695. *NZS*, Military Service Act 1916, Section 19 (3 and 4).

<sup>33</sup> See correspondence in AD 1 Box 769 22/117 and AD 1 Box 769 22/117/1.

Board had whittled this number down, its preferences received Cabinet approval.<sup>34</sup> Initially there would be four Boards, one for each Military District, to achieve uniformity while still being sufficient to hear the expected number of appeals.<sup>35</sup> When considering the prospective members, Allen insisted that the Recruiting Board had not been seeking 'advocates of any particular class, but men with sound judgement, who would give their decisions impartially without respect to class or position'.<sup>36</sup> Deemed particularly undesirable was anyone hostile to the Act; a large number of labour men were disqualified by the belief that placing such an individual opposed to conscription on a Board would 'wreck the whole system'.<sup>37</sup>

Despite Allen's insistence that the Recruiting Board had not been seeking men to represent different groups, it did create a balanced composition for the Boards. The similarities between their makeup and that of the Arbitration Court established by the Industrial Conciliation and Arbitration Act 1894 suggest the latter was used as a template. That Court was designed to represent equitably the parties in an industrial dispute; one member was chosen by workers and one by employers, with a Judge acting as an impartial President.<sup>38</sup> Before the introduction of conscription, a major dispute in New Zealand had pitted urban against rural and industry against agriculture over their respective contributions to the war effort.<sup>39</sup> The Government recognised that the issue of exemptions could exacerbate this conflict and configured the Boards in the same manner as the Arbitration Court to try to ensure they could not be seen as biased.<sup>40</sup> One member was from the country and one from a city. In each case the rural member was a farmer, with his urban colleague being either a unionist (Wellington and Otago) or, where the Trades and Labour Council

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<sup>34</sup> 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2). The Recruiting Board consisted of Massey, Ward and Allen. James Gray acted as its Secretary. With Massey and Ward spending long periods out of the country, temporary members were appointed to replace them.

<sup>35</sup> *EP*, 27 September 1916, p. 3.

<sup>36</sup> *ibid.*, 14 September 1916, p. 8. See also 27 September 1916, p. 3. Allen to J. Barr, 18 January 1917, AD 1 Box 769 22/117.

<sup>37</sup> *EP*, 14 September 1916, p. 8. The Government also moved to avoid any accusations of hypocrisy against the Board members by stipulating that they must be over military age and have no sons who had failed to enlist when they could reasonably have been expected to do so. *EP*, 27 September 1916, p. 3.

<sup>38</sup> James Holt, *Compulsory Arbitration in New Zealand: The First Forty Years*, Auckland: Auckland University Press, 1986, p. 28.

<sup>39</sup> Baker, *King and Country Call*, pp. 54-56. James Watson, 'Patriotism, Profits and Problems: New Zealand Farming during the Great War' in John Crawford and Ian McGibbon (eds), *New Zealand's Great War, New Zealand, the Allies and the First World War*, Auckland: Exisle, 2007, pp. 535-536.

<sup>40</sup> *MES*, 5 March 1917, p. 2. 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2).

refused to nominate a candidate, an employer (Auckland and Canterbury).<sup>41</sup> To guarantee their aloofness from sectional considerations, stipendiary magistrates were installed as Chairmen.<sup>42</sup>

Appointing Boards that were not biased towards sectional interests would have served little purpose had the Government selected personnel who regarded their sole function as being to provide men for the army. In this regard, Allen's pronouncements were considerably less detailed than those on the Boards' configuration. Beyond stating that even a moderate anti-conscriptionist would not be considered, he argued that the Boards 'must be strong enough to resist the pressure that will be brought to bear by men who should not be exempted'.<sup>43</sup> Yet the Government's willingness to appoint union leaders, hardly traditional supporters of the army or conscription, demonstrates that it did not desire members who would simply focus on filling reinforcement quotas.

The Chairman of the Wellington Board was Daniel Cooper, a former Registrar of the Supreme Court.<sup>44</sup> William Perry, a sheep farmer, Justice of the Peace and member of the Farmers' Union would represent rural areas.<sup>45</sup> Their urban colleague, David McLaren, had a mixed background. An ex-Labour MP and Mayor of Wellington, he had been an active unionist and opponent of compulsory military service before breaking away from militant labour and supporting the war effort.<sup>46</sup> This configuration and membership received widespread approval; the *Evening Post* opined that 'Both the system of selection, and its results, appear to be quite satisfactory' and Allen was able to report to Massey that little criticism had been received.<sup>47</sup> The only exceptions were complaints from Auckland labour over a perceived excess of farmer members

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<sup>41</sup> NZG, 1916, vol. III, p. 3125. *EP*, 14 September 1916, p. 8. A. Rosser to Allen, 12 September 1916, AD 1 Box 769 22/117.

<sup>42</sup> NZG, 1916, vol. III, p. 3125. *EP*, 27 September 1916, p. 3. Allen to Massey, 1 September 1916, AP (ALLEN, J. 1 Box 9).

<sup>43</sup> Allen, *NZPD*, 175, p. 490.

<sup>44</sup> G.H. Scholefield, *Who's Who in New Zealand and the Western Pacific, 1925*, Napier: Venables & Company, 1924, p. 51.

<sup>45</sup> *ibid.*, p. 176.

<sup>46</sup> Kerry Taylor, 'McLaren, David 1867-1872? -1939', *Dictionary of New Zealand Biography*, retrieved 16 April 2009, <http://dnzb.govt.nz>. Baker incorrectly places McLaren on the Otago Board, *King and Country Call*, p. 116.

<sup>47</sup> *EP*, Editorial: 'Military Appeal Boards', 27 September 1916, p. 6. Allen to Massey, 29 September 1916, AP (ALLEN, J. 1 Box 9). See also *FS*, 27 September 1916, p. 2.

and from Wellington and Otago labour that the unionists were less 'representative' than their suggestions.<sup>48</sup>

This commendation prompted the Government to adopt the same formula when it became necessary to create six additional Boards in January 1917.<sup>49</sup> The only differences were the employment of barristers as Chairmen due to a lack of magistrates and the fact that all of the urban members were unionists.<sup>50</sup> Joseph Poynton, a magistrate and former Public Trustee, was chosen as Chairman of the Second Wellington Board.<sup>51</sup> Alongside him were Thomas Bamber, a farmer and Chairman of the Wanganui Harbour Board, and the President of the Wellington Waterside Workers Union, Frederick Curtice.<sup>52</sup> Heading the Third Board was William Moorhouse, a Barrister and Lieutenant-Colonel of the Wellington Field Artillery, whose father had been an MP and Mayor of Wellington.<sup>53</sup> The Board was rounded off by Andrew Considine and Matthew Mack, the former having sat on the Featherston County Council.<sup>54</sup> Like McLaren, Mack was a moderate and 'acceptable' labour man; as General Secretary of the Amalgamated Society of Railway Servants, he had refused to join the 1913 waterfront strike.<sup>55</sup>

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<sup>48</sup> *EP*, 28 September 1916, p. 3. F. Jones to Allen, 12 October 1916, AD 1 Box 769 22/117. It must be considered doubtful that the Wellington Trades and Labour Council expected its nominations to be accepted, as they did not meet the criteria of being men who supported conscription. John Rigg was an ardent anti-militarist, M.J. Reardon was President of the Trades and Labour Council itself and Alfred Hindmarsh was one of the Social Democrat MPs who had voted against the Military Service Act. Paul Thomas, 'Rigg, John 1858-1943', *Dictionary of New Zealand Biography*, retrieved 12 July 2009, <http://dnzb.co.nz>. *NZT*, 17 November 1916, p. 6. Allen did maintain that two unionists who had applied to be members of the Auckland Board were only rejected because they were of military age. *PH*, 9 October 1916, p. 7.

<sup>49</sup> In January 1917, the Commander of Home Forces, General Robin, lamented that 'the operation is too slow', as 1,343 of the 1,783 appeals from the first ballot had not been heard and a major shortage was emerging at camp. He insisted that the number of Boards should be at least doubled. To Allen, 16 January 1917, AD 1 Box 769 22/151.

<sup>50</sup> *NZG*, 1917, vol. I, p. 343.

<sup>51</sup> Scholefield, *Who's Who*, p. 180.

<sup>52</sup> *NZG*, 1917, vol. I, p. 343. Correspondence in AD 1 Box 769 22/117.

<sup>53</sup> Scholefield, *Who's Who*, p. 147.

<sup>54</sup> Cyclopaedia Company Limited, *The Cyclopaedia of New Zealand [Taranaki, Hawke's Bay & Wellington Provincial Districts]*, Christchurch, 1908. Retrieved from 'New Zealand Electronic Text Centre', 3 July 2009, <http://www.nzetc.org/tm/scholarly/tei-Cyc06Cycl-t1-body1-d3-d36-d14.html#name-418592-mention>

<sup>55</sup> Gustafson, *Labour's Path*, p. 136. *FS*, 24 September 1918, p. 2. The Boards' personnel were not fixed, with members being replaced if they fell ill or had other responsibilities to attend to. However, the Government endeavoured to replace a member with someone from the same profession so that the balance of the Board would be maintained. *EP*, 9 January 1918, p. 6 and 26 February 1918, p. 7.

When introducing the Military Service Bill, Allen stated that he knew ‘of no reason why military men should be on the Appeal Boards’.<sup>56</sup> During the subsequent debates, not one MP called for military representation, while Liberal members, particularly those from Canterbury, explicitly rejected it.<sup>57</sup> However, some Reform MPs also voiced objections.<sup>58</sup> Most welcomed Allen’s claim that there would be no officers on the Boards, arguing that it would ease ‘the fear that militarism will be at the head of the whole affair’.<sup>59</sup> However, some would remain suspicious unless the Minister’s assurances were included in the Act.<sup>60</sup> Beyond this stance there was confusion, with some MPs believing the Boards would be entirely military, while others thought there was a possibility of a Military Representative on civilian Boards. This is exemplified by the Prime Minister’s statement that ‘I am not going to say that they will be military Boards, because the Minister of Defence has given his word...that they will not be military Boards’.<sup>61</sup> Allen had actually said there was no need for military representation, which goes considerably further than Massey’s contention.

This distinction is important when considering Allen’s concluding remarks during the second and third reading debates. His stance on military membership had softened to admitting that ‘the Defence Department will raise no objection’ to it.<sup>62</sup> More significant was his entreaty that ‘We have no desire to put a man who has worn Khaki on the Boards if the House does not so wish, but my advice is to leave the matter to the judgement of the Government’.<sup>63</sup> Members unwilling to countenance a Military Representative were being asked to leave the decision to a Government whose Minister of Defence had stated that he would not reject the idea. Furthermore, it is worth noting that Allen was now merely intimating that the Government had no wish to appoint ex-soldiers as Military Representatives; he avoided indicating whether it would consider existing officers or men commissioned for the role. Clearly Allen wanted to keep the option open. Having insisted that the Boards needed the

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<sup>56</sup> Allen, *NZPD*, 175, p. 490.

<sup>57</sup> Forbes, *NZPD*, 175, p. 47. Witty, pp. 492-493. Dickie, p. 594. Buddo, p. 622. Other Liberal members opposed to military representation were Anstey, p. 571. T.W. Rhodes, p. 590. Ngata, p. 613. Fletcher, p. 768.

<sup>58</sup> Wilkinson, *NZPD*, 175, p. 507 and p. 781. E. Newman, p. 559. T.A.H. Field, p. 563. Young, p. 640.

<sup>59</sup> Witty, *NZPD*, 175, pp. 492-493 (Liberal).

<sup>60</sup> T.A.H. Field, *NZPD*, 175, p. 563 (Reform). T.W. Rhodes, p. 590 (Liberal).

<sup>61</sup> Massey, *NZPD*, 175, p. 620.

<sup>62</sup> Allen, *NZPD*, 175, p. 646.

<sup>63</sup> *ibid.*

public's confidence to succeed, Allen was prepared to take a step that both he and many other MPs had maintained would hinder this.

Soon after the first Boards were constituted, a regulation was issued for a Military Representative to be present at each appeal with the 'right to be heard in opposition thereto, to produce evidence, and to cross-examine witnesses'.<sup>64</sup> No explanation for this step was given at the time, but the official rationale was subsequently outlined to the Board Chairmen by Adjutant-General Tate and in a report prepared after the war by the Director of Recruiting, Captain Cosgrove. Both argued legal professionals were chosen over regular officers to reassure the public of their impartiality.<sup>65</sup> These individuals could be counted on to steer clear of 'the ordinary military prejudice which is inclined to regard every man not serving as a shirker' and were only commissioned 'for the technical purpose of giving weight to their military orders'.<sup>66</sup> Cosgrove and Tate further maintained that the Military Representatives were required to perform administrative duties. As the Board members had their professions to attend to, the officers would be responsible for researching cases so that informed decisions could be made.<sup>67</sup> In addition, they would keep the Boards abreast of the situation in camp; if few recruits were needed, leave before mobilization could be recommended more readily, whereas a shortage would prompt the Military Representative to push for the dismissal of borderline cases.<sup>68</sup> However, Cosgrove did imply that something more than a bureaucratic role was intended, by contending that while the Boards would consider the needs of the country and the appellant, someone was required to put forward the views of the Defence Department.<sup>69</sup>

Indeed, the evidence contradicts Baker's contention that the Government intended the Military Representatives to act 'in an impartial manner', nor does the notion that these officers were necessary to carry out the bureaucratic roles mentioned by Cosgrove and Tate stand up to scrutiny.<sup>70</sup> Anybody with some standing could have

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<sup>64</sup> *NZG*, 1916, vol. III, p. 3207.

<sup>65</sup> Tate to Board Chairmen, 15 March 1918, AD 1 Box 769 22/140. 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2).

<sup>66</sup> Tate to Board Chairmen, 15 March 1918, AD 1 Box 769 22/140.

<sup>67</sup> *ibid.*

<sup>68</sup> 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2).

<sup>69</sup> *ibid.*

<sup>70</sup> Baker, *King and Country Call*, p. 116.

investigated cases in the community and people were surely more likely to conceal their circumstances or those of a relative from a member of the military. Equally, the process of keeping the Board abreast of the camp situation could have been carried out at various junctures and did not require an officer to be present during sittings. The regulation does not ascribe the Military Representatives an impartial role; they were only tasked with opposing cases and challenging testimony, rather than supporting the appellant or speaking on his behalf. Even Cosgrove's arguments implicitly reinforce this conclusion, as putting forward the views of the Defence Department was hardly going to involve arguing for exemption when the need for recruits was so pressing. The sole purpose of attaching the Military Representatives to the Boards was so they work to obtain as many men for the army as possible.

The appointment of the Military Representatives seriously challenged the Government's assertion that appeals would be heard impartially. The three Board members would be collectively 'neutral', with the impact of any sectional bias being countered by their colleagues. However, this balance was now upset in many cases, as only around forty percent of appellants had a lawyer to oppose the Military Representative in trying to secure exemption.<sup>71</sup> Tasking these officers to gather information prior to the hearing made their position even more powerful. They would understand the circumstances of the case better than the Board members and be able to prepare their arguments in advance, allowing them to dominate the questioning.

While the Government took steps to guarantee a constant flow of men into camp, it also desired to secure the exemption of certain individuals. On 10 October 1916, a regulation was gazetted to provide that, when considering appeals on the grounds of public interest, 'the Board shall, unless it sees good reason to the contrary, accept as sufficient [evidence] a certificate by the Minister of Defence'.<sup>72</sup> When asked to prepare a format for these certificates, the Solicitor-General, John Salmond, raised an important objection. He believed that their use entailed 'a serious risk of undermining public confidence in the impartiality, integrity, and fairness of the administration of the Military Service Act and the exercise of the judicial functions of

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<sup>71</sup> Second Division League, *Proceedings of the Second Division League Conference, Wellington, July 18-20 1917*, New Plymouth, 1917.

<sup>72</sup> *NZG*, 1916, vol. III, p. 3208.

the Boards'. There was an expectation that no man would be automatically exempted and Salmond argued that the certificates would prompt allegations of preferential treatment.<sup>73</sup> Allen reflected that Salmond might well have a point, writing to Myers that the certificates would have to be used carefully to avoid jeopardising public confidence in the Boards.<sup>74</sup>

After the matter had been discussed in Cabinet, it was decided to canvass the opinion of the Attorney-General, Alexander Herdman.<sup>75</sup> He maintained that Salmond had overstepped his position by commenting on the political implications of the certificates rather than their legality. The Government had 'ample authority' to take such a step, as the Boards had to comply with any regulations it chose to make. Herdman also put forward his views on the desirability of government influence. On the one hand, he believed that it had a right to communicate its opinions to the Boards and should use this prerogative to ensure the exemption of men who were required to maintain essential industries. On the other hand, Herdman did agree that the certificates were politically dangerous. Given the choice of directing the Boards through regulations or conferences with their members, he favoured the latter, as 'Regulation 9 to my mind savours of a mandate from the Government and of interference with the judicial functions of the Boards'.<sup>76</sup>

The introduction of this regulation contradicts Baker's argument that the Government was reluctant to limit the Boards' discretion. While administration of the certificates was formally delegated to Myers, in practice it remained in Allen's hands, thereby undermining his assertion that the Boards would not be under Defence Department control.<sup>77</sup> Salmond was justified in arguing that the certificates amounted to a 'practical compulsion' of the Boards, as they would apply considerable pressure to accept appeals and create an impression that the appellant was worthy of exemption before the evidence had been heard.<sup>78</sup> Although the qualification in the regulation

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<sup>73</sup> Salmond to Gray, 1 December 1916, AD 82 Box 7 30/1.

<sup>74</sup> *ibid.*

<sup>75</sup> *ibid.*

<sup>76</sup> Herdman to Allen, 8 December 1916, AD 1 Box 736 10/477.

<sup>77</sup> Allen to Haighway, 12 March 1917 and Allen to Myers, 15 March 1917, both in AD 1 Box 736 10/477. Myers' role as overseer of the Boards was entirely symbolic anyway. Allen occasionally neglected to maintain the pretence, writing to Gray, 'Re Conference of Military Service Boards I am afraid we have rather forgotten that the Hon. Mr Myers is controlling the Boards please see him about the proposed Conference and explain position to him.' 3 April 1917, AD 82 Box 2 1/11/1.

<sup>78</sup> Salmond to Gray, 1 December 1916, AD 82 Box 7 30/1.

appears to maintain the Boards' freedom, they were informed that failure to accept a certificate would be regarded 'as a very serious matter'.<sup>79</sup> Both Salmond's and Herdman's objections were based on the political implications of a measure that would damage public confidence in the Boards, rather than any question over their legality. As a public servant, Salmond had gone beyond his remit in making these contentions. However, as a politician, Attorney-General Herdman did possess the right to comment on political implications and his views matched those of his fellow Reform MPs who had speculated that the Boards could not be trusted to protect essential industries. Yet he insisted that the Government should communicate its directions in private to maintain the illusion of the Boards' impartiality. Allen appears to have become aware of the political minefield that the certificates would create, but the desire of the majority of the Government to guarantee exemption to certain individuals convinced him that undermining the Boards' discretion was worth the risk.

While the certificates marked the limit of the Government's initial attempts to direct the Boards by regulations, it utilised other methods to achieve this end. There is evidence to contradict the assertion made by Martin and Parsons that the Government left the Boards with little understanding of its policy regarding the industries that it believed were essential.<sup>80</sup> Allen detailed this category as including coal mining, farming, shearing, freezing works, shipping, and leather and boot factories. He also outlined a two-tier hierarchy for public interest appeals; men employed in these industries were to be considered for exemption, all others were not.<sup>81</sup> This list and the need to adhere to it was further emphasised to the Board Chairmen at a conference on 15 December 1916.<sup>82</sup> So wide-ranging were the Government's directions that the Liberal Minister of Internal Affairs, George Russell, maintained that the fear about the Boards losing their independence was coming to pass. He attempted to block the forwarding of a letter to the Boards prepared by Myers that again outlined which industries the Government considered essential. While Russell succeeded in delaying this correspondence for a few days, the will of the majority in Cabinet overcame his objections.<sup>83</sup> Doubts also arise over the claim

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<sup>79</sup> Allen to Coffey, 21 March 1917, AD 82 Box 4 5/1.

<sup>80</sup> Martin, 'Blueprint for the Future?', pp. 519-523. Parsons, 'Many Derelicts of the War', p. 44.

<sup>81</sup> *NZH*, 24 November 1916, p. 8.

<sup>82</sup> Minutes of Conference, 15 December 1916, AD 82 Box 7 46/5. Allen to Massey, 19 December 1916, AP (ALLEN, J. 1 Box 9).

<sup>83</sup> Allen to Massey, 19 December 1916, AP (ALLEN, J. 1 Box 9).

by Baker and Parsons that the Boards were given no 'indication of how many or which men' should be exempted from each essential industry.<sup>84</sup> The certificates were introduced so the Government could identify the individuals it wished to be exempted, and Baker acknowledges that they were granted to 'essential workers' from most industries on the list.<sup>85</sup> Furthermore, Allen outlined to the Secretary of the Slaughtermen's Union that the conference with the Board Chairmen had been arranged to spell out the Government's views on the exemption of indispensable men and achieve a 'uniform policy'.<sup>86</sup> Neither of these objectives could have been achieved without the Chairmen being told which men the Government wished exempted.

As Belich claims and Baker himself acknowledges, the Government took measures to secure the widespread exemption of members of the strategic unions. Given that these men worked in occupations classed as essential, Baker and Belich are justified in arguing that the Government made special provisions for them out of a political desire to diffuse their potentially militant opposition to conscription.<sup>87</sup> The secretaries of several seafarers' unions, in addition to that of the Slaughtermen's Union, were given the right to appeal for their members in Wellington, placing them on the same level as other 'national' employers.<sup>88</sup> In addition, a deputation of the various seafarers' union secretaries was assured by Allen that all seamen with at least twelve months' experience would be exempted and a communication to this effect was subsequently dispatched to the Boards.<sup>89</sup> Although Belich is mistaken in asserting that the Government tried to secure the exemption of all freezing workers, it did direct the Boards to grant appeals from bona fide slaughtermen, provided they agreed to work in a kindred occupation during the off-season.<sup>90</sup> Belich and Baker

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<sup>84</sup> Baker, *King and Country Call*, p. 117. Parsons, 'Many Derelicts of the War', p. 44.

<sup>85</sup> *EP*, 12 January 1917, p. 8. Baker, *King and Country Call*, p. 119.

<sup>86</sup> Allen to Reardon, 9 December 1916, AD 82 Box 8 74.

<sup>87</sup> Belich, *Paradise Reforged*, p. 101. Baker, *King and Country Call*, p. 155.

<sup>88</sup> Allen to Marment, 4 December 1916, AD 1 Box 1046 66/8. The seafarers' unions included the Seamen's Union, the Marine Engineers' Institute, the Cooks' and Stewards' Union and the Merchant Service Guild.

<sup>89</sup> *EP*, 14 February 1917, p. 8. See also 'Exemption of Shipping Industry from Military Service: Deputation to the Hon. J. Allen', 30 November 1916, AD 82 Box 7 36. Gavin McLean, 'The Fourth Service: The Merchant Marine's War' in John Crawford and Ian McGibbon (eds), *New Zealand's Great War: New Zealand, the Allies and the First World War*, Auckland: Exisle, 2007, p. 417. Conrad Bollinger, *Against the Wind: The Story of the New Zealand Seamen's Union*, Wellington: NZSU, 1968, p. 125.

<sup>90</sup> Allen to Niall, 16 January 1918, AD 82 Box 8 74. While there were no coal miners in the Wellington District, it should be noted that Allen assured MP Paddy Webb that 'the Government will do what is possible...to indicate to the Military Service Boards that it is in the interests of the country to exempt the coal miner'. 2 September

also claim that the Government wanted waterside workers to be exempted. However, the Waterside Worker's Union did not start appearing for its members until February 1918 and its first appeals were adjourned by the Third Wellington Board in order to obtain policy guidance.<sup>91</sup> This indicates that the Government had not issued a direction on how to deal with such cases.<sup>92</sup> Nevertheless the cases of the seafarers and slaughtermen indicate that the Government was quick to direct the Boards over the industries and the men that it expected them to favour.<sup>93</sup>

These directions further refute Baker's argument that the Government was concerned for each appeal to be judged on its own merits. Allen had asserted that one of the principles underpinning the Military Service Act was that no class of men would be exempted.<sup>94</sup> Yet the Government subverted this idea by instructing the Boards to allow appeals from all seamen and slaughtermen, subject to some minor provisos. Instead of investigating whether an appellant was essential enough to warrant exemption, the Boards were told to assume automatically that he was. Furthermore, the Government made little secret of its efforts to influence the Boards' decisions. When the Wellington Trades and Labour Council questioned the use of the certificates, Allen indicated that the Government was prepared to take steps to secure the exemption of vital individuals.<sup>95</sup> The initial list of essential industries was published in the press and the Government must have been aware that its directions to exempt most seafarers and slaughtermen would be mentioned during appeals and then reported in the newspapers.<sup>96</sup>

For the Government, guaranteeing the exemption of men employed in essential industries was of sufficient importance to justify compromising its stated intention to allow the Boards to operate impartially. A similar rationale motivated each of the Government's initial decisions. The Military Service Act granted the Boards a great

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1916, AD 82 Box 7 28/1. See also Allen to Minister of Mines, 4 December 1916, AD 82 Box 7 28/1. Len Richardson, 'Politics and War: Coal Miners and Conscription, 1914-18' in Philip Ross May (ed.), *Miners and Militants: Politics in Westland, 1865-1918*, Christchurch: Whitcoulls, 1975, p. 136.

<sup>91</sup> *EP*, 12 February 1918, p. 8.

<sup>92</sup> *ibid.*, 2 May 1918, p. 8.

<sup>93</sup> While Government efforts to direct the Boards over the exemption of certain unions were extensive, they fell short of Bruce Farland's claim that 'the most militantly anti-conscription factions of the labour movement, the seamen, miners and watersiders, were specifically exempted', *Farmer Bill: William Ferguson Massey and the Reform Party*, Wellington: First Edition, 2008, p. 258

<sup>94</sup> Allen, *NZPD*, 175, p. 486.

<sup>95</sup> *EP*, 12 January 1917, p. 8.

<sup>96</sup> *ibid.*, 14 February 1917, p. 8.

deal of latitude, thereby satisfying the Liberal MPs. However, the Government simultaneously heeded the call of the Reform members by retaining several means of curtailing or even removing the Boards' discretion. While the need to avoid allegations of sectional bias led the executive to appoint Boards with a balanced membership, this step towards impartiality was contravened by the attachment of a Military Representative, whose role was to work for the dismissal of cases. Directing the Boards over essential industries proved contentious, with Salmond and Russell arguing that the Boards' independence should be preserved and Herdman opposing any public reduction of their discretion. However, for a majority of the Cabinet, getting soldiers, protecting essential industries and maintaining industrial peace were more important than protecting the Boards' impartiality.

## Chapter Two: Keeping a Tight Rein

### Government Direction during the Boards' Operations

Debate over the Government's role during the Boards' operations has centred on three areas. The first dispute concerns its reaction to the dismissal of appeals from Catholic theological students who had exemption certificates issued by the Government. For Baker, the executive encountered difficulties because of its decision to 'de-politicize' the Boards and surrender the ability to dictate to them.<sup>1</sup> Baker acknowledges that Allen attempted to reverse the dismissals. While claiming he was restrained by a fear the Boards would resign and by Cabinet opposition, Baker's primary assertion is that Allen did not want to 'undermine the desired independence of the Boards'.<sup>2</sup> O'Connor advances an alternative explanation; Allen was rendered 'a prisoner of the Act and the law' by Herdman's judgement that no regulation could remove the Boards' discretion.<sup>3</sup> A second dispute is the Government's direction of the Boards over essential industries. Belich claims that it endeavoured to secure the exemption of the strategic unions and 'most farmers'.<sup>4</sup> For Martin and Parsons, the Government's 'ad hoc' approach changed with the approval of a classification of industries, while Baker also details policies regarding the 'last man' on the farm.<sup>5</sup> Nevertheless, Baker argues that government direction was constrained by 'the need for each case to be judged individually, and to be seen to be judged impartially'.<sup>6</sup> The Boards' adherence to government policies is the third area of dispute. Belich implies that their exemption of the strategic unions and most farmers was 'virtually automatic'.<sup>7</sup> Similarly, Parsons and Martin assert that the Boards used the classification of industries to reach decisions.<sup>8</sup> In contrast, Baker argues that while 'Most Boards generally welcomed' direction, some 'maverick Boards' refused to toe the line over farmers.<sup>9</sup>

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<sup>1</sup> Baker, *King and Country Call*, pp. 117 and 124.

<sup>2</sup> Baker, 'New Zealanders', pp. 277-278.

<sup>3</sup> O'Connor, 'Storm over the Clergy', p. 134.

<sup>4</sup> Belich, *Paradise Reforged*, p. 101.

<sup>5</sup> Martin, 'Blueprint for the Future?', pp. 522-523. Parsons, 'Many Derelicts of the War', pp. 43-44. Baker, *King and Country Call*, pp. 120-122.

<sup>6</sup> Baker, *King and Country Call*, p. 123.

<sup>7</sup> Belich, *Paradise Reforged*, p. 101.

<sup>8</sup> Parsons, 'Many Derelicts of the War', p. 44. Martin, 'Blueprint for the Future?', pp. 522-523.

<sup>9</sup> Baker, *King and Country Call*, pp. 122-123.

Some of these arguments have more to recommend them than others. The extent of the Government's direction of the Boards continued to be determined by political factors. During the Catholic exemption crisis, Allen attempted publicly to quash the Boards' verdicts. He was not prevented by legal obstacles or a concern for impartiality, but by the renewed objections of those Ministers who feared the political consequences. The subsequent effort to exempt all religious ministers and teachers further demonstrates that only political obstacles prevented the Government from openly removing the Boards' discretion. To stave off criticism and regulate the country's industries, the Government issued additional policies regarding appeals from those in essential occupations. These efforts showed little concern for the principle that appeals should be considered individually. Generally, the Wellington Boards were happy to follow the Government's lead. However, the First Board made a minimal adjustment to its approach over farmers and denounced the Government's direction always to exempt the 'last man'.

The Government's attempts to direct the Boards caused problems soon after sittings commenced. Allen had secured the Catholic Church's acquiescence to conscription by promising that priests and theological students would receive exemption certificates and a misunderstanding had given the impression that the Boards were required to accept them.<sup>10</sup> This prompted fierce criticism of his integrity when the Third Wellington Board dismissed appeals from two students on 16 February 1917.<sup>11</sup> Allen responded by insisting that the qualifier in the regulation, to accept a certificate 'unless [they saw] good reason to the contrary', permitted the Boards to adopt this course.<sup>12</sup> Had he been committed to preserving their independence, he would have carried this logic into a defence of the Boards' right to judge each case on its merits. Instead, he endeavoured to reverse their decisions. First, Allen approached Salmond over whether the Final Appeal Board could be given the ability to overturn dismissals

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<sup>10</sup> Allen to Massey, 19 December 1916, AP (ALLEN, J. 1 Box 9). O'Shea to Allen, 17 February and 7 March 1917, AD 82 Box 4 5/1.

<sup>11</sup> *EP*, 17 February 1917, pp. 5 and 9. Given that Mack, the member of the Third Wellington Board who pushed most strongly for the dismissals, stood as a candidate with the support of the Protestant Political Association in a 1918 by-election, it might be tempting to conclude that the certificates were rejected due to a sectarian bias. However, his colleague on the Board who approved of dismissing the appeals was Considine, a Catholic. Allen to Massey, 27 February 1917, AP (ALLEN, J. 1 Box 9).

<sup>12</sup> Allen to O'Shea, 26 February 1917, AD 82 Box 4 5/1. Emphasis in original. This was interpreted by the Church as an incitement to other Boards to follow suit, an impression that seemed to be confirmed when one of the Otago Boards dismissed appeals from theological students a month later. Coffey to Allen, 16 March 1917, AD 82 Box 4 5/1.

retrospectively.<sup>13</sup> Although the Solicitor-General replied in the affirmative, he noted that all rejected appellants, and the Crown in the case of successful appeals, would need access to its machinery.<sup>14</sup> Allen doubted the wisdom of setting up such a powerful body and questioned whether it would do the Government's bidding, writing 'I am sure it will create difficulties for us'.<sup>15</sup> Another possibility was altering the regulation to make the certificates binding. Again, it was political expediency that led Allen to reject this, as he feared it would 'lead to the resignation of the Board'.<sup>16</sup>

While Allen was loath to use the available options, there was a growing risk of conflict between Catholics who demanded the certificates be upheld and Protestants who felt Catholics were receiving preferential treatment.<sup>17</sup> This prompted him to reconsider the solutions he had discarded. Mobilisation of the students was postponed so Salmond could draft regulations for the Final Appeal Board that would enable it to revoke decisions.<sup>18</sup> The Recruiting Board then approached the Cabinet for approval to establish the Final Appeal Board, only to be rebuffed.<sup>19</sup> Reverting back to the certificates, Allen looked to act upon the assertion of the Chairman of the First Canterbury Board, that the regulation compelled their acceptance unless there was overwhelming contrary evidence.<sup>20</sup> Allen canvassed Herdman on the legality of this contention, but the Attorney-General sided with the Wellington and Otago Boards, arguing that they must consider all the available testimony.<sup>21</sup> Herdman also restated his opposition to regulations, contending that none could 'interfere with the statutory discretion of a Military Service Board by compelling it to grant exemption to any reservist or class of reservist'.<sup>22</sup>

Blocked on publicly overturning the Boards' verdicts, Allen arranged a conference with their Chairmen. On 27 April this meeting agreed the procedures to adopt

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<sup>13</sup> Gray to Salmond, 19 February 1917, AD 82 Box 4 5/1.

<sup>14</sup> Salmond to Gray, 27 February 1917, AD 82 Box 4 5/1.

<sup>15</sup> Allen to Massey, 27 February 1917, AP (ALLEN, J. 1 Box 9).

<sup>16</sup> *ibid.*

<sup>17</sup> O'Connor, 'Storm over the Clergy', pp. 135-138.

<sup>18</sup> Gray to Allen, 30 March 1917, AD 82 Box 4 5/1. The Final Appeal Board would consist of two Supreme Court Judges. Appeals were only to be made with the consent of the Attorney-General acting on the recommendation of a Military Service Board or a Military Representative. The option of appealing was to be open to the appellant and the Crown acting through the Military Representative. Salmond to Gray, 15 March 1917, AD 82 Box 2 1/11/5.

<sup>19</sup> Gray to Tate, 27 March 1917, AD 82 Box 4 5/1.

<sup>20</sup> Evans to Allen, 26 March 1917, AD 82 Box 4 5/1.

<sup>21</sup> Allen to Herdman, 28 March 1917, AD 82 Box 4 5/1.

<sup>22</sup> Herdman to Allen, 30 March 1917, AD 82 Box 4 5/1.

towards appellants from organised religions. If a clergyman had a certificate then the Boards would award a sine die adjournment. While religious teachers would not be issued certificates, the Boards would grant exemption if they believed the appellant's school would close without him. Certificates would only be provided to theological students who were in the final four years of training and had taken their vows, but in these cases would also prompt a sine die adjournment.<sup>23</sup> Even here there is evidence of coercion; Allen informed Massey that the conference was called to bring the Boards 'decisions into line' and, while the Chairmen unanimously accepted the new orthodoxy, a meeting of Board members only agreed to exempt clergymen by twenty votes to eight and refused to privilege students or teachers.<sup>24</sup>

These events contradict the claims by Baker and O'Connor that the Boards operated beyond the Government's control. Baker notes that Allen's attempt to establish the Final Appeal Board was blocked by the Cabinet while O'Connor neglects to mention that it was defeated by political objections. Both fail to recognise how the ability to grant this body such sweeping powers undermines their argument that the Government was legally impotent. This weakness is also evident in Baker's omission of the fact that the Boards might well have been compelled to accept the certificates if Herdman had not opposed the idea.

Baker's contention that a commitment to impartiality had led the Government to 'de-politicize' the Boards is further undermined by this incident. The controversy arose from Allen's efforts simultaneously to win Catholic support for conscription and to maintain the pretence that the Boards were independent. Granting the certificates achieved the first goal, while Allen could point to the regulation's qualifier as proof that the Government was not acting dictatorially. That this wording was a smokescreen is confirmed by his attempts to reverse the Boards' decisions the first time they utilised it. In exercising their right to dismiss the appeals, the Boards undermined Allen's efforts to balance these desires and forced him to choose which was the more important. Defending the Boards would turn Catholics against the Government, but overruling the Boards' verdicts would shatter the illusion of independence and probably cause them to resign, bringing the legitimacy of the

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<sup>23</sup> Conference of Military Service Board Chairman, 27 April 1917, AD 1 Box 765 20/43.

<sup>24</sup> Allen to Massey, 28 April 1917, AP (ALLEN, J. 1 Box 9). Conference of Military Service Board Members, 2 August 1917, AD 82 Box 7 46/7.

conscription system into question. It was the political consequences that made these options unattractive. Baker correctly asserts that Allen decided the latter course was the lesser of two evils. However, he then contradicts himself by claiming that Allen rejected making the certificates binding from a concern for the Boards' impartiality.<sup>25</sup>

O'Connor's argument that Allen was paralysed by Herdman's ostensibly legal ruling ignores the importance of the Attorney-General's political motivations. Allen had merely inquired whether the Boards were bound 'to accept the certificate...unless evidence is adduced at the hearing of an appeal which justifies them in over-riding the certificate'.<sup>26</sup> It was Herdman who took it upon himself to discuss the wider question of government direction. There are also strong reasons to doubt the Attorney-General's contentions. When the desirability of the certificates for workers in essential industries was being debated, Herdman had insisted that the Act required the Boards to comply with any regulation the Government introduced, yet he was now advancing the opposite view. Scrutiny of the relevant section clearly shows that his original ruling was accurate; 'A Military Service Board in determining an appeal...*shall act in accordance with regulations* (if any) which the Governor in Council may think fit to make in this matter'.<sup>27</sup>

What had prompted Herdman to contradict himself? It appears that he was following the same course that he had criticised Salmond for adopting when the certificates were introduced: providing a political answer to a legal question. The certificates were to allow the Government to indicate which individuals it regarded as essential to the country's economy. For Herdman, the importance of this objective outweighed the political risks of reducing the Boards' discretion, hence his attack on Salmond for implying otherwise. Now, however, Allen was trying to reverse the Boards' verdicts to exempt Catholic theological students. The change in the Attorney-General's reasoning suggests that he did not believe that retaining those students in New Zealand warranted this step. As Minister of Justice, Herdman 'made it clear that he regarded anyone interfering by word or deed with the war effort as an enemy of the

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<sup>25</sup> It is perhaps significant that in turning his thesis into book form, Baker substantially reduced his discussion of the efforts to overturn the Boards' decisions and removed any reference as to why Allen might have been reluctant to take this step, 'New Zealanders', p. 277 and *King and Country Call*, p. 128.

<sup>26</sup> Herdman to Allen, 28 March 1917, AD 82 Box 4 5/1.

<sup>27</sup> My emphasis added.

state'.<sup>28</sup> He believed that every man had a duty to serve and, if they were not crucial workers or policemen, this meant going to the front. Herdman's ruling was not based ultimately on legal grounds, but on a personal belief that, in this particular case, the Government should not set aside the Boards' discretion.

The Government's agreement with the Board Chairmen did not end the crisis. When adjourning cases sine die, several Boards indicated their intention to review these decisions before the calling up of the Second Division. By June 1917, the imminence of this reassessment raised government fears that further Catholic appeals might be dismissed.<sup>29</sup> It therefore decided that 'legislative protection' was required.<sup>30</sup> When the Expeditionary Forces Amendment Bill was read to Parliament on 11 September, it only provided for the exemption of ministers and men in holy orders.<sup>31</sup> However, an amendment to include all teachers, religious and employed by the state, was introduced by Ward.<sup>32</sup> With the votes largely following party lines; Liberal and Labour for, Reform against, the amendment passed the House by 36 votes to 32.<sup>33</sup> Yet this division worked against the Government in the Reform-dominated Legislative Council, where the section was rejected.<sup>34</sup> Three conferences failed to resolve the impasse and the Bill was dropped.<sup>35</sup> With this failure, the Government again turned to pressing the Boards to grant appeals from priests, teachers and students.<sup>36</sup> On 29 November 1917, a conference of Board Chairmen agreed to 'co-ordinate New Zealand with Imperial practice', by granting sine die adjournments to all ministers and the members of holy or religious orders. However, the conference was unable to reach agreement over how to treat the appeals of theological students.<sup>37</sup>

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<sup>28</sup> Susan Butterworth, 'Herdman, Alexander Lawrence 1869-1953', *Dictionary of New Zealand Biography*, retrieved 16 July 2009, <http://dnzb.govt.nz>.

<sup>29</sup> Baker, *King and Country Call*, p. 129. O'Connor, 'Storm over the Clergy', p. 140.

<sup>30</sup> Baker, *King and Country Call*, p. 129. In the meantime, the call-up of any religious teacher or student whose appeal was dismissed would be deferred. Gray to Board Chairmen, 9 July 1917, AD 82 Box 4 5/1.

<sup>31</sup> Allen, *NZPD*, 180, p. 23.

<sup>32</sup> Ward, *NZPD*, 181, pp. 46-48.

<sup>33</sup> *NZPD*, 181, pp. 496-497. The ayes came from 26 Liberal, four Reform and six Labour MPs and the noes from four Liberal and 28 Reform members. Allen voted against the amendment, as he 'would exempt Marist Brothers but not all teachers'. Baker, 'New Zealanders', p. 280.

<sup>34</sup> O'Connor, 'Storm over the Clergy', p. 143. The Council voted eleven to four against the amendment. *NZPD*, 181, p. 529.

<sup>35</sup> *NZPD*, 181, p. 652.

<sup>36</sup> Gray to Allen, 9 November 1917, AD 82 Box 4 5/1.

<sup>37</sup> Minutes of Conference, 29 November 1917, AD 82 Box 7 46/1. Gray to Tate, 7 March 1918, AD 1 Box 736 10/477. *NZT*, 14 January 1918, p.5.

This incident again contradicts Baker's argument. One of the Act's central principles was that no class of men would be exempted. Yet the Government was willing to take a step that would have placed the exemption of certain groups completely outside of the Boards' control. That this was motivated by a fear that the Boards were going to dismiss appeals further underlines that the Government was more concerned with political objectives than the Boards' impartiality. What is also apparent is that the Government did possess the power to remove the Boards' discretion and was only prevented from doing so by political factors, namely the composition of the Council.

Alongside the Government's attempts to enforce the exemption of Catholic theological students were its continued moves to direct the Boards' over appeals from essential industries. A crucial step came in February 1917, when a National Efficiency Board was constituted to, as Baker himself puts it, assist in the 'careful determination of which men should go', a role that Allen had asserted would be left to the Boards.<sup>38</sup> In June, the Government approved a classification prepared by the Efficiency Board that divided the country's industries into 'most essential', 'essential', 'partially essential' and 'non-essential'. This schema indicated that the callings in each category would require fewer exemptions than those in the one above.<sup>39</sup> The Efficiency Board went even further in September and graded the importance of the positions within each occupation.<sup>40</sup> The Government forwarded these classifications to the Boards for their 'guidance'.<sup>41</sup> However, in practice, it insisted that 'appeals should be considered strictly in accordance' with them.<sup>42</sup> The Efficiency Board also conducted a constant review of the ability of industries to release men. Its reports were submitted to the Government, which forwarded them to the Boards with instructions for them to reconfigure their approach.<sup>43</sup> Yet the Government did not

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<sup>38</sup> Baker, *King and Country Call*, p. 120. For a detailed account of the work of the National Efficiency Board see Martin, 'Blueprint for the Future?'.  
<sup>39</sup> 'Classification of Industries, Professions, and Occupations, as Approved by Government', *AJHR*, 1917, vol. II, H43-B. A Cabinet approved draft classification was forwarded to the Boards on 4 May 1917. Gray to Board Chairmen, 4 May 1917, AD 82 Box 2 1/11/1.

<sup>40</sup> Allen to Massey, 18 September 1917, AP (ALLEN, J. 1 Box 11). *FS*, 16 November 1917, p. 2. Each position was graded on a descending scale of importance from 1 to 6. In an introductory note, the Government indicated that the Boards should first determine whether the appellant's occupation was essential, and then consider the grading of his position.

<sup>41</sup> Gray to Board Chairmen, 30 July 1917, AD 82 Box 2 1/11/1.

<sup>42</sup> Gray to Board Chairmen, 5 March 1918, AD 82 Box 2 1/11/2.

<sup>43</sup> Correspondence in AD 82 Box 2 1/11/1 and AD 82 Box 2 1/11/2.

limit itself to requests and warnings. Occasionally, direct action was taken to force a reconsideration of decisions that subverted its political objectives. The Second Wellington Board's dismissal of appeals from several slaughtermen prompted the dispatch of a note stating that this contradicted the Government's promise to the Slaughtermen's Union that its members would be exempted. The Board was informed that the cases would be re-heard in the expectation that it would 'give effect to the Government's policy in this matter'.<sup>44</sup>

Many of the directions that the Boards received concerned appeals from farmers. On 16 March 1917, they were informed that it was against government policy to force any farmer to sell his property; if the reservist could not find a manager, he should be exempted.<sup>45</sup> Two months later, the Boards were urged to refer borderline cases to a local Trustee Board to investigate whether a manager was available.<sup>46</sup> Baker undermines his own argument by ascribing political motivations to these measures. He implies that they were an effort to stave off criticism from farming organisations that their members were being victimized and asserts that the Government wished to maintain production in order 'to finance New Zealand's ever-growing war debt'.<sup>47</sup> Allen's correspondence reinforces the former contention; he wrote to Massey 'I fear that at the start [the Boards] were a bit hard and refused to grant appeals where probably it would have been wise to have allowed them' and to General Godley that the Boards' intransigence was 'being rectified', words that hardly demonstrate a commitment to their independence.<sup>48</sup> Yet the scope of these directions does not support Belich's claim that the Government acted to make the exemption of 'most' farmers 'virtually automatic'. The policy required farmers to prove that they could not be replaced and was only meant to exempt the 'last man'.

This situation underwent a significant change when the Government dispatched a new set of directions to the Boards in October 1917. This episode again reveals

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<sup>44</sup> Gray to Poynton, 15 January 1918, AD 82 Box 1 1/4. A further letter was sent to the other Boards to remind them of the need to exempt bona fide slaughtermen. Allen to Niall, 16 January 1918, AD 82 Box 8 74.

<sup>45</sup> Gray to Board Chairmen, 16 March 1917, AD 82 Box 2 1/11/1. See also Gray to Board Chairmen, 10 July 1917.

<sup>46</sup> Gray to Board Chairmen, 5 May 1917, AD 82 Box 2 1/11/1. These Trustee Boards consisted of three farmers or businessmen and operated under the Efficiency Board. Their primary role was to 'advise, manage, or dispose of soldiers' farms'. 'National Efficiency Board to the Hon. the Acting Prime Minister' 16 February 1917, *AJHR*, 1917, vol. II, H-34.

<sup>47</sup> Baker, *King and Country Call*, pp. 119-122.

<sup>48</sup> 17 March 1917, AP (ALLEN, J. 1 Box 9). 27 March 1917, AP (ALLEN, J. 1 Box 2 M/15 (part 4)).

discrepancies in Baker's argument. On the one hand, he asserts that the Government was still hindered by the necessity for the Boards to be seen as impartial. Yet he suggests that its 'desperation' to influence the Boards arose from the continued criticism of their decisions by farming organisations and rural MPs. Furthermore, Baker acknowledges that the Government considered exempting all farmers by statute and asserts that it rejected this because it would mean the exemption of farming 'shirkers', rather than because it would remove the Boards' discretion.<sup>49</sup> Baker is also mistaken in presenting the directions of 12 October as a restatement of the Government's previous policy; they in fact went considerably further.<sup>50</sup> The Boards were now to exempt a man doing the whole work on his farm, or the 'last son' of parents who were unable to run their farm, irrespective of whether there was other labour available.<sup>51</sup> While these provisions still did not include 'most' farmers, their implementation would have made the exemption of 'last men' completely automatic.

The Wellington Boards were generally happy to receive the Government's direction. Given that they mounted a vigorous criticism of the Government's attempts to regulate their times of sittings, there is no reason to believe that these Boards would not have objected if they felt they were receiving too much instruction over appeals from specific occupations.<sup>52</sup> Yet both newspaper reports and the Boards' correspondence show an almost total absence of such dissent. Indeed, they point to precisely the opposite; the Wellington Boards actively sought guidance to help them reach a decision. When they were unsure of the attitude to adopt towards appeals, the Wellington Boards postponed a verdict until they had received a steer from the Government. In the early months, the Third Board adjourned many appeals from the Railway Department to wait for a government policy on reducing services.<sup>53</sup> As Acting-Chairman of the First Board, McLaren requested Government and Efficiency Board advice on how to deal with the ploughmen's cases he was faced with.<sup>54</sup> The Wellington Boards also joined the others in appealing for general guidance on the

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<sup>49</sup> Baker, *King and Country Call*, pp. 122-123. See also Gray to Walker, 26 October 1917, AD 82 1 1/3/7.

<sup>50</sup> Baker, 'New Zealanders', p. 262.

<sup>51</sup> Gray to Board Chairmen, 12 October 1917, AD 82 Box 2 1/11/1. In the light of these new instructions, the Boards were informed that the call-up of all farmer reservists due to proceed to camp that month had been deferred 'in order that their cases may be resubmitted...for further consideration'. Allen, *NZPD*, 181, pp. 88-91.

<sup>52</sup> Moorhouse to Tate, 24 May 1917, AD 82 Box 1 1/5.

<sup>53</sup> *EP*, 17 February 1917, p. 5 and 17 March 1917, p. 6.

<sup>54</sup> McLaren to Gray, 29 July 1918, AD 82 Box 1 1/3.

attitudes they should adopt. In May 1918, Allen divulged that the Government had been asked for 'a declaration of policy in regard to essential industries and exemptions'.<sup>55</sup>

The Wellington Boards not only welcomed direction, they usually followed it. Baker asserts that, nationally, the Boards accepted the vast majority of the certificates that were issued to men in essential industries.<sup>56</sup> For the Wellington Boards in fact, cases involving theological students and Marist Brothers are the only reported instances of certificates being rejected. The claim made by Parsons and Martin that the Boards utilised the classification of industries when reaching decisions must come with the proviso that they were rebuked by the Government over perceived failures to do so.<sup>57</sup> However, this appears to have resulted from differing perceptions. The classification was never designed to be prescriptive; it stated that men should only be exempted if they could not be replaced.<sup>58</sup> While this was the philosophy that the Wellington Boards adopted, there were inevitably occasions when their notion of what amounted to irreplaceable differed from the Government's.<sup>59</sup> However, that the Government admonished the Boards very infrequently suggests that they followed the classification and reached acceptable decisions most of the time.<sup>60</sup> Indeed, Allen informed General Birdwood that the Boards 'have done splendid work' in deciding whether men were needed for essential industries or the army.<sup>61</sup> Moreover, the Boards adapted their approach in line with the Efficiency Board's investigations. Allen outlined that reports on the ability of a range of industries to release men had been forwarded to the Boards and that they had been 'acting on the recommendations'.<sup>62</sup>

The Wellington Boards' willingness to follow the Government's directions is particularly evident over seafarers. On the initial occasions that representatives of the seafarers' unions appeared before the Boards, they were questioned as to how

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<sup>55</sup> *EP*, 23 May 1918, p. 8. See also 7 June 1918, p. 8.

<sup>56</sup> Baker identifies the 'unlucky exceptions' as ships' pursers and coal truckers, who were 'considered replaceable', *King and Country Call*, p. 119.

<sup>57</sup> Ferguson to Gray, 4 August 1918, NEB 1 Box 16 703.

<sup>58</sup> 'Classification of Industries', *AJHR*, 1917, vol. II, H-43 B.

<sup>59</sup> *EP*, 11 May 1917, p. 2. Gray to Ferguson, 8 August 1917, NEB 1 Box 16 703.

<sup>60</sup> 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2).

<sup>61</sup> Allen to Birdwood, 17 June 1918, AP (ALLEN, J. 1 Box 9).

<sup>62</sup> Allen, *NZPD*, 178, pp. 833-834. See also p. 482.

essential were the men they were appealing for.<sup>63</sup> However, once the Government's directive to exempt seafarers with twelve months' experience was made known, Chairman Moorhouse indicated that the Third Board would 'take notice' of it 'except in case of special circumstances'.<sup>64</sup> This attitude was adopted by the other Boards when dealing with the vast majority of union appeals, although the First did require twelve months at sea since the passage of the Act.<sup>65</sup> The Union Steamship Company had more difficulty in securing exemptions; the Third Board asserted that it was attempting to retain more marine engineers than it required and that it had made insufficient efforts to find replacements.<sup>66</sup> While it only dismissed a handful of appeals, the Board adjourned several others until the Company had investigated its manpower requirements.<sup>67</sup> Only when this investigation had been completed was a rule laid down; the Second Board agreed to exempt marine engineers over Grade 6 and officers over Grade 4.<sup>68</sup> Even then, the Company's problems were not over, as the Third Board 'pointed out that the decision of one board was by no means binding on another'.<sup>69</sup> This situation was finally resolved on 27 June 1917, when a conference between the Wellington Boards agreed to grant sine die adjournments in all seafarers' appeals where twelve months' service since the passage of the Act was proven.<sup>70</sup>

The Wellington Boards' approach to appeals from slaughtermen also indicates their responsiveness to government direction. Prior to April 1917, the First and the Third Boards awarded sine die adjournments in each case where the union secretary maintained that the man was a bona fide slaughterman, without requiring evidence from the appellant.<sup>71</sup> On 19 April, the Second Board raised misgivings over this policy, arguing that the secretary could not know whether every slaughterman had been in the occupation for some time and insisting that doubtful cases should be heard where the appellant resided.<sup>72</sup> Yet the Chairman was clear that this was not a rejection of the Government's policy; 'We only want to know whether these men are

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<sup>63</sup> *EP*, 30 December 1916, p. 6.

<sup>64</sup> *ibid.*, 14 February 1917, p. 8.

<sup>65</sup> *ibid.*, 15 March 1917, p. 7, 20 April 1917, p. 7 and 15 June 1917, p. 8.

<sup>66</sup> *ibid.*, 31 January 1917, p. 7, 2 February 1917, p. 8 and 15 February 1917, p. 7.

<sup>67</sup> *ibid.*, 15 February 1917, p. 8.

<sup>68</sup> *ibid.*, 18 April 1917, p. 8 and 19 April 1917, p. 8.

<sup>69</sup> *ibid.*, 18 May 1917, p. 8 and 29 May 1917, p. 8.

<sup>70</sup> Walsh to Gray, 27 June 1917, AD 82 Box 1 1/3.

<sup>71</sup> *EP*, 30 January 1917, p. 8, 15 February 1917, p. 3 and 14 March 1917, p. 7.

<sup>72</sup> *NZT*, 20 April 1917, p. 7.

bona fide slaughtermen.<sup>73</sup> The Wellington Boards' intention to conform was reaffirmed on 27 June, when they agreed that all bona fide slaughtering cases should be adjourned sine die provided the man agreed to work in a kindred occupation in the off-season.<sup>74</sup> There were three more slight deviations from this policy. As the balloting of the Second Division drew closer, the Boards began reviewing sine die cases to see if men could be 'combed out'.<sup>75</sup> To facilitate this process, the First Board asked the union secretary to report on whether any slaughtermen could be spared, while the Third Board held a meeting with freezing works employers.<sup>76</sup> However, the Wellington Boards opted to continue following the Government's direction, with a large number of slaughtering appeals being re-confirmed sine die, while no exemptions are reported to have been cancelled.<sup>77</sup> The second deviation came in January 1918, when the Second Board only granted leave until the end of the season to several slaughtermen. Yet the Government's response brought the Board back into line and it returned to exempting all bona fide slaughtermen. The final impasse came in August 1918, when the Second Board merely adjourned slaughtering appeals so that it could consider them together. This again proved only a delay in the implementation of the Government's policy, as the vast majority of the appeals were re-adjourned sine die.<sup>78</sup>

The Wellington Boards' treatment of appeals from seafarers and slaughtermen can also be measured quantitatively. Two points need to be made about the statistics in this chapter. Firstly, they are based on a sample that only includes cases where the grounds included public interest or undue hardship. Those based solely on conscientious objections, not being a reservist or being wrongly classed were excluded, as the Board's verdict would not have considered the appellant's occupation. While hardship appeals were not focused solely on the appellant's livelihood, they often revolved around it. Furthermore, it is almost certain that the Boards would have weighed it up in their deliberations. Unfortunately, the varied level of detail given by the newspapers can make determining whether a case was

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<sup>73</sup> *EP*, 20 April 1917, p. 7.

<sup>74</sup> Walsh to Gray, 27 June 1917, AD 82 Box 1 1/3.

<sup>75</sup> 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2). *NZT*, 28 August 1917, p. 4.

<sup>76</sup> *EP*, 12 June 1917, p. 7. 'Conference re Freezing Industry Employees and Military Service', 6 October 1917, AD 82 Box 8 74.

<sup>77</sup> *EP*, 30 October 1917, p. 8.

<sup>78</sup> *ibid.*, 3 October 1918, p. 7.

based on undue hardship or public interest impossible. Some reports state the basis of the appeal in terms of the Act, but others only divulge the testimony and a number contain no information on the appellant's motivations. A lack of detail clearly makes it unfeasible to ascertain the basis of the appeal. It is often possible to deduce at least one of the grounds where the testimony alone is reported, but all cases where even this could not be achieved had to be excluded. The second point is that the statistics only concern 'concrete verdicts'; appeals allowed, adjourned sine die or dismissed. Every such verdict is included, even if it was for an appeal that had been adjourned or previously had a 'concrete verdict'. Only 'concrete verdicts' were considered because they marked a decision on whether the appellant was worthy of exemption, whereas temporary adjournments signalled a need to gather more evidence. Every 'concrete verdict' is important, as all represent the Boards' opinion on whether a case warranted exemption. This is why the statistics include more than just the initial or the final 'concrete verdict' on cases where several decisions were given.<sup>79</sup> Of the 'concrete verdicts' reported for the 3,412 Wellington District appellants who appealed on undue hardship or public interest, 54.12% saw an appeal allowed or adjourned sine die. Yet for both seafarers and slaughtermen, the figure is 92.90%. The exemption of seafarers and slaughtermen was indeed 'virtually automatic'.

What of Baker's argument that 'maverick Boards' refused to follow the Government's policies regarding farmers? This is largely based around the criticism that these Boards received from MPs and farming organisations, and has two elements. Firstly, the critics asserted that the 'maverick Boards' continued to conscript the 'last man' and ignored farming's classification as a 'most essential' industry. Secondly, MPs and farming organisations maintained that the 'mavericks' ignored the Trustee Boards and were hostile towards them.<sup>80</sup>

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<sup>79</sup> Clearly, it would also be revealing to know the percentage of appellants from each occupation who were exempted at the war's conclusion. Yet the newspapers do not supply a complete picture. Men are reported as having their appeals temporarily adjourned, but then do not re-appear in the coverage, so the final outcome of their case cannot be discerned. Furthermore, if the newspapers did not report each occasion that men came before the Boards, then it is impossible to know whether a 'concrete verdict' was also the final verdict. The *Numerical List of Reservists* does contain details on the final outcome of each man's appeal. However, this record is ordered by ballot and then by recruiting district. As the reports of appeals do not divulge the ballot or the recruiting district in which an appellant was drawn, it is extremely time consuming to find them in the *List*. Given the number of appellants that this thesis considers, such a task proved too difficult.

<sup>80</sup> Baker, 'New Zealanders', pp. 258-262. Baker cites W.H. Field, *NZPD*, 178, p. 480. Wilkinson, *NZPD*, 179, p. 745. Anstey, *NZPD*, 180, p. 314. *Farmer's Union Advocate*, 2 February 1918, p. 5.

Throughout the Boards' operations, Allen's speeches and correspondence contradict these claims. In mid-1917, when criticism of the 'mavericks' was at its fiercest, Allen defended their conduct. He asserted that all of the Boards were carrying out the Government's wishes for the 'last man' to be exempted if they could not be replaced and seeking the advice of the Trustees 'when necessary'.<sup>81</sup> He also maintained that the supposedly renegade Boards were justified in refusing to exempt some who claimed to be 'last men', as the evidence showed that assistance was available or that they had only become the 'last man' by dividing a farm.<sup>82</sup> Of course, Allen might have felt compelled to reassure farmers that they were not being victimised. Yet his assertions are almost certainly genuine, as he repeated them in private correspondence with Massey, Ward and Godley, where no such circumspection was required.<sup>83</sup>

Furthermore, there is little to indicate a fundamentally fractious relationship between the Wellington Boards and the Boards of Trustees. Admittedly, the First Board did take umbrage on two occasions when a Trustee Board tried to give it a recommendation on how to determine an appeal. The Board members argued that the Trustee Board's role was to ensure they were informed of a farmer's situation, not to advise them over decisions.<sup>84</sup> In turn, the Trustee Board complained that the Board only wanted men for the army.<sup>85</sup> This does indicate a degree of friction between the two bodies and that the First Board would not tolerate any threat to its role as the arbiter of appeals. Yet several points need to be made. The Board was correct to assert that the Trustees' role was to present them with evidence rather than recommendations; the criticism of the Trustees was actually led by the individual whose instructions came from the Government, the Military Representative.<sup>86</sup> In addition, the Board was not attacking the Trustees' official role, and its members stressed that they valued their input.<sup>87</sup> The most important consideration is that these were two incidents out of the many times that the Wellington Boards referred a case to the Trustees. There are no other reports that

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<sup>81</sup> Allen, *NZPD*, 178, pp. 480, 482, 824 and 833.

<sup>82</sup> *NZPD*, 180, p. 314.

<sup>83</sup> Allen to Massey, 17 March 1917, AP (ALLEN, J. 1 Box 9). Allen to Ward, 21 August 1917, AD 82 Box 2 1/11/1. Allen to Godley, 27 March 1917, AP (ALLEN, J. 1 Box 2 M1/15 (part 4)).

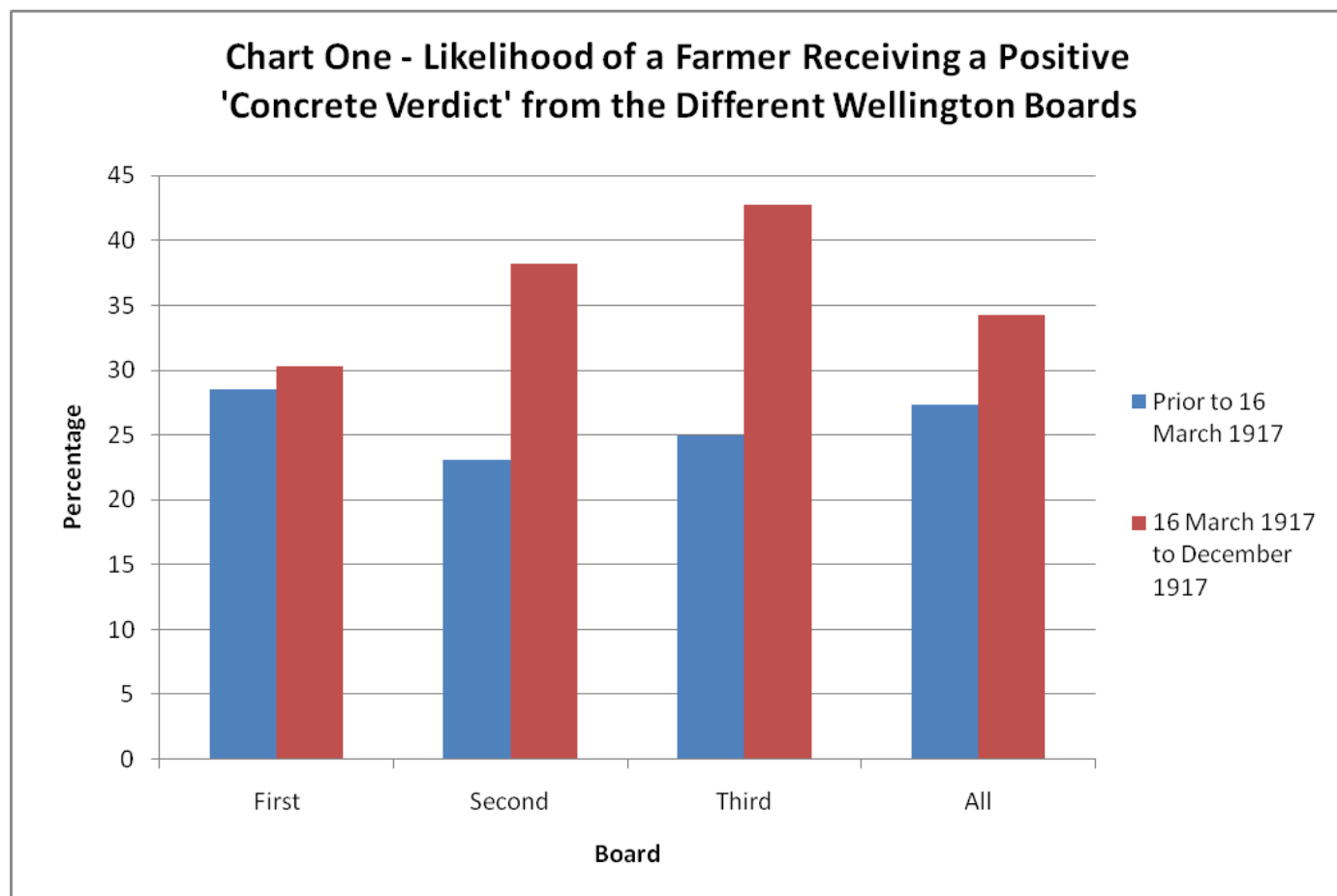
<sup>84</sup> *MES*, 2 July 1917, p. 5, 23 July 1917, p. 5 and 24 July 1917, p. 2.

<sup>85</sup> *ibid.*, 7 July 1917, p. 7.

<sup>86</sup> *ibid.*, 2 July 1917, p. 5.

<sup>87</sup> *ibid.* Cooper to Gray, 10 December 1918, AD 82 Box 3 1/22.

indicate the Wellington Boards were unhappy with the Trustees' advice, or that they chose to ignore it.



Sources: *Evening Post*, *Feilding Star*, *Manawatu Evening Standard*, *New Zealand Times*, *Pahiatua Herald*, *Wairarapa Daily Times* and *Wanganui Chronicle*

Yet quantitative evidence suggests that the Wellington Boards' willingness to follow the Government's policies over farmers was neither clear-cut, nor uniform. Such a measure is of little use after November 1917, as appeals from Second Division men introduced a new variable into the Boards' decisions.<sup>88</sup> Nevertheless, prior to this date, considering the percentage of positive 'concrete verdicts' does provide a useful indication of the Wellington Boards' approach. Chart One shows that, before 16 March 1917, they granted farmers a positive 'concrete verdict' 27.34% of the time. Between 16 March and December 1917, a farmer had a much greater chance of obtaining such a decision, 34.21%. While this indicates that the Wellington Boards collectively responded to the Government's policies, there were variations between

<sup>88</sup> Furthermore, the Third Wellington Board was abolished in March 1918 when it was determined that two Boards would be sufficient to hear all subsequent appeals.

them. Both the Second and Third Boards substantially increased the percentage of positive 'concrete verdicts' they awarded to farmers from 23.08% to 38.23% and 25% to 42.74% respectively. The situation regarding the First Board was very different. While it had been the most liberal Board in granting 28.57% of positive 'concrete verdicts' to farmers, this figure only increased to 30.32% between 16 March 1917 and December 1917.<sup>89</sup> This limited change suggests that the First Board was less responsive to the Government's policies. In contrast, the Second and Third Board's greatly increased willingness to deliver positive decisions perhaps indicates that they awarded them to farmers who were not in fact irreplaceable 'last men'. The variation in the Boards' statistics justifies Baker's claim that there was some inconsistency between them.

There is further evidence to demonstrate that the First Board took a more independent line. Prior to 12 October 1917, the Wellington Boards made no protests over the volume or the scope of the Government's directions regarding farmers. However, the First Board greeted its instruction to exempt automatically the 'last man' with public denunciations and vigorous private protests.<sup>90</sup> The Chairman maintained that his Board was happy for the Government to state a policy, but that there was a 'wide difference' between this and it giving instructions 'as to what determinations the boards shall give in any particular class of cases without consideration of the evidence'. The members maintained that a general rule would allow 'shirkers' to evade service by falsely claiming they could not obtain assistance or dividing properties to make themselves the 'last man'.<sup>91</sup> This was a different situation to the Government's instructions over seafarers and slaughtermen, which the First Board had implemented. While the latter instructions were undoubtedly wide-ranging, they permitted the Boards to refuse exemption if they felt a man was not bona fide. For the First Board, therefore, government direction could go a long way, but it refused to countenance any provision that would grant automatic

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<sup>89</sup> The First Wellington Board handled all appeals in the Provincial District until the other two Boards were constituted in January 1917. After that date, each Board was generally responsible for holding sittings within a certain geographic area. Until its abolishment, the Third Board oversaw most of the sittings held in Wellington. The zone of operations for the First Board included Wanganui, Feilding and Palmerston North. Cases heard in Pahiatua and Masterton usually came before the Second Board.

<sup>90</sup> *EP*, 15 October 1917, p. 8 and 20 October 1917, p. 4. Cooper to Gray, 15 October 1917 and 20 October 1917, and Herdman to Massey, 23 October 1917, all in AD 82 Box 1 1/3.

<sup>91</sup> *EP*, 20 October 1917, p. 4. See also 15 October 1917, p. 8. Walker to Gray, 20 October 1917, AD 82 Box 1 1/3/7.

exemption. Cooper appears to have raised his Board's objections at the next conference of Chairmen, where the Government was forced to agree that 'no hard and fast rule should be laid down [and] that each case should be dealt with on its merits after full investigation into the facts'.<sup>92</sup> The Boards were to exempt all 'last men' if they could prove they were bona fide, unless they were certain that the farm's production could be maintained in their absence.<sup>93</sup>

This incident demonstrates that the Wellington Boards were not all willing to accept every government policy. Yet what did remain constant is that the executive's issuing of such directions was determined by political factors. The dismissal of Catholic appeals showed divisions in the Cabinet over which issues warranted the use of control. For Allen, appeasing Catholic fury required the veneer of the Boards' independence to be stripped away. Yet a majority of Ministers rejected a Final Appeal Board and Herdman blocked efforts to make the certificates binding. The Cabinet did agree to legislation that would have removed the Boards' jurisdiction over certain appeals, but was denied by the misgivings of the Council. Throughout their operations, the Boards continued to receive extensive instructions regarding essential industries. These resulted from the Government's desire to ward off rural criticism and maintain the country's economic position. The Wellington Boards proved largely willing to follow the Government's direction, granting a high percentage of positive verdicts to seafarers and slaughtermen. When Allen insisted that the Boards implement the Government's policies over farmers, the Second and Third Wellington Boards appear to have concurred. However, the First Board made little adjustment in its approach and rejected the Government's call for the automatic exemption of the 'last man'.

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<sup>92</sup> Minutes of Conference, 29 November 1917, AD 82 Box 7 46/1.

<sup>93</sup> Gray to Cooper, 26 October 1917 and Massey to Herdman, 2 November 1917, both in AD 82 Box 1 1/3.

## Chapter Three: Equality of Sacrifice

### The Attitudes of the Board Members

Historians have advanced mixed views on the attitudes that the Boards adopted towards appellants. For Parsons, they were initially 'cautious and even sceptical' about the claims men made in support of their cases.<sup>1</sup> Baker echoes this sentiment, asserting that a belief that they were the 'guardians of equality of sacrifice' led the Boards to treat each appellant as 'a potential shirker'. However, he argues that this 'intransigent' stance weakened after March 1917 in response to government direction, before diminishing further due to an acknowledgement of the greater hardship that conscription would cause Second Division reservists.<sup>2</sup> Hucker finds that the First Wellington Board exhibited 'certain characteristics' throughout its operations. It responded positively to appellants who showed a willingness to serve, but 'viewed with contempt' those who exaggerated their situation.<sup>3</sup> In contrast, previous studies have failed to consider the impact of the Government's decision to attach a Military Representative to each Board. There are two partial exceptions. Baker maintains that these officers often neglected their theoretical impartiality in order to obtain men for the army.<sup>4</sup> However, he falls into the trap of not distinguishing the questioning and opinions of the Military Representatives from those of the Boards as a whole. Conversely, Hucker specifies whether a line of inquiry came from the Military Representative, but does not comment on whether the officer's attitudes differed from those of the civilian Board members.<sup>5</sup>

These approaches have contributed significantly to the negative portrayal of the Boards. Certainly, the Board members were convinced that every man had a duty to fight unless he provided a compelling case for exemption and their belief in equality of sacrifice led to an insistence that some hardship must be accepted. However, these principles did not equate to thinking that all reservists could or should be sent to the front. The Board members recognised that certain cases justified exemption and their extensive questioning sought to facilitate an informed decision. This balanced approach was disrupted by the Government's introduction of Military

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<sup>1</sup> Parsons, 'Many Derelicts of the War', p. 48.

<sup>2</sup> Baker, *King and Country Call*, pp. 117-123.

<sup>3</sup> Hucker, 'Rural Home Front', pp. 172-173.

<sup>4</sup> Baker, *King and Country Call*, p. 116.

<sup>5</sup> Hucker, 'Rural Home Front', pp. 163-175.

Representatives, who consistently tried to get cases dismissed. While they generally worked in harmony with the Boards, their uncompromising approach did lead to disputes. The appointment of Military Representatives was largely responsible for making appealing an unpleasant experience and for turning sections of the public against the Boards.

As impartial overseers, the Chairmen had numerous responsibilities. These included summing up the evidence, delivering the verdict with the reasoning behind it and giving statements of the Board's policies if the case had a wider significance. Nevertheless, the Chairmen did not limit themselves to administrative functions; they took a full part in testing the validity of any testimony through questioning.<sup>6</sup> Their colleagues usually divided their labours on the basis of expertise. If the appellant was engaged in a rural occupation, the farming member would ask any technical questions and comment on the testimony from his own experience, with the unionist member doing the same in urban appeals.<sup>7</sup> Farmers' contributions to urban appeals were particularly infrequent. Mack and McLaren tended to become involved in most questioning, probably because their role as union leaders and consequent appearances in the Arbitration Court had accustomed them to operating in such a setting.<sup>8</sup> It might be anticipated that the members would have shown a greater empathy towards appellants who shared their background, and they did endeavour to moderate their colleagues if they felt their questioning was harsh or uninformed.<sup>9</sup> However, there was no favouritism, with members using their expertise to point out faults in the appellants' testimony as well as to support it.<sup>10</sup> Mack even submitted a formal report to oppose his colleagues' decision to exempt several marine engineers, while the even-handedness of the rural members is illustrated by the fact that the Wanganui Farmer's Union felt moved to petition Allen to place a dairy farmer on the Boards so that they would be more effectively represented.<sup>11</sup>

The Board members were certainly not the anti-conscriptionists Allen had warned against, but deeply patriotic individuals who believed that victory must be achieved.

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<sup>6</sup> *MES*, 1 March 1917, p. 3. *WDT*, 10 January 1918, p. 6.

<sup>7</sup> *MES*, 7 June 1917, p. 7. *WDT*, 9 November 1917, p. 5.

<sup>8</sup> *WDT*, 13 December 1916, p. 2. *EP*, 3 February 1917, p. 9. *MES*, 6 October 1917, p. 6.

<sup>9</sup> *MES*, 13 April 1917, p. 2.

<sup>10</sup> *ibid.*, 13 January 1917, p. 5 and 26 May 1917, p. 4. *FS*, 3 July 1917, p. 4. *WDT*, 13 August 1918, p. 4.

<sup>11</sup> Mack to Commandant Military Forces Wellington, 31 May 1917, AD 1 Box 896 39/275. *MES*, 5 March 1917, p. 2.

Some of their 'official rhetoric' emphasised the defence of Britain and the Empire, supporting Keith Sinclair's contention that such prominent persons adhered to the concept of 'imperial federation, to imperialism'.<sup>12</sup> However, they just as frequently espoused the need to preserve the liberty and prosperity of New Zealand from the threat of a brutal and authoritarian enemy.<sup>13</sup> This motivated a conviction that every family had a duty to contribute as much as it possibly could to the war effort. Equality of sacrifice was embedded in the members' thinking, leading them to assert that 'all had to put up with hardships and troubles in these times' and to regard an unwillingness to serve as a dereliction of duty.<sup>14</sup> The Boards saw their role as being to investigate thoroughly 'every case which comes before us' in order to root out 'shirkers'.<sup>15</sup> Exemption would not be given lightly, with the appellant having to satisfy the burden of proof.<sup>16</sup>

These attitudes are manifest in the reports of the Boards' sittings. Men from families that had failed to send any sons to the front were routinely denounced; not only had they neglected their responsibilities previously, but their decision to appeal revealed a continued willingness to let others fight on their behalf. Charles Managh's father stated that his son did all the ploughing and cropping on their farm of 1,050 acres, which held 2,300 sheep and 80 cows. The land needed constant attention, as it was impossible to fatten the animals without cropping. Yet these arguments were insufficient to deflect McLaren's ire when Managh admitted that he had three more sons who had not enlisted, with the Board member charging 'Why should some families sacrifice all and some nothing?'<sup>17</sup> Men who were perceived as placing an undue emphasis on having two or three brothers in the firing line were also criticised, it being pointed out that other families had managed to send five or six members.<sup>18</sup> So firm was the Boards' initial stance in this regard that, in January 1917, the

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<sup>12</sup> Keith Sinclair, *A Destiny Apart: New Zealand's Search for National Identity*, Wellington: Allen & Unwin in association with the Port Nicholson Press, 1986, p. 173. See for example *EP*, 14 June 1917, p. 2. *MES*, 9 August 1917, p. 6. *WDT*, 22 December 1917, p. 4. *FS*, 17 July 1918, p. 2.

<sup>13</sup> *WDT*, 13 December 1916, p. 2 and 17 September 1918, p. 4. *EP*, 12 October 1917, p. 6.

<sup>14</sup> *EP*, 12 February 1917, p. 8. See also *WDT*, 1 February 1917, p. 6 and 9 May 1917, p. 4. *MES*, 10 February 1917, p. 2.

<sup>15</sup> Indeed, early hearings tended to be so lengthy that the *NZT* lamented that it would take the Boards fully eighteen years to get through only ones years worth of appeals, Editorial: 'The Appeals', 9 December 1916, p. 6.

<sup>16</sup> *EP*, 20 March 1917, p. 2. See also 27 December 1916 and 29 January 1918, p. 8. *FS*, 5 January 1917, p. 2.

<sup>17</sup> *FS*, 8 October 1917, p. 4. See also *WDT*, 14 December 1916, p. 2.

<sup>18</sup> *MES*, 9 February 1917, p. 5 and 24 July 1917, p. 2. *WDT*, 17 February 1917, p. 5.

Government instructed them to exempt any appellant with two or more brothers killed.<sup>19</sup>

Other reservists were denied exemption after the Boards rejected their claims that their conscription would cause undue hardship to their relatives. Both of Edward Coffey's brothers were on active service and he maintained that he contributed an essential £1 per week to support his elderly parents and three sisters. This failed to satisfy the Chairman, who told Coffey that he would be able to 'contribute just as much' from his soldier's pay and allotments.<sup>20</sup> Similar reasoning was used against Charles Connor, the sole provider for his aged father and invalid brother, to whom he sent £30 a year.<sup>21</sup> Another of the Boards' frequent ripostes was that family members or patriotic organisations would be able to fill the gap left by the appellant's absence. When George Grigg claimed that his wages were the only support of his widowed mother, a Board member informed him that 'I know of hundreds of cases where the War Relief Societies have assisted persons so situated'.<sup>22</sup> The Boards acknowledged that hardship would result in all such cases, but they asserted that other families were suffering just as much and that sacrifices had to be made to ensure victory.

Small businessmen and self-employed tradesmen who cited economic hardship stood little chance of exemption if they were not engaged in an essential occupation. When John Keen, a hairdresser and tobacconist, lamented that he would be forced to give up his 'good business' by closing his shop if not given time to find a manager, he received little sympathy from the Board. The members insisted that Keen would serve the country better at the front and asked whether he was aware 'that thousands have actually given up their business and their good positions?'<sup>23</sup> Men in similar occupations who asked for time to sell their concerns at a good price were often accused of making an insufficient effort to do so before they were balloted. However, being involved in an occupation that had been classed as essential was no

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<sup>19</sup> Gray to Board Chairmen, 27 January 1917, AD 1 Box 1 1/3.

<sup>20</sup> *EP*, 7 December 1916, p. 7.

<sup>21</sup> *ibid.*, 29 December 1916, p. 3. See also *FS*, 30 December 1916, p. 4 and 10 February 1917, p. 4. *NZT*, 20 May 1918, p. 7.

<sup>22</sup> *EP*, 7 December 1916, p. 7.

<sup>23</sup> *ibid.*, 13 December 1916, p. 3. *NZT*, 9 July 1917, p. 4.

guarantee of success; if the Boards deemed that ten sanitary plumbers were sufficient to meet a town's requirements then the eleventh was ordered to camp.<sup>24</sup>

Many employers also failed to satisfy the Boards of their credentials. Where an enterprise was not considered crucial to the war effort, the Boards usually required it to work through the loss of an appellant or to close down. Similarly, simply being part of a 'most essential' or 'essential' industry was not enough; the Boards asserted that the man himself had to be essential and invariably asked a number of questions about his role and the steps that had been taken to secure a replacement.<sup>25</sup> Any indication that the reservist was not a vital worker aroused the members' displeasure. Harry Hearle's employer argued that, as a skilled engineer, he was integral to the running of a freezing works. Sensing that something was amiss, Mack delved into Hearle's responsibilities, reaching the conclusion that the company did not require an engineer and would only need to find a labourer.<sup>26</sup> Other employers were probed over how their business would cope if the man they were appealing for suddenly took ill, died or 'was run over by a tramcar tomorrow?'<sup>27</sup> Some of the Boards' strongest criticism was reserved for employers who admitted that they had made no effort to replace their men with those too old to fight, those classed as medically unfit or, increasingly, women.<sup>28</sup> William Cable appeared on behalf of Spencer Halse, a turner and fitter, citing a major shortage of men to complete important work on overseas food ships. Under questioning, Cable conceded that 'we have not tried to replace [Halse] till we know whether he is to be exempted'. In response McLaren insisted that 'manufacturers must realise that these single men are wanted and they must try and replace them before asking for exemption', while the Chairman was even more implicit in his accusation that the employer had 'shirked' his duty to let men get away; 'The war has been on for two years now, Mr. Cable.'<sup>29</sup> So determined were the Boards to ensure that employers were not keeping men back unnecessarily that they occasionally carried out inspection visits.<sup>30</sup> Another of the members' concerns was that many industries had neglected to

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<sup>24</sup> *NZT*, 8 August 1918, p. 3.

<sup>25</sup> *EP*, 11 May 1917, p. 3 and 13 June 1917, p. 2. *NZT*, 21 April 1917, p. 11, 30 January 1918, p. 3 and 15 August 1918, p. 7.

<sup>26</sup> *FS*, 17 July 1918, p. 2.

<sup>27</sup> *EP*, 1 February 1917, p. 7.

<sup>28</sup> *NZT*, 15 January 1918, p. 4, 30 January 1918, p. 10 and 6 September 1918, p. 3. *FS*, 15 March 1918, p. 2.

<sup>29</sup> *EP*, 27 December 1916, p. 8. See also *NZT*, 30 May, p. 6. *WC*, 18 July 1917, p. 6.

<sup>30</sup> *EP*, 1 May 1917, p. 7.

organise themselves to release the maximum number of men for the army; 'An economic bomb is needed to awaken some people to the fact that there is a war'.<sup>31</sup>

Whatever the appellant's occupation, the Board members adhered rigidly to two attitudes that made certain appeals less likely to succeed. First was the conviction that 'Every single man should be made to go before any married man is forced to go'.<sup>32</sup> The Boards believed that Second Division reservists had greater responsibilities than those in the First and that their conscription would cause considerably more hardship.<sup>33</sup> They repeatedly pointed out that exempting a single man would force a married one to go in his stead.<sup>34</sup> This made it difficult for First Division reservists to convince the Boards that they would suffer excessive hardship. A second concern was the situation at the front. If casualties were high or German attacks successful, the Boards would insist that the priority was to get men into camp.<sup>35</sup> Simon Graham had been granted exemption until 23 July 1918, but the Board opted to re-hear the case in April to see if this could be reduced. While acknowledging that such efforts were likely to cause difficulties, the Board asserted that 'the greatest trouble we could have in this country was like down on a bird's wing compared to what the men had to suffer in France'.<sup>36</sup>

Nevertheless, the Board members clearly recognised that exemption should be granted if justified. They stressed that their extensive questioning was not motivated by a simple wish to fill reinforcement quotas, but to reach an informed decision.<sup>37</sup> The Boards' mantra was that each case should be assessed on its merits, with every man given a 'fair chance' to state his claim. While they 'did not want to keep a man back who should be there', equally important was that they 'did not want to send any man who should not go'.<sup>38</sup> When replying to criticism that they had been too harsh, the members rarely emphasised the need for men, but instead expressed disappointment that their earnest desire to balance the needs of the country and the appellant had not been recognised. One Chairman stated 'The present Board, with

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<sup>31</sup> *ibid.*, 13 June 1917, p. 2. *PH*, 27 June 1917, p. 5. *FS*, 30 May 1918, p. 2.

<sup>32</sup> *EP*, 7 February 1917, p. 8. See also 14 February 1917, p. 7.

<sup>33</sup> *ibid.*, 30 January 1917, p. 3. *FS*, 16 February 1917, p. 3 and 28 June 1917, p. 2. *WC*, 18 July 1917, p. 4 and 19 July 1917, p. 4.

<sup>34</sup> *WDT*, 17 February 1917, p. 5.

<sup>35</sup> *EP*, 15 June 1917, p. 7. *NZT*, 10 April 1918, p. 4 and 4 May 1918, p. 10.

<sup>36</sup> *MES*, 23 April 1918, p. 6. See also *EP*, 2 May 1918, p. 8.

<sup>37</sup> *EP*, 14 March 1917, p. 6.

<sup>38</sup> *ibid.*, 31 January 1917, p. 8. See also *WDT*, 24 March 1917, p. 4.

the other boards, had done its duty to the best of its abilities, sometimes under very distressing circumstances.’<sup>39</sup>

The Boards usually endeavoured to mitigate the difficulties their decisions would cause. An insistence that ‘We do not wish to inflict hardship on anyone’ was not mere self-justification, as what were perceived as genuine cases provoked sympathy.<sup>40</sup> The counsel for George Adamson submitted a written statement of his situation. Having studied it, the Chairman proclaimed himself ‘quite satisfied that, if his statements were true, appellant would have been a brute to enlist. It is clearly a case of “Les Miserables.”’<sup>41</sup> Ernest Napier maintained that he gave 32s 6d a week to his invalid parents, more than he would earn in the army. The Board members extended their condolences and granted exemption when Napier revealed that his mother had an amputated leg, while his father suffered from such severe rheumatism that he was unable to dress himself.<sup>42</sup> Another crucial dimension of the Boards’ attitudes concerns their ability to grant a temporary exemption from military service. Although the Act provided for appeals to be dismissed or adjourned for re-hearing on a set date, the Boards developed a means of simultaneously ordering a reservist to camp and giving them or their employer time to make arrangements. This led to a system where the Boards could dismiss an appeal ‘conditionally’, recommending that the appellant be given leave before he was required to mobilise.<sup>43</sup> The members recognised that such an award could go a long way to reducing the impact of the appellant’s conscription, with Considine asserting that ‘I think the Military Boards should give all appellants a reasonable opportunity to wind up their affairs’.<sup>44</sup> One Chairman remarked that giving leave to men like Patrick O’Shea, whose father had been killed, would probably do little to help their position, but that ‘one does not like to appear inhumane’.<sup>45</sup>

Regardless of the appellant’s situation, the Boards rewarded a tangible willingness to make sacrifices. While having two or three brothers at the front was usually

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<sup>39</sup> *NZT*, 16 October 1917, p. 5. See also 14 March 1917, p. 7. Cooper to Ferguson, 27 August 1917, NEB 1 Box 16 703.

<sup>40</sup> *WDT*, 24 March 1917, p. 4. See also 31 January 1917, p. 5. *MES*, Editorial: ‘Soldiers’ Farms’, 29 November 1916, p. 4. *EP*, 25 August 1917, p. 4.

<sup>41</sup> *EP*, 1 February 1917, p. 7.

<sup>42</sup> *ibid.*, 8 December 1916, p. 7. See also *NZT*, 10 July 1917, p. 7.

<sup>43</sup> ‘Report by the Director of Recruiting’, 31 March 1919, AD 1 Box 712 9/169 (part 2).

<sup>44</sup> *FS*, 14 March 1917, p. 2.

<sup>45</sup> *EP*, 25 August 1917, p. 4.

insufficient to earn exemption on its own, it did lead the members to view the case more favourably. Hugh Russell asked for four months' exemption to dispose of his business, which the Board awarded after he outlined that three of his brothers were serving at the front.<sup>46</sup> The Boards' preparedness to grant exemption rose in proportion to the number of men a family had sent and they lauded the patriotism and heroism of parents who had five or six sons in the firing line. Harold Lynch's father testified that two of his other sons had gone to Flanders in addition to two cousins, with three of the four being killed in action. When he revealed that other relatives of the appellant were also serving, the members were fulsome in their praise for 'the Lynch family's excellent record'.<sup>47</sup> Similarly appreciated were those appellants who had made an effort to ready themselves for conscription, either by making arrangements for their family or by trying to dispose of their assets. During his appeal, Edwin Kupli stressed that it would only take him two months to wind up his furniture business of twelve years' standing and that he did not mind the sizeable financial loss that even this arrangement would cause. After the Board had professed its delight over the appellant's manner and stated that it 'thoroughly appreciated the big sacrifice he was prepared to make', Kupli was granted his two months.<sup>48</sup> For the father of Charles London, the issue was that he would be unable to do the milking on the farm as well as looking after the sheep if his son went. Nevertheless, London stated that if the Board determined his son were to go, then he was willing to accept it, prompting the Chairman to remark 'That is the right spirit' and to grant three months' leave.<sup>49</sup>

Recognition of the need to maintain essential industries and preserve the economy is also apparent in the Boards' approach. They acknowledged the role that both the classification of industries and the Ministerial certificates could play in allowing them to reach an informed decision and indicated that they would be heeded.<sup>50</sup> For the Boards, the needs of the army and of industry had to be carefully weighed against each other and they insisted that they did not wish to reduce the country's capacity to produce; 'the board was quite seized with the importance of keeping shearers in

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<sup>46</sup> *ibid.*, 23 July 1917, p. 8. See also *NZT*, 13 July 1917, p. 3.

<sup>47</sup> *EP*, 4 April 1917, p. 2. See also *FS*, 21 July 1917, p. 2. *NZT*, 8 February 1917, p. 3, 19 March 1917, p. 7 and 13 December 1917, p. 6.

<sup>48</sup> *EP*, 8 February 1917, p. 8.

<sup>49</sup> *FS*, 9 August 1917, p. 4.

<sup>50</sup> *EP*, 11 May 1917, p. 2.

New Zealand'.<sup>51</sup> To this end, they appreciated that certain enterprises had reached their minimum staffing levels and were unable to send any more men. If the Boards felt that a particularly fine effort had been made to release reservists, they would often ask the employer to read out the figures so they could be published in the press, both to highlight the achievement and provide an example to others.<sup>52</sup> Each of these attitudes demonstrates that the Board members believed strongly in equality of sacrifice, but this was not the same as thinking that every man should be sent to the front.

There is evidence to support Baker's assertion that the Boards 'valued the services and counsel of their [Military] Representative'.<sup>53</sup> In March 1918, Tate wrote to the Chairmen, asking for their views on a proposal to hand the officers' role to the Group Commanders.<sup>54</sup> Only one Chairman supported this idea, with those of the Wellington Boards being unanimous in their opposition.<sup>55</sup> Moorhouse replied that Captain Baldwin 'was most diligent in obtaining outside information, and was absolutely fair in his treatment of appellants', while Cooper argued that Captain Walker 'has been of very great assistance to the Board on several occasions and has handled the appeals from their military aspect with great fairness'.<sup>56</sup> Although the newspaper reports of sittings do not cover everything that was said, they suggest that relations between the Military Representatives and the Board members were generally amicable. In the majority of appeals, they focused their questioning around the same pieces of evidence and adopted similar attitudes towards the appellant's testimony.<sup>57</sup> Recommendations made by the Military Representatives were often adhered to, while the officers rarely felt moved to complain about the Boards' verdicts.<sup>58</sup> In this respect the criticism made by some MPs that the Military Representatives were playing a major role in the Boards' decision making was justified.<sup>59</sup>

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<sup>51</sup> *ibid.*, 20 March 1917, p. 7. See also 18 April 1917, p. 8 and 2 May 1918, p. 8. *MES*, 1 March 1917, p. 9. *NZT*, 19 February 1918, p. 3.

<sup>52</sup> *EP*, 19 April 1917, p. 8. *NZT*, 14 March 1917, p. 6 and 28 August 1917, p. 5.

<sup>53</sup> Baker, *King and Country Call*, p. 116.

<sup>54</sup> Tate to Board Chairmen, 15 March 1918, AD 1 Box 769 22/140. The 21 Recruiting Districts were matched by 21 Military Groups, each administered by a Group Commander.

<sup>55</sup> Correspondence in AD 1 Box 769 22/140.

<sup>56</sup> Moorhouse to Tate, 16 March 1918 and Cooper to Tate, 20 March 1918, both in AD 1 Box 769 22/140. See also Cooper to Gray, 10 December 1918, AD 82 Box 3 1/22.

<sup>57</sup> *WDT*, 14 December 1916, p. 2. *MES*, 2 July 1917, p. 5.

<sup>58</sup> *WDT*, 10 January 1917, p. 6. *MES*, 9 March 1917, p. 5. *EP*, 14 March 1917, p. 7.

<sup>59</sup> Anstey, *NZPD*, 178, p. 412. Wilkinson, p. 453.

Nevertheless, the ringing endorsement that the Chairmen appear to give the Military Representatives must firstly be qualified by considering their motivations. On the one hand, they were being asked to give their opinions on individuals they had worked alongside for over a year, through what were undoubtedly many trying experiences.<sup>60</sup> While the Chairmen argued that the Military Representatives had conducted themselves well during appeals, their praise largely focused on the administrative services they had performed in gathering evidence and providing information, which, it must be stressed, did not require an officer to be present during sittings. Furthermore, this was not a proposal to remove the army presence from the Boards, but to strengthen it by replacing legal professionals with regular officers. Moorhouse's comments suggest that he and his colleagues were more concerned by the fact that 'A professional Soldier acting in this capacity would be strongly biased against all appellants', than they were about losing the services of the Military Representatives.<sup>61</sup>

A second proviso is that while the Boards' members and Military Representatives usually spoke with one voice during appeals, there were a number of disagreements between them. While each shared the conviction that no exemptions should be given lightly, the Board members did occasionally imply that the officers were neglecting to uphold the principle that appellants and their families should not suffer excessive hardship. The Third Board's Chairman described George Adamson's written statement as 'the most pitiful story I have read for years' and sharply dissented from Captain Baldwin's assertion that granting financial assistance would remove his difficulties.<sup>62</sup> Captain Beale provoked Poynton's displeasure by arguing that an appellant who had married a woman with nine children was 'just the kind of man who is wanted at the front' and should be treated like any other reservist of the First Division.<sup>63</sup> Disputes also arose when the members felt that the officers had not appreciated that the appellant was crucial to his occupation. When Captain Walker argued that the wages paid to wool pullers would make a replacement easy to find, Perry opined that they were well worth the expense as their skilled work made them

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<sup>60</sup> *NZT*, 16 October 1917, p. 5.

<sup>61</sup> Moorhouse to Tate, 16 March 1918, AD 1 Box 769 22/140.

<sup>62</sup> *EP*, 1 February 1917, p. 7.

<sup>63</sup> *WDT*, 16 May 1918, p. 4. See also *FS*, 7 August 1917, p. 4.

essential.<sup>64</sup> Sometimes this perceived leniency proved too much for the Military Representative; Considine's remark that it was 'hard to get men in' to be farm managers prompted Captain Baldwin to retort 'It is hard to get recruits, too.'<sup>65</sup> During an appeal on behalf of two shearers, McLaren opposed the Military Representative's wish to outline new evidence which indicated that men in that occupation were not essential, arguing that fairness dictated that he wait until the Board could consider all shearing cases together. Despite these protestations, Captain Walker gave the evidence and insisted that 'no apology was necessary from him in bringing the matter up'.<sup>66</sup>

Further considerations contradict the Chairmen's claims that the Military Representatives acted impartially. As Baker argues, the officers' 'relations with the community were often cool', with one being hindered by a lack of cooperation from locals who had been angered by the vigour with which he carried out his enquiries.<sup>67</sup> Captain Calvert's insistence that milkers were available to replace an appellant prompted the father to accuse him of dishonesty after his own investigation revealed that no such help was available; 'one would expect a man in Captain Calvert's position to make truthful statements, to make sure of his facts'.<sup>68</sup> While the Board members' determination to enforce an equality of sacrifice meant they always questioned the appellants in detail before coming to a decision, the extent of their enquiries were totally overshadowed by those of the Military Representatives. So lengthy were some of these that they resemble an inquisition more than a court hearing, with each aspect of the appellant's testimony being probed in an effort to reveal inconsistencies.<sup>69</sup> The Military Representatives were not shy in admitting that this badgering was motivated by a desire to 'get men for the army' and that they were disposed to regard every appellant as guilty of 'shirking'.<sup>70</sup> Indeed, the *New Zealand Times* asserted that Captain Baldwin 'frequently paints the prospects of men joining the army in colours that would do credit to a recruiting officer'.<sup>71</sup>

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<sup>64</sup> *MES*, 14 February 1917, p. 4.

<sup>65</sup> *ibid.*, 7 June 1917, p. 4. See also *NZT*, 25 May 1917, p. 3. *EP*, 11 July 1917, p. 7.

<sup>66</sup> *EP*, 14 June 1917, p. 8.

<sup>67</sup> Baker, *King and Country Call*, p. 116.

<sup>68</sup> D. Dick to Moss, undated August 1917, NEB-W 1 Box 808.

<sup>69</sup> *EP*, 12 December 1916, p. 3. *MES*, 12 January 1917, p. 5. *WDT*, 7 June 1918, p. 4.

<sup>70</sup> *EP*, 14 June 1917, p. 8. See also 20 November 1916, p. 7 and 3 January 1917, p. 6. *WDT*, 6 June 1918, p. 3.

<sup>71</sup> *NZT*, 7 February 1917, p. 4.

The duties allocated to the Military Representatives and their resultant conduct during appeals meant they gave rise to much of the criticism the Boards received. As the newspapers could only report what was stated during the hearing, the Military Representatives' dominance of the questioning saw them loom large throughout the coverage. Yet these publications were the only means most people had of finding out what had transpired. It is not difficult to imagine how claims that the Boards were impartial would have been perceived by a public that read how appellants were being grilled by men with 'Captain' before their name. The Military Representatives' harsh questioning inevitably raised suspicions that the Boards were 'designed to push men into the firing line' and a branch of the Farmers' Union called for appellant representatives to be appointed to safeguard their interests.<sup>72</sup> The notion that the odds were firmly stacked against the appellant was also voiced by a Board of Trustees, whose members argued that the Military Representatives' questioning was so intimidating that men 'are thus rendered so nervous that they are unable to state their cases fully, freely and fairly'.<sup>73</sup>

These resolutions demonstrate that sections of the public perceived the attitudes of the Military Representatives as being different from those of the Boards' members. The overly harsh manner in which the Boards have been portrayed has partly resulted from a failure to draw the same distinction. By adopting a balanced configuration, the Government created Boards that did not show favouritism towards certain groups. The members' belief in equality of sacrifice led them insist that exemption would only be granted if truly necessary and to criticise sharply any perceived unwillingness to serve. However, while they were convinced that no man should be unduly exempted, the Boards were equally determined that no man should be unduly sent to the front either. In contrast, the Military Representatives endeavoured to find grounds to oppose the appellant's testimony. While their joint concern to root out 'shirkers' meant the officers and Board members usually worked in harmony, the members' belief that not all men could be expected to serve did lead to some disputes. The Military Representatives' lack of impartiality provoked much of the ire that was directed towards the Boards.

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<sup>72</sup> *MES*, 11 May 1917, p. 4.

<sup>73</sup> *ibid.*, 7 July 1917, p. 7.

## Chapter Four: Reality or Pragmatism?

### The Attitudes of the Appellants

While many studies focus on appellants who cited conscientious or political objections, others provide a more comprehensive analysis by considering a cross-section of the men who came before the Boards.<sup>1</sup> Baker and Hucker agree that appealing was widespread; the former implies a rate of nearly half of all balloted men, while the latter likens the number of Taranaki appeals to the 'flood' reported in Australia and the 'striking' figures identified in Britain.<sup>2</sup> Parsons, Baker and Hucker agree that most cases were based on undue hardship or public interest, rather than conscientious objections.<sup>3</sup> Yet an important proviso is raised by Baker; the Boards' refusal to exempt those who appeared to be 'shirking' could have prompted some appellants to conceal a 'deep reluctance to go away'.<sup>4</sup> A greater divergence exists over appeals from farmers. For Baker and Hucker, this group emphasised a desire to continue producing food for the Empire.<sup>5</sup> In contrast, Parsons asserts that 'rural men' were more likely to appeal than urban and that farmers invariably pointed to the hardship that conscription would cause for themselves and their families.<sup>6</sup>

Some of these arguments are not supported by the evidence. Appealing was considerably less common than Baker implies and Hucker's claim that the rate was similar to that in other countries is also mistaken. However, the desire to appeal did vary between occupational classifications, while conscientious objectors were certainly few when compared to those who cited undue hardship or public interest. The majority of appellants insisted they were willing to go to the front, if only their commitments were not holding them back. It is of course impossible to determine

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<sup>1</sup> Belich, *Paradise Reforged*, pp. 101-103. King, *History of New Zealand*, pp. 301-302. Locke, *Peace People*, pp. 52-62. McGibbon, 'Price of Empire', p. 239-240. Philips, *A Man's Country?* pp. 162-163. Smith, *Concise History*, pp. 133-134.

<sup>2</sup> Baker, *King and Country Call*, p. 106. John McQuilton, 'Doing the "Back Block Boys Some Good": The Exemption Court Hearings in North-eastern Victoria, 1916', *Australian Historical Studies*, 31:115 (2000), p. 239 and Ivor Slocombe, 'Recruitment into the Armed Forces during the First World War: The Work of the Military Tribunals in Wiltshire, 1915-1918', *The Local Historian*, 30:2 (2000), p. 109, both cited in Hucker, 'Rural Home Front', p. 163.

<sup>3</sup> Parsons, 'Many Derelicts of the War', pp. 37-39. Hucker, 'Rural Home Front', p. 163. Baker, *King and Country Call*, p. 106.

<sup>4</sup> Baker, *King and Country Call*, p. 106.

<sup>5</sup> *ibid.*, p. 120. Hucker, 'Rural Home Front', pp. 173-176.

<sup>6</sup> Parsons, 'Many Derelicts of the War', pp. 36 and 41.

how many appellants were attempting to elicit the Boards' sympathy by making this assertion.

Baker's figures on the rate of appealing are garnered from two sources. The first is a return prepared by the Adjutant-General in April 1917, from which Baker calculates that 48.28% of first ballot men appealed, before a gradual decline saw the proportion reach 34.72% by the fifth.<sup>7</sup> Thereafter, Baker utilises a return on the work of the Boards between 2 June 1917 and 7 September 1918 to claim that the appealing rate then 'increased again, to average 51 per cent' during these months.<sup>8</sup> Baker therefore implies that just under half of the 134,632 balloted men, or approximately sixty thousand, appealed overall.<sup>9</sup>

Yet several pieces of evidence indicate that Baker's figures are too high. Correspondence from the Commander of Home Forces points to 4,000 men being drawn in the first ballot, with around 1,700 choosing to appeal.<sup>10</sup> While the Adjutant-General's return cited by Baker gives a similar total of appellants, it relates this to the number of reservists who were 'available and under disposal', rather than the number balloted. As only 3,554 men were 'available and under disposal', the apparent rate of appealing is inflated. This also applies to the Adjutant-General's returns for ballots two through five.<sup>11</sup> Doubts over a 51% appealing rate between 2 June 1917 and 7 September 1918 arise from the return that Baker uses to reach this conclusion. Certainly, the return states that 87,781 men were medically examined during this period and that 'the total number of appeals...disposed of...was 45,535'. However, it draws a distinction between the number of 'appeals' (45,535) and the number of 'appellants' (14,547).<sup>12</sup> This suggests that 45,535 'appeals' actually refers to every occasion that the Boards delivered a verdict, even if it was for a case that had already been adjourned. As many appellants appeared before the Boards multiple times, there would have been many more verdicts than appellants.

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<sup>7</sup> 'Observations on Returns of 14 April 1917', AD 1 Box 1038 64/12. Baker, *King and Country Call*, p. 106.

<sup>8</sup> NZH, 19 September 1918, p. 6. Baker, *King and Country Call*, p. 106.

<sup>9</sup> 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2). This number of balloted men includes every man who was drawn irrespective of their medical classification and whether they were later found to not be a reservist.

<sup>10</sup> Robin to Allen, 16 January 1917, AD 1 Box 769 22/151.

<sup>11</sup> 'Observations on Returns of 14<sup>th</sup> April 1917', AD 1 Box 1038 64/12.

<sup>12</sup> NZH, 19 September 1918, p. 6.

The strongest evidence against Baker's implication that sixty thousand men appealed is a report produced in March 1919 by the Director of Recruiting, which identifies 32,445 appellants over the whole period of conscription.<sup>13</sup> This could be regarded as definitive, because its author would have had time to collate the relevant data. Nevertheless, the report is unclear as to whether it takes every appellant into account. In the early months, it emerged that time was being wasted on appellants appearing before the Boards after being classed as medically unfit.<sup>14</sup> To alleviate this difficulty, these men were 'asked to withdraw their appeals' before a hearing took place.<sup>15</sup> Although withdrawals undoubtedly occurred, the report's figure of 32,445 appellants is only broken down into the final outcomes of allowed, dismissed, adjourned sine die and not determined.<sup>16</sup> This makes it impossible to ascertain whether withdrawn appeals are included.

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<sup>13</sup> 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2)

<sup>14</sup> The definition of 'medically unfit' used throughout this thesis is that employed by the Director of Recruiting. It refers to those men who were either classed as permanently unfit for service outside New Zealand (C2) or permanently unfit for any service (D). 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169.

<sup>15</sup> Allen to Cooper, 13 March 1917, AD 82 Box 1 1/3. Tendall to Gray, 14 September 1917, AD 82 Box 2 1/11/1.

<sup>16</sup> 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2).

## Chart Two - Total and Final Status of Appellants

Final Medical Classification	Final Outcome of Appeal
Fit	19,336 -Verdict 18,507 -Withdrawal 829
Unfit	18,214 -Verdict 14,786 -Withdrawal 3,428
Not Medically Examined <sup>17</sup>	5,994 -Verdict 5,987 -Withdrawal 7
<b>Total Appellants</b>	<b>43,544</b>

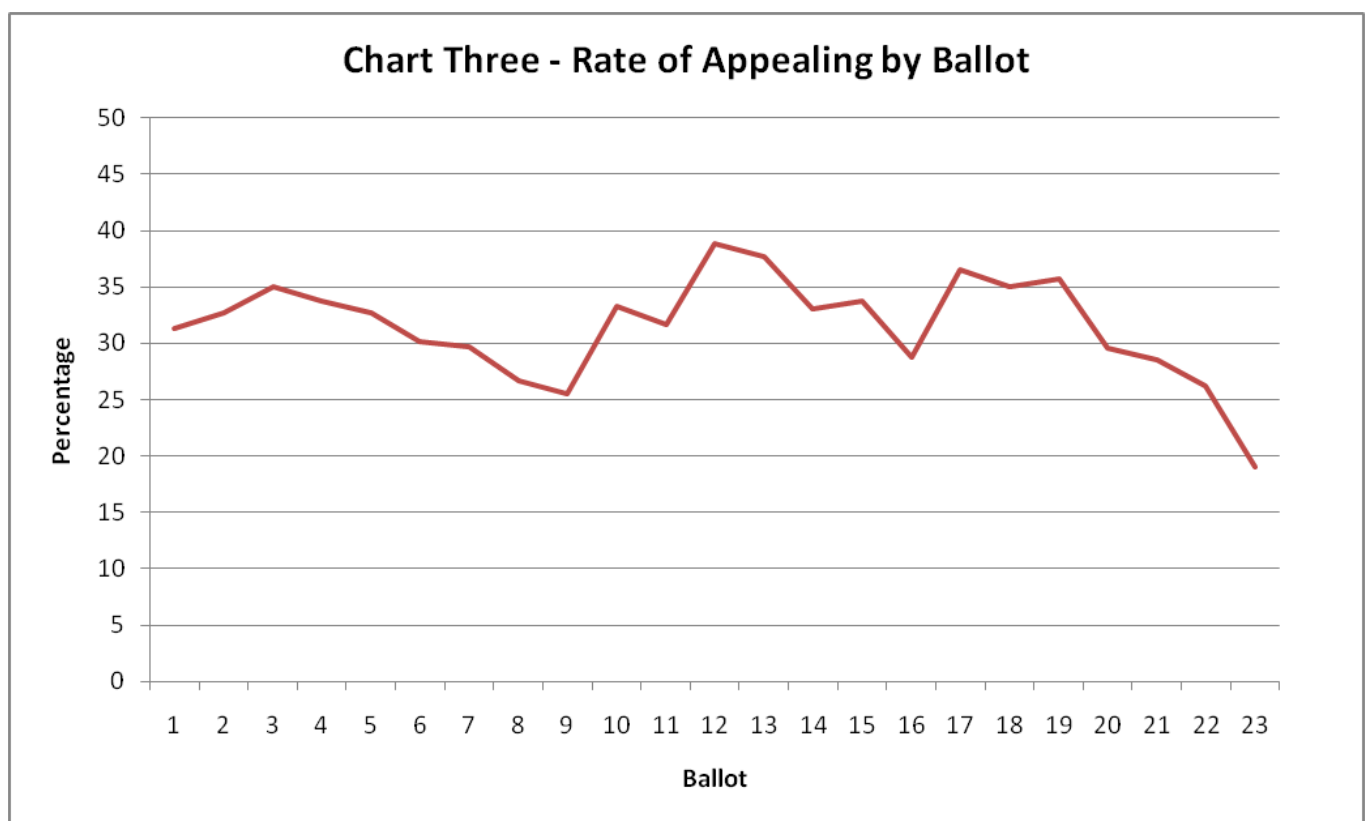
Source: *Numerical List of Reservists*

The *Numerical List of Reservists* does not completely resolve this issue, but it does permit a conclusion on the rate of appealing. Produced by the Defence Department after the war, this resource gives details on every balloted man, including the outcome of any appeal.<sup>18</sup> Unfortunately, no total number of appellants is provided, meaning that I had to conduct a manual count. To determine what the figure of 32,445 appellants includes, each reservist was categorised according to his final medical classification and whether the final outcome of his appeal was a verdict or withdrawal. This methodology demonstrates that the Director of Recruiting did omit appellants from his report, with Chart Two showing the total to be 43,544 rather than 32,445. However, it is impossible to determine precisely which appellants were excluded, as the 4,264 withdrawals in the *List* do not make up the difference. This discrepancy can almost certainly be attributed to the varied ways that the Boards

<sup>17</sup> When the first ballots were carried out, all men who were drawn were required to undergo a medical examination. However, the Defence Department considered it a needless expense to assess men whose appeals were almost certain to be adjourned sine die, such as seamen and slaughtermen, or those who claimed they were not reservists or had been wrongly classed. To this end, their medical examination was deferred until their appeals had been disposed of. 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2).

<sup>18</sup> The *Numerical List of Reservists* is held on eight volumes of Microfilm at the Wellington Branch of Archives New Zealand. The microfilms are numbered 3547, 3548, 3551, 3553, 3555, 3557, 3559 and 3561. Parsons uses the *List* extensively in her thesis, including when she calculates the percentage of Ashburton and Dunedin men who appealed from the first five ballots. However, she refers to the resource as the '*Register of Reservists Drawn*', 'Many Derelicts of the War', p. 36.

reported appeal outcomes. In the *List*, hundreds of unfit reservists at a time are shown as having their appeals dismissed or adjourned sine die. As it is inconceivable that all of these men would have failed to withdraw their appeals, it seems that the First Canterbury Board was not alone in reporting a verdict being delivered even though no hearing had taken place.<sup>19</sup> What can be stated definitely is that 43,544 is the maximum number of appellants; as the *List* was produced after the war and details every balloted reservist, there is virtually no possibility of appellants being omitted. This renders Baker's implication that nearly half of all balloted men appealed unsustainable. The actual rate was much lower; of 134,632 men, 43,544 or 32.34% appealed.<sup>20</sup>



Source: *Numerical List of Reservists*

The *List* can also be used to calculate the percentage of men who appealed from each ballot. However, this approach cannot fully disclose how the rate of appealing changed chronologically. Many men initially classed as unfit were later re-examined and found to be capable of performing overseas service. When this occurred, the

<sup>19</sup> Evans to Gray, 9 December 1918, AD 82 Box 2 1/11/2.

<sup>20</sup> 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2).

reservist was given another chance to appeal, so a man drawn in the first ballot might not have come before the Boards until months later.<sup>21</sup> Nevertheless, these figures provide a useful indication, as the majority of men would have appealed immediately after being balloted. Chart Three illustrates that the rate of appealing fluctuated throughout the Boards' operations. The highest rate of 38.85% occurred for ballot twelve and it is noticeable that this was the first time that members of the Second Division were drawn.<sup>22</sup> However, appealing quickly returned to its previous level and the overall rate for the ballots that were largely made up of the Second Division is very similar to that for the ballots that only included First Division reservists; 31.89% and 31.14% respectively.<sup>23</sup> It has been claimed that married men were particularly keen to avoid conscription, but they were scarcely more likely to appeal than the predominately single men of the First Division.<sup>24</sup>

Hucker's contention that the rate of appealing was similar to Britain and Australia is also problematic. While comparisons are hampered by limitations in the data and the fact that these countries introduced different systems of military service, it is possible to draw conclusions. Ivor Slocombe calculates the number of men who appealed in Swindon as a percentage of those 'called up' - those who served added to half those exempted.<sup>25</sup> While the result of 11% is significantly lower than New Zealand's 33.99%, this is a curious method, as the serving men includes those who volunteered and would have no reason to appeal.<sup>26</sup> A more accurate measure is applied to the District of Calne, where Slocombe finds that 29.1% of the men of

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<sup>21</sup> *ibid.*

<sup>22</sup> As discussed above, both the Adjutant-General's return and the correspondence from the Commander of Home Forces point to around 1,700 men appealing from the first ballot out of either 3,554 men 'available or under disposal' or 4,000 balloted men. Both of these sources therefore indicate a higher rate of appealing than that shown on Chart Two. As the information in the *List* must be regarded as definitive, this suggests that the Defence Department initially experienced difficulties in calculating how many men had appealed. For subsequent ballots, the number of appeals in the *List* is similar to that returned by the Adjutant-General.

<sup>23</sup> *FS*, 7 December 1917, p. 3.

<sup>24</sup> Belich, *Paradise Reforged*, p. 103.

<sup>25</sup> Slocombe does not state why he considers that only half of the exempted men had been 'called up'. It would appear that the other half constitutes those who would have received automatic exemption by virtue of being employed in an essential industry. Slocombe, 'Recruitment into the Armed Forces', p. 123.

<sup>26</sup> *ibid.*, pp. 109 and 123. In New Zealand 114,299 men were mobilised. As there were no automatic exemptions, all of the 13,804 individuals who were exempted can be regarded as being 'called up'. Therefore 43,544 men appealed out of a total of 128,103 'called up'. 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2). Baker, 'New Zealanders', Appendix 25.

military age appealed.<sup>27</sup> However, the British Act automatically exempted individuals from essential industries, whereas in New Zealand such men had to become appellants.<sup>28</sup> Yet even then appealing appears to have been much less common in New Zealand, where only 17.42% of the male population aged 20 to 46 appealed.<sup>29</sup> While Australian voters rejected conscription in two referendums, from September 1916 single men and widowers without dependents were eligible for military training. In North-Eastern Victoria, John McQuilton finds that 75% of those classed as fit appealed, with a figure of 71% being identified for South Australia by Michael McKernan.<sup>30</sup> Even though New Zealanders were balloted for active service rather than just training, only 41.93% of fit men appealed.<sup>31</sup> Further comparisons can be drawn with Canada. In that dominion, conscription was only introduced in August 1917 and the legislation provided many loopholes for exemption.<sup>32</sup> Even with these provisos, it is striking that appeals were lodged on the grounds of occupation, hardship, conscientious objections or obvious physical disability by fully 94.1% of Class 1 Canadians (unmarried and aged 20 to 34).<sup>33</sup> For New Zealand, even treating every unfit man as having appealed from an 'obvious physical disability' only gives an appeal rate of 74.56%.<sup>34</sup>

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<sup>27</sup> Slocombe, 'Recruitment into the Armed Forces', pp. 109 and 123. Calne is a town in central Wiltshire and was defined as a Rural District for the purposes of conscription.

<sup>28</sup> Denis Winter, *Death's Men: Soldiers of the Great War*, London: Penguin, 1978, p. 30.

<sup>29</sup> In New Zealand 43,544 men appealed out of approximately 245,000 who were of military age. 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2). Baker, 'New Zealanders', Appendix 25. It must be admitted that there are some issues involved in comparing the appeal rate for one Rural District with that of an entire country. Another issue concerns the differing rate of enlistment in the two countries. In Britain, a greater proportion of eligible men were conscripted, making it logical that appealing would be more common. However, this difference is not sufficient to account for the nearly 12% discrepancy between the rate of appealing in New Zealand and Calne.

<sup>30</sup> McQuilton, 'Back Block Boys', pp. 237-240. M. McKernan, *The Australian People and the Great War*, Melbourne: Nelson, 1980, p. 197.

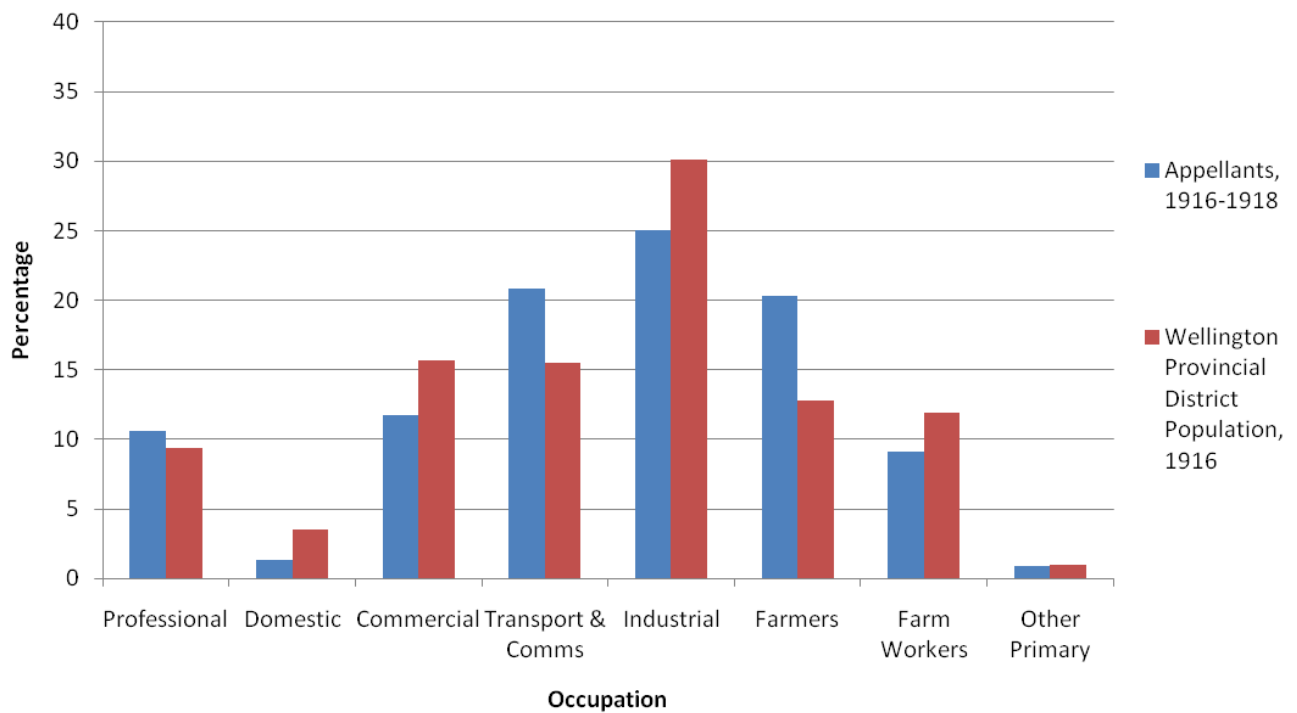
<sup>31</sup> 19,336 men appealed out of the 46,113 who were classed as fit. 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2).

<sup>32</sup> Paul Knaplund, *Britain, Commonwealth and Empire, 1901-1955*, London: Hamish Hamilton, 1956, p. 93.

<sup>33</sup> Of the 404,395 Class 1 Canadians who reported for a medical exam, 380,510 sought exemption. J.L. Granatstein and J.M. Hitsman, *Broken Promises: A History of Conscription in Canada*, Toronto: Oxford University Press, 1977, pp. 84-85.

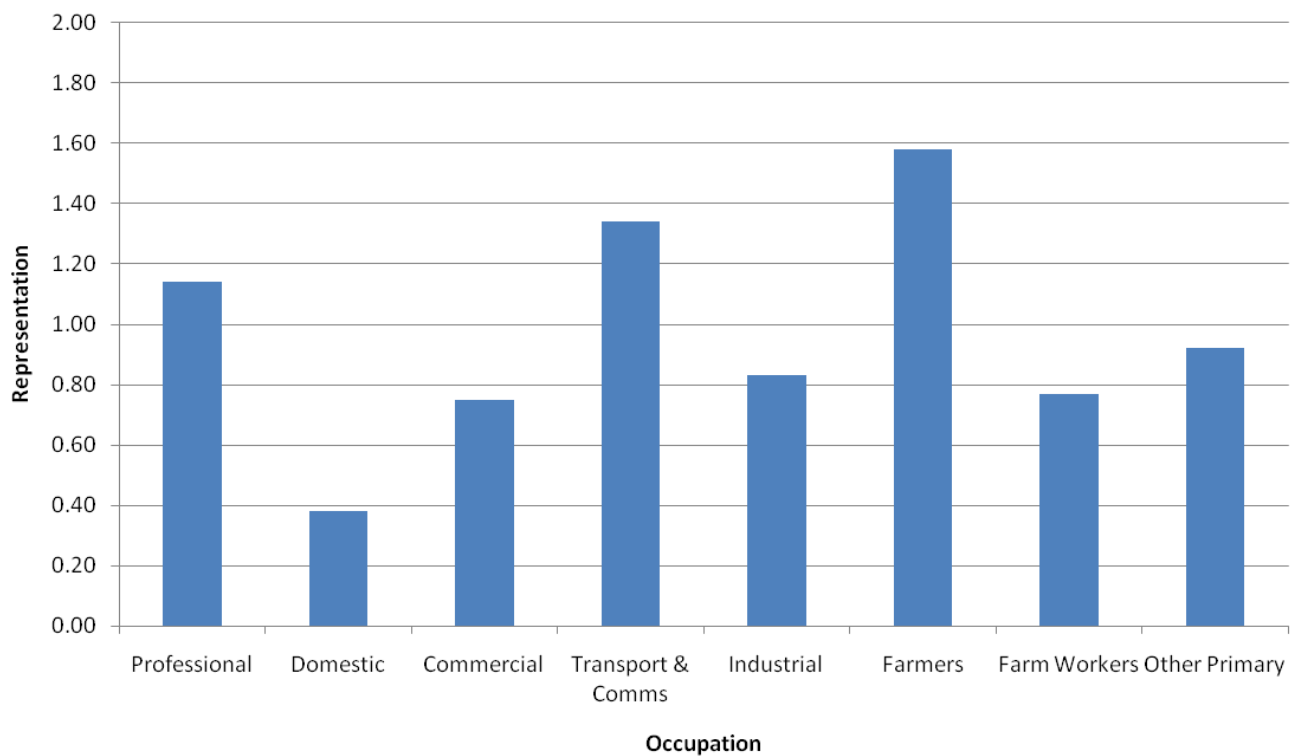
<sup>34</sup> Baker, *King and Country Call*, p. 106. In New Zealand 75,406 men were classed as unfit. When added to the 25,330 fit and not medically examined appellants, this gives a total of 100,376 appellants out of the 134,632 men who were balloted. 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2).

**Chart Four - Occupational Classification of Wellington District Appellants**



Sources: 1916 Census, 1926 Census, *Evening Post*, *Feilding Star*, *Manawatu Evening Standard*, *New Zealand Times*, *Pahiatua Herald*, *Wairarapa Daily Times* and *Wanganui Chronicle*

**Chart Five - Representation of Occupational Classifications Amongst Wellington District Appellants**



Sources: 1916 Census, 1926 Census, *Evening Post*, *Feilding Star*, *Manawatu Evening Standard*, *New Zealand Times*, *Pahiatua Herald*, *Wairarapa Daily Times* and *Wanganui Chronicle*

Charts Four and Five indicate which occupational groups were more likely to appeal in the Wellington Provincial District. The 1916 *Census of New Zealand* provides the percentage of the District's population who came under each occupational classification.<sup>35</sup> While most categories are taken from the *Census*, 'Agricultural, pastoral, mineral, and other primary producers' is subdivided into farmers, farm workers and other primary producers. This was done because the willingness of farmers to serve and the treatment of their appeals were central to the contemporary debates surrounding the Boards and has been highlighted in the historiography. Unfortunately, the 1916 *Census* lumps farmers and farm workers together when detailing employment in the Provincial Districts. However, the 1926 *Census* provides a breakdown and, with the assumption that there were no substantial changes in the nature of farming in the Wellington District by this date, can be used to approximate the split between farmers and farm workers in 1916.<sup>36</sup>

The rate of appealing did vary significantly between occupational groups. Chart Five divides the percentage of appellants from an occupational classification by the percentage of the Wellington District's population that it constituted. A result of 1.00 would mean proportionate representation; above would be an overrepresentation and below an underrepresentation. Farmers were by far the most overrepresented group, making up 20.32% of appellants, but only 12.84% of the District's population; a representation of 1.58. A sizeable overrepresentation is also evident amongst transport and communications personnel (1.34). In contrast, appeals from those employed in commerce or farm labouring were much less common; their representation being 0.75 and 0.77 respectively. While they made up only 3.55% of the District's population, those engaged in domestic occupations had a remarkably low representation of 0.38.<sup>37</sup> However, these figures take no account of the

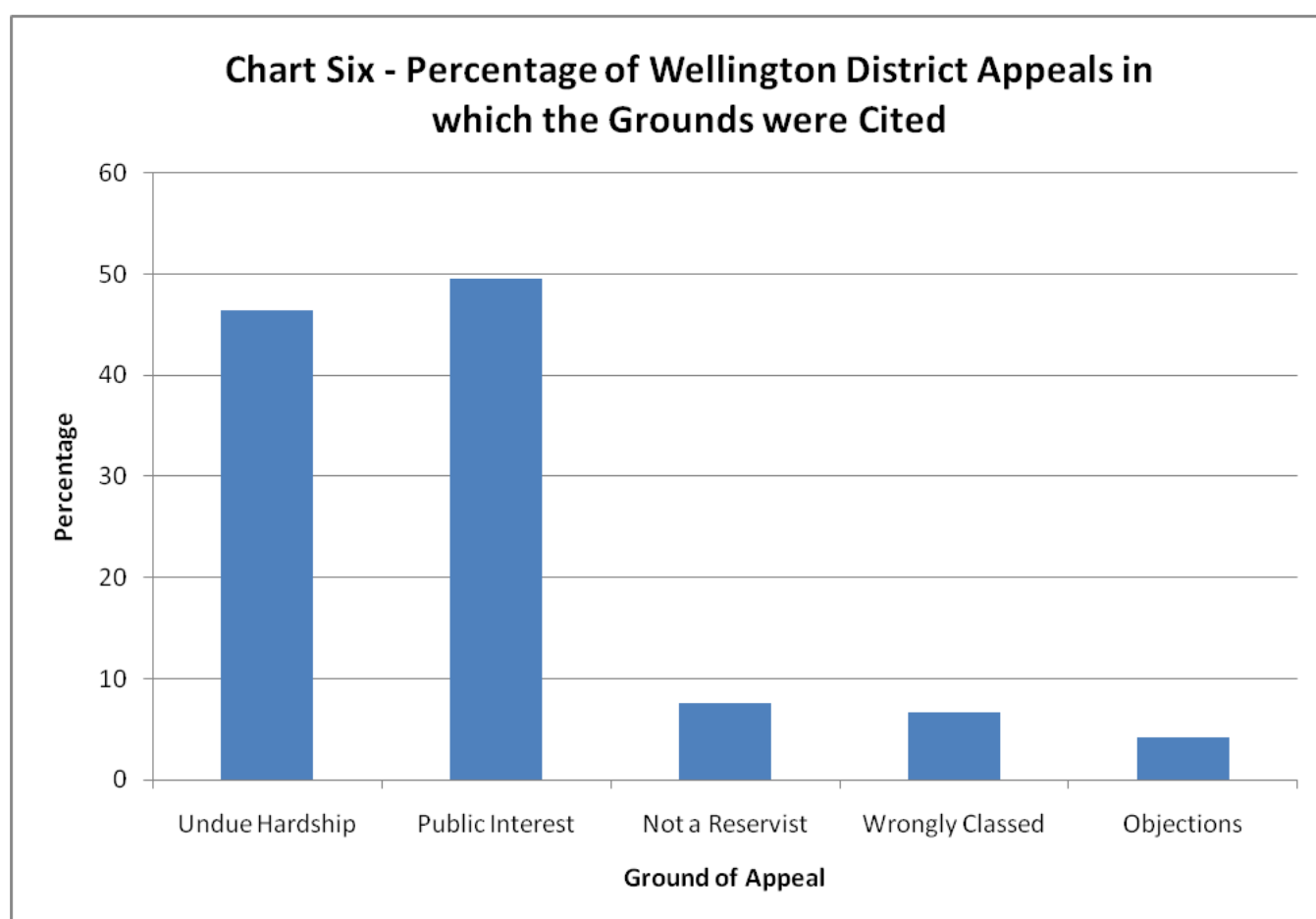
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<sup>35</sup> *Census of New Zealand*, 1916, part IX, p. 139. See Appendix for a breakdown of the occupational categories used.

<sup>36</sup> The 1926 *Census* only provides a breakdown by Provincial District of the numbers of men employed in the 'principal industries' of the Dominion. However, this covers a substantial percentage of those engaged in agricultural and pastoral pursuits in the Wellington District. In 1926, 9,392 of these men were farmers and 8,702 were farm workers, meaning that farmers constituted 51.91% of the total, part IX, p. 51. Applying this ratio to the 17,384 men engaged in agricultural and pastoral pursuits in 1916 gives 9,024 farmers and 8,360 farm workers, part IX, p. 139.

<sup>37</sup> There are some possible reasons for this figure. Only 51.48% of domestic workers were of military age, one of the lowest percentages of eligible's amongst the classifications, 1916 *Census*, part IX, p. 2. Furthermore, a large percentage of domestic workers were married, meaning they might not have been balloted by the end of the war, part IX, pp. 36-40.

percentage of men who were eligible for conscription. The overrepresentation of transport and communications personnel is therefore tempered by the fact that, nationally, they were the group that was most likely to be of military age, with 63.62% being so in 1916. In contrast, the overrepresentation of farmers becomes even more pronounced when eligibility is considered, as only 51.13% were aged 20 to 46, the lowest percentage.<sup>38</sup> Farmers were thus noticeably more likely to appeal than men from the other occupational classifications.



Sources: *Evening Post*, *Feilding Star*, *Manawatu Evening Standard*, *New Zealand Times*, *Pahiatua Herald*, *Wairarapa Daily Times* and *Wanganui Chronicle*

Very few appellants in the Wellington District sample stated that they held conscientious objections. Chart Six is based on the 3,973 appellants for whom it was possible to identify at least one of their grounds of appeal. It shows that public

<sup>38</sup> The age data in the 1916 *Census* does not permit a complete distinction to be made between farmers and farm workers, as they appear together in certain groupings. For example 'market gardener' refers to both 'market gardener' and 'market gardener's labourer', part IX, p. 111. In these instances the grouping was allocated to farmers or farm workers depending on which constituted the majority. Ultimately, there is no way to allocate these groupings that would make more than one percentage point of difference either way to the proportion of farmers and farm workers who were of military age.

interest was the most common ground, closely followed by undue hardship, with 49.48% and 46.46% of appellants citing them respectively. While another 14.24% maintained that they were not a reservist or had been wrongly classed, conscientious objections were voiced in only 4.20% of cases. These figures must come with some provisos. As previously indicated, the newspapers provide a varied amount of detail on the grounds of each appeal. A lack of any information makes it impossible to ascertain the basis of a case and, while at least one ground can usually be deduced from the testimony, an appeal where the evidence revolved around undue hardship could also have been lodged on public interest. Furthermore, certain grounds are more likely to be stated or can be inferred than others, particularly the mass appeals lodged by employers on the grounds of public interest and cases where the appellants claimed not to be a reservist or to have been wrongly classed. Despite these caveats, Chart Six is highly significant. Even if only one ground of appeal can be identified, this at least reveals what the appellants perceived as their main reason for coming before the Boards, or perhaps what they regarded as the grounds that were most likely to gain exemption. The sheer number of appeals under investigation lends additional credence to the statistics, by reducing any distortion caused by a lack of information on some cases. Certainly, Chart Six shows that very few reservists advanced conscientious objections. The figure of 4.20% includes men who appealed on 'all grounds', but who subsequently made no mention of conscientious scruples. This suggests that they misunderstood the appeal form or selected 'all grounds' by default.<sup>39</sup> Furthermore, as conscientious objections were seen as so 'unusual' and therefore newsworthy, they tended to be reported in detail, whereas 'routine' cases were more likely to be omitted.<sup>40</sup> Conscientious objections are therefore almost certainly overrepresented in Chart Six.<sup>41</sup>

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<sup>39</sup> The *NZT* advanced this possibility, 8 December 1916, p. 4.

<sup>40</sup> *WC*, 19 June 1917, p. 4. *MES*, 7 June 1917, p. 7.

<sup>41</sup> See Chapter Five for a detailed analysis of the appeals lodged by conscientious objectors and how they were treated by the Boards. That very few men appealed on the grounds of conscientious objections is consistent with the situation in Britain. James McDermott finds that only 1.56% of the cases heard by the Northamptonshire County Appeals Tribunal were lodged on this basis, 'Conscience and the Military Service Tribunals during the First World War: Experiences in Northamptonshire', *War in History*, 17:1 (2010), p. 68. For Wiltshire, Slocombe identifies 1.8% of appeals, while the figure in Swindon was 3.27%, 'Recruitment into the Armed Forces', p. 111. John Rae calculates a higher figure of 6.5% for the cases heard by the Middlesex Tribunal, *Conscience and Politics: The British Government and the Conscientious Objector to Military Service, 1916-1919*, London: Oxford University Press, 1970, p. 98.

If few men advanced objections to service, what reasons did they give for appealing? 7.60% insisted they had been called up incorrectly, with the majority of these cases centring on age. William Fitzgerald maintained that he had been born on 6 November 1870 and that the Railway Department would be able to verify that he was over 46 years old.<sup>42</sup> In contrast, the mother of Samuel Smyth testified that her son had not yet turned eighteen.<sup>43</sup> Less common were those appellants like Herbert Garbutt who insisted that they were not British subjects. Garbutt claimed he was an American citizen, having been born in New York.<sup>44</sup>

Another 6.64% of the appellants argued that they had been wrongly classed. Prior to November 1917 this was a rare occurrence, concerning those men included in the First Division who insisted that their marriage date entitled them to a place in the Second.<sup>45</sup> However, the balloting of the Second Division saw a considerable increase in the number of appellants arguing they had been called up prematurely. This arose from the decision to conscript the members of this cohort in sequence according to their number of children.<sup>46</sup> Many appellants now maintained that they had more children than their classification indicated.<sup>47</sup> So widespread was this complaint that the Government Statistician had to remind reservists of their responsibility to inform his department of any change in their circumstances.<sup>48</sup>

The majority of appellants who cited undue hardship based their case around family responsibilities. This usually focused on the financial or physical support they provided for relatives. George Cook maintained that his mother was in a weak state and asked to be allowed to care for her while the doctors built up her strength.<sup>49</sup> For Charles Connor, only total exemption would suffice, as he was the sole support of his elderly father and invalid brother.<sup>50</sup> Appellants tended to link these concerns to the responsibilities they had inherited after the enlistment or conscription of their

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<sup>42</sup> *WDT*, 13 December 1916, p. 3.

<sup>43</sup> *MES*, 13 March 1918, p. 6.

<sup>44</sup> *EP*, 4 December 1917, p. 8.

<sup>45</sup> *ibid.*, 8 December 1916, p. 7.

<sup>46</sup> Class A contained men with no children, Class B men with one, Class C men with two and so on. *EP*, 4 July 1917, p. 7.

<sup>47</sup> *MES*, 8 January 1918, p. 6.

<sup>48</sup> *NZT*, 14 December 1917, p. 6. See also Report by Government Statistician, 28 November 1922, AD 1 Box 1046 66/57.

<sup>49</sup> *EP*, 29 December 1916, p. 3.

<sup>50</sup> *ibid.*

brothers. Geoffrey Stout stressed that having two brothers in the forces had left him as the only one looking after their parents.<sup>51</sup> In addition, the balloting of the Second Division saw many appellants argue that their conscription would leave their wife and children in difficulties. This points to the existence of a 'male breadwinner culture'.<sup>52</sup> For some appellants, a man's role was to provide for his dependants and the idea of not being able to fulfil this duty was intolerable.<sup>53</sup> However, such concerns were not solely financial, with a greater number of men asking for grace to see their wife or child through an illness.<sup>54</sup>

Business concerns were another regular feature of hardship cases. Most of these appellants asserted that their enterprise would not be financially viable if they were taken, due to a lack of expertise or replacement manpower. William Hardwick claimed that his grocery business was too large for his wife to carry on and he would be forced to hand it over to the Chinese.<sup>55</sup> For Oscar Hull-Brown, there was no one capable of carrying on his musical instrument dealership, so he would suffer a great loss if ordered to camp.<sup>56</sup> Some appellants argued that this situation was compounded by their having been classed as unfit when they had volunteered earlier. Such claims were often tinged with resentment, as men argued that rejection had prompted them to purchase new stock or equipment, which they were now loath to see go to waste.<sup>57</sup>

Most farmers cited family and business concerns as the basis for their appeals. In every case, the testimony revolved around how the farm would be carried on in the appellant's absence. Two frequent claims were that brothers could not take over as they had gone to the front and that fathers were too infirm for strenuous work.<sup>58</sup> The attitude towards female relatives was one of distrust in their competence. Many farmers protested that a wife or sisters were their only help and would be a disaster if left in charge.<sup>59</sup> Similar themes were evident when farmers discussed outside

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<sup>51</sup> *MES*, 5 June 1917, p. 5.

<sup>52</sup> *EP*, 19 June 1918, p. 8. Melanie Nolan, *Breadwinning: New Zealand Women and the State*, Christchurch: Canterbury University Press, 2000, p. 13.

<sup>53</sup> *WDT*, 4 September 1917, p. 5. *WC*, 4 September 1918, p. 6.

<sup>54</sup> *MES*, 14 March 1918, p. 3. *EP*, 18 May 1918, p. 7. *WDT*, 14 August 1918, p. 5.

<sup>55</sup> *EP*, 3 July 1918, p. 7.

<sup>56</sup> *ibid.*, 1 August 1918, p. 7.

<sup>57</sup> *WDT*, 9 January 1917, p. 3 and 31 January 1917, p. 5.

<sup>58</sup> *WC*, 6 February 1917, p. 4 and 23 March 1917, p. 4.

<sup>59</sup> *MES*, 16 January 1917, p. 2. *FS*, 9 August 1917, p. 4. *NZT*, 28 June 1918, p. 4. *EP*, 2 August 1918, p. 8.

assistance; the war effort had caused a labour shortage and, even when they admitted men were available, farmers were often scornful about their quality.<sup>60</sup> One told of a boy labourer who 'dried half my cows off, although it was in the flush of the season. Some days he milked them at 11, and on other days not at all. He also let them into the garden, and they ate all the shrubs round the house.'<sup>61</sup> Farmers argued that these issues had left them in a perilous situation; if conscripted they would suffer a major decline in production or have to sell their holdings.<sup>62</sup> Most included public interest in their appeal and a few emphasised that they would no longer be able to produce food for the Empire. Walter Gordon 'wondered whether he would be doing his duty better by staying at home dairy farming'.<sup>63</sup> Yet the majority of cases support Parsons' contention that farmers prioritised 'the undue hardship that would result' from losing their livelihood.<sup>64</sup> Farms were portrayed as the only means the appellant had of providing for his family.<sup>65</sup> They were also seen as business enterprises, into which time and capital had been sunk.<sup>66</sup> Thomas Mitchell summed up the attitudes of many farmers towards their conscription, 'it would be bung; father would be ruined, the family would [be] ruined, and I would be ruined'.<sup>67</sup>

Outside of farmers, few personal appeals were on the grounds of public interest. When such cases were heard, they tended to come from self-employed tradesmen who claimed that the departure of those engaged in the same occupation had greatly increased their own importance to the community. Harry Proctor asserted that he had many contracts under way owing to a shortage of plumbers in Palmerston North. His statement was corroborated by the Borough Inspector, who pointed out that there only 13 plumbers remained of the 24 in the town before the war.<sup>68</sup>

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<sup>60</sup> *WDT*, 13 December 1916, p. 2 and 31 January 1917, p. 5.

<sup>61</sup> *WC*, 30 October 1917, p. 4.

<sup>62</sup> *WDT*, 9 May 1917, p. 4 and 14 August 1918, p. 5.

<sup>63</sup> *ibid.*, 23 March 1917, p. 4. See also *FS*, 14 February 1917, p. 2.

<sup>64</sup> Parsons, 'Many Derelicts of the War', p. 41.

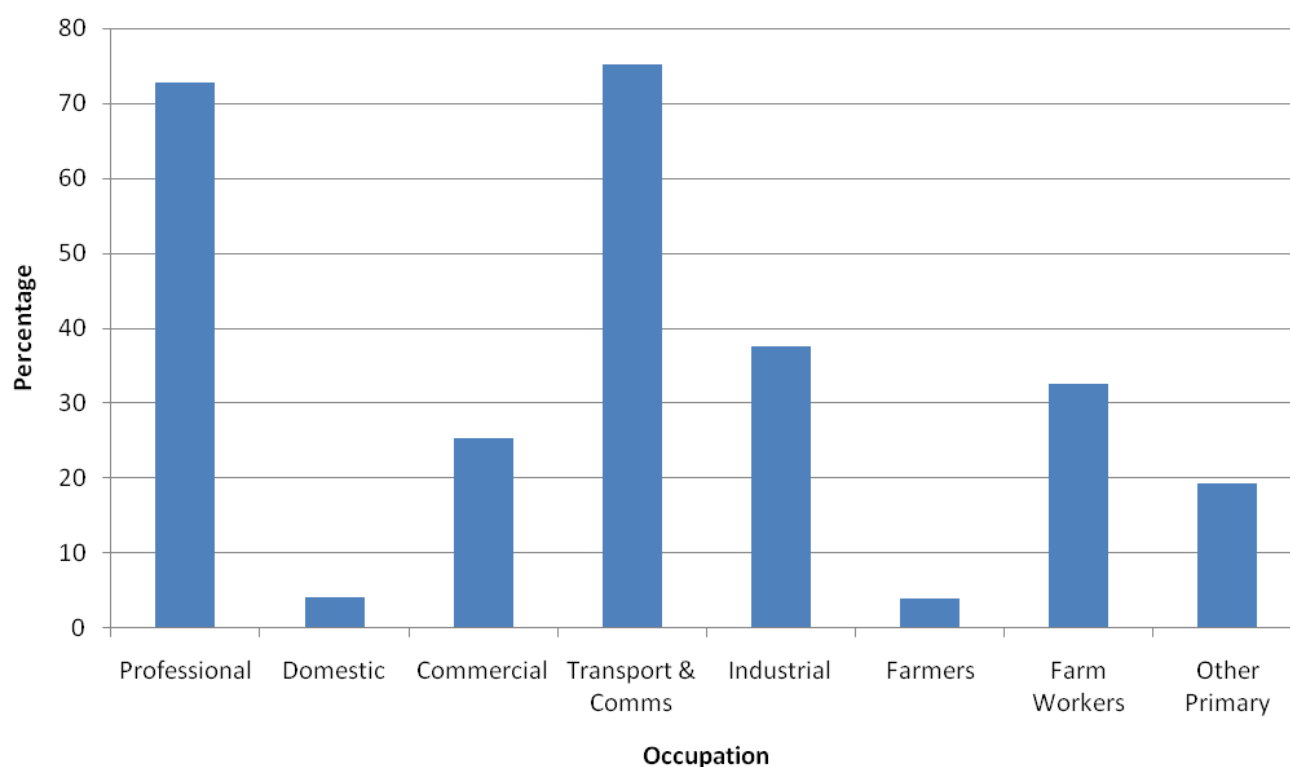
<sup>65</sup> *MES*, 22 November 1916, p. 5. *WC*, 21 May 1917, p. 4.

<sup>66</sup> *EP*, 23 November 1916, p. 8. *WC*, 24 October 1918, p. 5.

<sup>67</sup> *EP*, 8 February 1917, p. 8.

<sup>68</sup> *MES*, 13 September 1918, p. 6.

**Chart Seven - Percentage of Wellington District Appeals from each Occupational Classification that were Lodged by Employers**



Sources: *Evening Post*, *Feilding Star*, *Manawatu Evening Standard*, *New Zealand Times*, *Pahiatua Herald*, *Wairarapa Daily Times* and *Wanganui Chronicle*

The majority of public interest cases were lodged by the appellant's employer. While a small number included undue hardship, employers' appeals were usually based solely on public interest. That this was the most common ground of appeal is largely down to the fact that 41.67% of the 4,480 cases for which some information was provided were instigated by employers. Chart Seven shows that the proportion of such appeals varied considerably across the occupational classifications. For transport and communications personnel, they made up fully 75.24% and for professionals, 72.76%. In contrast, only 3.87% of farmers and 4.00% of domestic workers had appeals lodged by employers. These differences can be explained by two factors. First is the decision by certain employers to appeal for nearly every man who served under them, which qualifies Parsons' contention that 'many groups and employers...declined to apply for mass exemptions for their male employees'.<sup>69</sup> Amongst professionals, this included policemen, clerics, civil servants and prison wardens. In transport and communications, most men with a connection to merchant

<sup>69</sup> Gwen A. Parsons, 'The Christchurch Community at War 1914-1918: Society, Discourse and Power', MA Thesis in History, University of Canterbury, 2003, p. 104.

shipping were appealed for. Wellington's role as a transport and administrative hub meant that such individuals constituted the bulk of these classifications. The second consideration is the ratio of men in each group who were self-employed as against employees. Most farmers fell into the former category, so the numbers appealed for by employers could never be high. In contrast, many of those engaged in commerce, farm labouring or industrial activities did have employers.

Most employers advanced similar arguments. The first priority was to highlight the essential nature of their calling. A second tenet of employers' cases was that the loss of men to the army had reduced staff to the minimum and made replacements impossible to find. As Minister of Police, Herdman argued that maintaining 'the safety of the public in New Zealand' required the exemption of every policeman.<sup>70</sup> The Wellington Manager of the Union Steamship Company stated that the loss of more marine engineers would compromise his fleet's ability to continue operations that were of crucial 'economic importance to the Dominion'. Many had already gone and enquiries had revealed that replacements were in short supply.<sup>71</sup> The arguments advanced by the owners of smaller firms also concentrated on these areas. William Crabtree lodged an appeal on behalf of William Hastings, an engineer. Crabtree testified that his company had been reduced from 45 employees to only 20. As Hastings was operating a high-speed lathe, it would be difficult to train another employee in his role, while a labour shortage made finding an outside replacement impossible.<sup>72</sup>

Most appellants asserted that they were willing to go to the front. A small number argued that they could not determine whether their wish to serve outweighed their responsibilities at home and had appealed so the Boards could decide. Arthur Playle testified that his farms would have to be abandoned unless he was given time to arrange his affairs. Yet Playle placed himself at the Board's discretion, stating 'I am willing to go into camp to-morrow if you think it best for the country.'<sup>73</sup> Some men who claimed they had been called up incorrectly also maintained that their appeals were not derived from a reluctance to serve. Albert Denham had been balloted before he turned twenty and appealed so that he could volunteer rather than being

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<sup>70</sup> *WC*, 4 December 1916, p. 4.

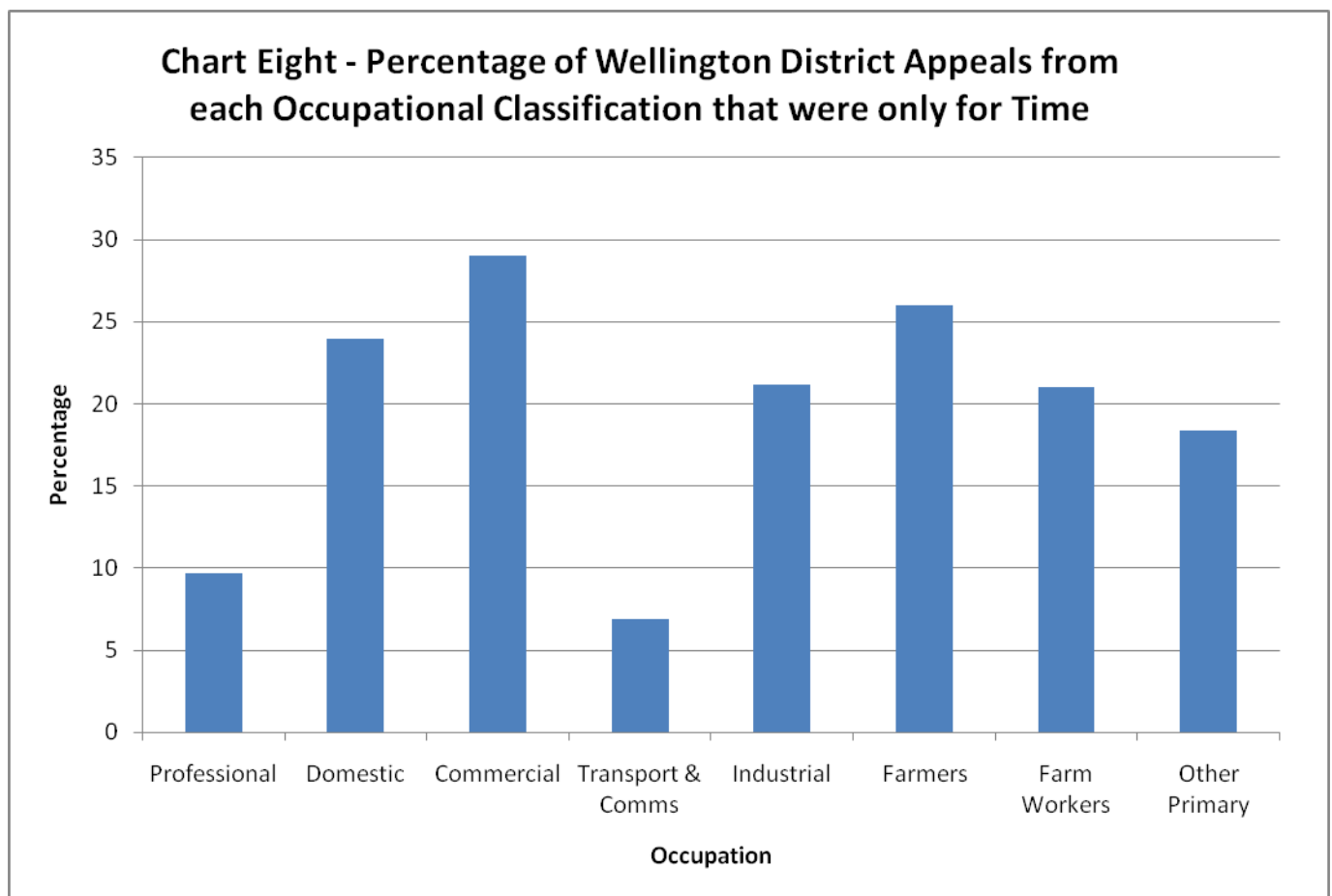
<sup>71</sup> *EP*, 18 April 1917, p. 8.

<sup>72</sup> *ibid.*, 1 February 1917, p. 7. See also *NZT*, 12 July, 1917, p. 7. *WC*, 9 July 1918, p. 5 and 1 October 1918, p. 7.

<sup>73</sup> *WDT*, 12 December 1916, p. 5. See also *EP*, 15 February 1917, p. 3.

conscripted.<sup>74</sup> Easily the largest group of appellants were those who professed a desire to fight, if only they were not being held back by their commitments. Charles Sneddon insisted that ‘It was only the way [he] was situated that prevented him from going to the front before the ballot’, as he worked two farms, was married and provided for his elderly parents.<sup>75</sup> A freezing works engineer, Harry Blackie, had no objections to active service, but pointed to a desire to stay and help keep the works going.<sup>76</sup>

There are reasons for believing that the majority of appellants were genuinely willing to serve. On the one hand, it is unlikely that many conscientious objectors would have compromised their principles by hiding behind other grounds.<sup>77</sup>



Sources: *Evening Post*, *Feilding Star*, *Manawatu Evening Standard*, *New Zealand Times*, *Pahiatua Herald*, *Wairarapa Daily Times* and *Wanganui Chronicle*

<sup>74</sup> *EP*, 14 May 1917, p. 7.

<sup>75</sup> *WC*, 21 May 1917, p. 4.

<sup>76</sup> *ibid.*, 15 June 1918, p. 4. See also *EP*, 1 February 1917, p. 7.

<sup>77</sup> Locke, *Peace People*, p. 60.

In addition, not every man who appealed was asking for complete exemption; of the 4,480 appeals where some detail is available, 18.39% were merely asking for an interlude before the appellant was required at camp. As this figure is restricted to the percentage of cases where such a request was reported, the true figure is probably higher. Indeed, appeals for time to complete farm or contract work, or to sell a business at a good price, were so common that an exasperated McLaren remarked 'We will have to stop the war for a few months. They all want temporary exemptions.'<sup>78</sup> Clearly a man who was prepared to be conscripted at some point was considerably less likely to have been opposed to serving than one who did not wish to go at all. As Chart Eight indicates, men from certain occupational groups were more likely to request only time, with 29.03% of those engaged in commerce doing so. Sizeable proportions of farmers (26.03%) and farm workers (21.05%) also asked for temporary exemption, which partly mitigates their overrepresentation amongst the appellants. By comparison, only 6.91% of transport and communications workers' appeals were for less than total exemption. Many appellants who argued they had been wrongly classed were also likely to have been willing to serve. By choosing to cite this ground of appeal, these individuals were spurning exemption in favour of deferring their calling until a later date. Such appellants seem to have been motivated by the notion that, while they were prepared to go, they did not feel that they should have to before men with fewer children.

What of those appellants who asked for complete exemption? At the end of the war, the Board Chairmen gave a unanimous opinion on the attitudes of the men who had come before them; 'The great majority of appellants had quite legitimate grounds of appeal and in most instances...were not averse to giving military service'.<sup>79</sup> Admittedly, the Chairmen might have been inclined to put a positive spin on matters now that the war was won and men no longer required for the army. Certainly their assertions are somewhat contradicted by statements from Board members during sittings; the willingness of men to go was described as 'a pleasant change' and 'refreshing'.<sup>80</sup> However, the Chairmen were individuals with a vast amount of court experience whose job focused on determining the validity of testimony. They were

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<sup>78</sup> *EP*, 27 December 1916, p. 8. See for example *WDT*, 1 February 1917, p. 5. *MES*, 28 March 1917, p. 5

<sup>79</sup> Cooper to Gray, 10 December 1918, AD 82 Box 3 1/22. See also Poynton to Gray, 2 December 1918, AD 1 Box 1046 66/57.

<sup>80</sup> *EP*, 4 December 1917, p. 8 and 16 May 1918, p. 8.

thus extremely well placed to comment on the appellants' motivations. Another consideration is that some men were exempted against their wishes. Herdman asserted that his decision to appeal for all policemen had not been well received by some, who were 'bitterly disappointed' at being prevented from serving.<sup>81</sup> Two officers of the Public Trust even wrote to a Board to protest at having appeals lodged on their behalf.<sup>82</sup>

Yet Baker's argument that appellants might have pragmatically concealed their reluctance to go cannot be discounted. The Boards, and particularly the Military Representatives, made it plain that they would be vigilant in their efforts to detect 'shirking', 'the slightest hint of which was the kiss of death for an appeal'.<sup>83</sup> In the light of this, some men could well have hidden their true reasons for trying to gain exemption. Occasionally, the authorities discovered that an appellant had provided misleading testimony. Vernon Hunt argued that on his brother's enlistment, he had promised to care for their aged parents and work their mother's farm, a case that merited a sine die adjournment.<sup>84</sup> However, Hunt was back before the Board a month later, when new evidence forced him to admit that he had been working for a farmer and hardly ever assisted his parents. Pressed for the reasons behind this deceit, Hunt stated 'As my brother had gone I wished to stay at home.'<sup>85</sup> While few such cases came to light, there were almost certainly others that escaped detection. A more common practice would probably have been for appellants to have concealed their true motivation for claiming exemption in favour of grounds that the Boards would be inclined to accept; for example a baker who did not want to go could point out that he was supplying his customers. Furthermore, many men never had to state their grounds of appeal, as their employer appeared on their behalf. Undoubtedly some waterside workers or merchant seamen held political objections, but never came before the Boards for them to be discovered.<sup>86</sup>

Ultimately, the extent of many of these factors is based on speculation. Baker is almost certainly correct that some men did conceal a reluctance to go in order to

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<sup>81</sup> *WC*, 4 December 1916, p. 4.

<sup>82</sup> *EP*, 22 June 1918, p. 4.

<sup>83</sup> Baker, *King and Country Call*, p. 106. See Cooper to Gray, 10 December 1918, AD 82 Box 3 1/22.

<sup>84</sup> *WDT*, 10 January 1917, p. 5.

<sup>85</sup> *MES*, 1 March 1917, p. 6. See also *EP*, 1 March 1917, p. 7 and 3 December 1917, p. 6.

<sup>86</sup> Belich, *Paradise Reforged*, pp. 101-102.

give themselves some hope of exemption. Yet there is no way to determine how widespread this practice was. Clearly it is far easier to discover what men did say, rather than what they left unsaid. In the vast majority of cases, there is simply no way of knowing how honest the appellants were about their willingness to serve.

A degree of uncertainty exists over why some men chose to appeal against being conscripted. What can be stated with confidence is that only 32.34% of balloted reservists did so, far fewer than has been claimed. The argument that the appealing rate was similar to other countries is also flawed, as New Zealanders were less likely to appeal than British, Australian or Canadian men. Yet the statistics do show that the desire to appeal varied between occupational classifications. Farmers and farm workers were the most likely to come before the Boards, while those engaged in commercial, industrial and domestic activities were heavily underrepresented amongst the appellants. Undue hardship and public interest were the most common pleas, with the majority of appellants insisting they would be happy to serve without their commitments. In contrast, the number of overt conscientious objectors was limited. Evidence that suggests most appellants were genuinely willing to go to the front is countered by other evidence that points to this being a facade in some cases. The motivations of many of those who appealed can be speculated upon, but never known for sure.

## Chapter Five: Assessment over Hostility

### The Treatment of Conscientious Objectors

Historians are unanimous in portraying the Boards' treatment of conscientious objectors in a negative light. This has centred on two areas, the first being the Boards' application of the Military Service Act's religious exemption section. There is agreement that the Act was designed to limit exemption to a few small denominations.<sup>1</sup> However, O'Connor argues that the Boards further restricted its operation by arbitrarily refusing to exempt other denominations on the basis that they did not possess a written constitution prohibiting military service.<sup>2</sup> In contrast, Baker argues that the 'autonomy' and 'idiosyncrasies' within these denominations meant they were unable 'to substantiate' a pacifist tradition, while the Boards pushed the boundaries of the Act by agreeing to recommend overseas non-combatant service for any objector they considered 'genuine'.<sup>3</sup> Nevertheless, Baker maintains that some deserving appellants were denied such recommendations.<sup>4</sup> A second focus is the Boards' attitudes during appeals. For Parsons, their members were as concerned with pointing out the perceived faults in an objector's beliefs as they were with assessing his eligibility for exemption.<sup>5</sup> Grant states that the Board members held 'a collective attitude that conscientious objection was tantamount to a failure of citizenship' and Hucker maintains that objectors were accused of 'shirking' and 'treated with disdain'.<sup>6</sup> These claims are supported by Baker and O'Connor, with the former asserting that objectors were engaged in 'unedifying debates', while the latter labels some Board members as 'coarse idiots'.<sup>7</sup> However, O'Connor goes on to

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<sup>1</sup> Baker, *King and Country Call*, pp. 172-173. Laurie Barber, *New Zealand: A Short History*, Auckland: Century Hutchinson, 1989, p. 110. David Grant, *Out in the Cold: Pacifists and Conscientious Objectors in New Zealand during World War II*, Auckland: Reed Methuen, 1986, p. 18. Locke, *Peace People*, p. 59. McGibbon, 'Price of Empire', p. 239. O'Connor, 'The Awkward Ones', pp. 132-133. Parsons, 'Many Derelicts of the War', p. 37. Phillips, *A Man's Country?*, p. 162.

<sup>2</sup> O'Connor, 'The Awkward Ones', pp. 120, 123, 127 and 132-133.

<sup>3</sup> Baker, *King and Country Call*, pp. 173-175.

<sup>4</sup> *ibid.*, p. 176.

<sup>5</sup> Parsons, 'Many Derelicts of the War', p. 37.

<sup>6</sup> Grant, *Field Punishment No I*, p. 44. Hucker, 'Rural Home Front', pp. 169-170. For McGibbon, 'humanitarian arguments against involvement in war cut no ice with those responsible for hearing appeals', 'Price of Empire', p. 239.

<sup>7</sup> Baker, *King and Country Call*, p. 176. O'Connor, 'The Awkward Ones', p. 133. When describing his experiences of being a conscientious objector during the war, Archibald Baxter claims that the 'Appeal Boards were farcical as far as objectors were concerned, their members usually ridiculing the objectors who were rash enough to appeal', *We Will Not Cease*, p. 11.

state that the Boards rarely indulged in the 'kind of bloodthirsty hectoring' favoured by the British Tribunals.<sup>8</sup>

The Boards' treatment of conscientious objectors was not as harsh as the historiography indicates. MPs acknowledged that the Act's provision for appeals on religious grounds was extremely restrictive. While the conditions of exemption were made more acceptable to the handful of eligible denominations, the Act's wording meant the appeals of most objectors were doomed to failure. Certainly, the Boards placed an emphasis on the possession of a written constitution against bearing arms, yet O'Connor's argument that they wrongly dismissed appeals from certain denominations is contradicted by the testimony of these groups. Rather than limiting the scope of the Act, the Boards extended it, through offering overseas non-combatant service to many appellants who fell outside its provisions. Undoubtedly, the Boards were hostile towards conscientious objectors and subjected them to distasteful questions. Yet their overwhelming focus was on testing the appellants' eligibility for exemption and the consistency of their beliefs. Scathing comments were generally reserved for those who refused service in the Ambulance Corps, while objectors were no more likely to receive them than other appellants whom the Boards perceived as neglecting their duty.

The majority of MPs would only accept a very limited provision for appeals on conscientious grounds. The British Military Service Act had recognised conscientious objection as a ground for appeal.<sup>9</sup> In contrast, the New Zealand Bill initially contained no such allowance, even for religious objectors.<sup>10</sup> However, Allen's desire to gain public backing for the Bill led him to introduce an amendment to permit appeals from a man who 'objects in good faith to military service on the ground that such service is contrary to his religious belief'.<sup>11</sup> A number of MPs had insisted that it would be 'monstrous' if the views of religious objectors were not provided for.<sup>12</sup> However, most were thinking only of the Quakers and emphasised that any section should not be

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<sup>8</sup> O'Connor, 'The Awkward Ones', p. 133.

<sup>9</sup> David Boulton, *Objection Overruled*, London: MacGibbon & Kee, 1967, p. 89.

<sup>10</sup> Allen, *NZPD*, 175, pp. 484-491.

<sup>11</sup> Allen, *NZPD*, 177, p. 334. *NZPD*, 175, p. 694.

<sup>12</sup> T.A.H. Field, *NZPD*, 175, p. 563. See also Isitt, p. 541. Hudson, p. 546. McCombs, p. 550. Walker, p. 553. Wright, p. 556. Webb, pp. 566-7. Poole, p. 724.

wide enough for 'shirkers' to benefit.<sup>13</sup> Such misgivings prompted these members to join with the opponents of exemption on religious grounds in defeating the amendment 29 to 21.<sup>14</sup> At the request of a church deputation, the Government decided to introduce another amendment in the Council.<sup>15</sup> On the condition of agreeing to perform non-military work in New Zealand, this would exempt those who, since the outbreak of the war, had been members of a religious body whose tenets declared military service to be 'contrary to divine revelation'.<sup>16</sup> Some Councillors lamented that this amendment was far more restrictive; it made no allowance for individual objections, while many denominations were not opposed to military service.<sup>17</sup> Yet it was the fact that exemption would be confined to two or 'three small bodies' that convinced a majority of them to support the amendment, as it would guarantee that 'shirkers' could not escape.<sup>18</sup> Even this proved too liberal for the elected House and a compromise had to be produced which stipulated that the alternative service would be non-combatant rather than non-military, could include the Army Service or Ambulance Corps and could be 'in or beyond New Zealand'.<sup>19</sup> MPs recognised the additional limitations that these stipulations would impose; Isitt complained that they 'practically left very little provision at all', while others labelled the amendment pointless, as the few denominations it was designed to benefit would not accept service in the military.<sup>20</sup> This perceived irrelevance seems to have persuaded many opponents of a provision for religious objectors to vote for the amendment; it passed 44 to seventeen.<sup>21</sup>

The restrictive nature of the Act quickly became apparent. After the Boards had considered a number of cases, it emerged that only the two denominations that most MPs had envisaged as being eligible for exemption definitely qualified; the Quakers and the Christadelphians. These groups possessed a written constitution outlining their belief that performing military service was contrary to divine revelation. Yet both

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<sup>13</sup> Isitt, *NZPD*, 175, p. 541. Hudson, p. 546. T.A.H. Field, p. 563.

<sup>14</sup> *EP*, Editorial: 'The Military Service Bill Assured', 10 June 1916, p. 4; *NZPD*, 175, p. 694.

<sup>15</sup> *NZPD*, 176, p. 367.

<sup>16</sup> *ibid.*, p. 238.

<sup>17</sup> Paul, *NZPD*, 176, p. 353.

<sup>18</sup> Barr, *NZPD*, 176, pp. 347-349. Carson, p. 363. The amendment was passed by fifteen votes to eight. *NZPD*, 176, p. 238.

<sup>19</sup> *NZPD*, 176, p. 519. *NZPD*, 177, p. 331.

<sup>20</sup> Isitt, *NZPD*, 177, p. 335. See also Allen, p. 333. McCombs, p. 336. Hornsby, p. 337. Herries, pp. 337-338. Rhodes, p. 339. Sykes, p. 340.

<sup>21</sup> *NZPD*, 177, pp. 341-342.

had relatively few members and only three Christadelphians and no Quakers appeared before the Wellington Boards prior to 24 April 1917. Furthermore, as MPs had foreseen the fact that an appellant was deemed eligible for exemption was not the end of the matter, as he still had to sign the undertaking to perform non-combatant service. Several Christadelphian congregations had written to Allen informing him that while they were prepared to 'do ANY CIVIL DUTY'; their beliefs meant 'we cannot enter any Branch of Military Service'.<sup>22</sup> Each of the objectors who appealed to the Wellington Boards refused to sign the undertaking. When Herbert Milverton was told 'all you would be asked to do' would be 'to succour the wounded', he replied 'No; it would be required that I should be part and parcel of an army.'<sup>23</sup>

It was the Defence Department that made the conditions of exemption more acceptable to the few men who were eligible. On 24 April, new regulations changed the undertaking that exempted objectors would be required to sign by removing any mention of the Ambulance or Army Service Corps.<sup>24</sup> Informally, the Department went even further, with a promise of farm work at Levin.<sup>25</sup> In addition to making exemption more attractive to future appellants, many of those who had previously rejected it had their cases re-heard to give them the chance to accept the revised undertaking.<sup>26</sup> These measures proved successful for the eligible objectors who came before the Wellington Boards. Both Christadelphians who had rejected the old undertaking proved willing to sign the new one, with each member of this denomination who was subsequently offered exemption also choosing to accept it.<sup>27</sup> Nonetheless, the difficulties for the Christadelphians were not over; two had their cases dismissed on the basis that the Act required membership of a religious body prior to 1914, whereas these men had been merely adherents.<sup>28</sup> The appeals were only allowed after the Boards were instructed to follow a section in the defeated Expeditionary Forces Amendment Bill that would have made adherents eligible for

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<sup>22</sup> Such to Allen, 10 September 1916, AD 1 Box 733 10/407 (part 1). Emphasis in original.

<sup>23</sup> *EP*, 13 March 1917, p. 7. See also *WC*, 23 March 1917, p. 4.

<sup>24</sup> *NZG*, 1917, vol. I, p. 1399.

<sup>25</sup> Gray to Allen, 30 March 1917, Gray to Board Chairmen, 24 May 1917 and Tate to Director of Recruiting, 11 June 1917, all in AD 1 Box 733 10/407 (part 1).

<sup>26</sup> Tate to Gray, 5 May 1917 and Tate to Director of Recruiting, 11 June 1917, both in AD 1 Box 733 10/407 (part 1).

<sup>27</sup> *EP*, 23 August 1917, p. 3, 14 December 1917, p. 2 and 12 April 1918, p. 8. *WC*, 19 July 1917, p. 6.

<sup>28</sup> *EP*, 27 September 1917, p. 8.

exemption.<sup>29</sup> Another important re-hearing concerned David Jackson, a Seventh-day Adventist. While his initial appeal was not reported in the newspapers, it was probably rejected on the grounds that 'Adventists as a body had not objected to being called up for service'.<sup>30</sup> This situation changed in June 1917, when the Third Wellington Board accepted evidence from America as proof that the Adventists' doctrine was opposed to military service.<sup>31</sup> Jackson was offered exemption at his re-hearing; he accepted, as did the other Adventists who came before the Wellington Boards.<sup>32</sup> The Quakers proved less well disposed towards the new regulations. They were suspicious that farm work had been promised, but not specified, in the undertaking, and were concerned that exempted men would still be under military authority.<sup>33</sup> These issues were raised by John Rigg, who complained about what would be required of him on exemption. Only when the Military Representative warned that 'Unless you sign the paper the board has no option but to dismiss your appeal' did he relent.<sup>34</sup>

While these denominations eventually benefited from the religious exemption section, its limitations meant two large categories of appellants never had any prospect of doing so. The first consisted of men who stated that they were not members of any religious body and were appealing on the grounds of their own beliefs.<sup>35</sup> A second group were those who did belong to a denomination, but one whose doctrines were clearly not opposed to performing military service. This included denominations with many members, like the Anglicans, Catholics and Presbyterians, as well as much smaller ones like the Christian Scientists and Church of Christ.<sup>36</sup> In all such cases, the Wellington Boards' discretion was circumscribed by the Act. A majority of MPs had rejected making personal objections an allowable basis of appeal and the objector had to 'belong to a recognised religious body' to qualify for exemption.<sup>37</sup> So clear-cut was this situation, that Hugh King, who

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<sup>29</sup> O'Connor, 'The Awkward Ones', pp. 124-125.

<sup>30</sup> *MES*, 28 February 1917, p. 5.

<sup>31</sup> *ibid.*, 7 June 1917, p. 7. See also Meyers to Lillie, 11 July 1917, AD 1 Box 734 10/407 (part 2).

<sup>32</sup> *EP*, 23 August 1917, p. 3, 9 October 1917, p. 8 and 4 December 1917, p. 8. *MES*, 10 August 1917, p. 3 and 5 October 1917, p. 7.

<sup>33</sup> Gill to Tate, 11 July 1917 and Gill to Allen, 20 August 1917, both in AD 1 Box 734 10/407 (part 2).

<sup>34</sup> *EP*, 23 May 1917, p. 8.

<sup>35</sup> *ibid.*, 20 April 1917, p. 8. *WC*, 22 August 1918, p. 5.

<sup>36</sup> *EP*, 13 December 1916, p. 3 and 28 January 1917, p. 8. *WDT*, 11 January 1917, p. 3. *MES*, 7 November 1917, p. 3.

<sup>37</sup> *MES*, 28 March 1917, p. 5.

belonged to no denomination, opened his appeal with 'I know I have not got a chance'.<sup>38</sup>

The Wellington Boards also had to determine cases that were less straightforward, specifically the appeals lodged by members of the Brethren and the Testimony of Jesus. For O'Connor, these were two denominations that suffered from the Boards' arbitrary insistence that a written constitution prohibiting military service was essential for exemption.<sup>39</sup> Undoubtedly, the fact that these groups did not possess such a document played a role in the Boards' rejection of their appeals. One Chairman remarked 'It is most extraordinary; even a football club has something printed', while another responded to an appellant's admission that the Brethren had nothing to show they were against fighting by charging 'Well, how are you going to prove it?'<sup>40</sup> As the Act did not stipulate that a written constitution was necessary, O'Connor is somewhat justified in criticising the Boards for allocating it such importance.

On the other hand, this was far from the Wellington Boards' only reason for deciding that the Brethren did not come within the Act's provisions. They also considered the evidence given by its members, which cast doubt on whether the denomination was opposed to military service.<sup>41</sup> While one appellant only 'supposed it was contrary to the teachings of the Brethren to fight', another admitted there 'was no general declaration of conduct on the bearing of arms'.<sup>42</sup> Another influence on the Boards' decisions was the contradiction between the Brethren's supposed opposition to combatant service and the fact several of its members had volunteered. Questioning on this matter again produced varied and ambiguous replies. Gordon Rose maintained that all members believed it was wrong to join the army, but when asked 'how is it some of them have joined', he simply answered 'I don't know'.<sup>43</sup> Rose went on to assert that these men withdrew from the Brethren, but Robert Sparrow claimed

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<sup>38</sup> *EP*, 20 April 1917, p. 8. See also Baxter, *We Will Not Cease*, p. 11.

<sup>39</sup> O'Connor, 'The Awkward Ones', pp. 123 and 132-133. O'Connor also points to the Richmond Mission, but no members of this denomination came before the Wellington Boards.

<sup>40</sup> *EP*, 25 July 1917, p. 8 and 14 December 1916, p. 3. See also 27 December 1917, p. 7, 31 January 1917, p. 8 and 10 February 1917, p. 5.

<sup>41</sup> *MES*, 12 January 1917, p. 5.

<sup>42</sup> *EP*, 14 December 1916, p. 3 and 27 December 1916, p. 3. See also Compton to Allen, 9 February 1917, AD 1 Box 733 10/407 (part 1).

<sup>43</sup> *EP*, 14 December 1916, p. 3.

that membership did not cease on engaging in combatant service and another appellant stated that the issue had caused 'a lot of trouble'.<sup>44</sup>

The evidence given by members of the Testimony of Jesus was similarly inconsistent and contradictory to the notion that the denomination opposed military service. Sixteen appellants from this body whose appeals had been dismissed were granted a re-hearing on 25 July 1917 to determine whether they came within the Act, with three of them being from the Wellington District.<sup>45</sup> The Third Board's questioning centred on whether the denomination was opposed to the bearing of arms. In reply, one appellant claimed that such a policy had only been agreed at a conference in 1915, prompting a furious response from their lawyer, who knew this was not enough to satisfy the Act. Another appellant further muddled the waters; the conference had not reached a resolution and the Testimony of Jesus held no definite doctrine. When it was finally claimed that the denomination had preached against the bearing of arms before the war, the Board wondered why it had then been necessary to raise the matter at the conference. The appellant's reply that 'there was some doubt in the minds of young members as to whether they should go or not' failed to satisfy the Chairman, who wondered why there would be 'any doubt if it is a recognised tenet of your Church'.<sup>46</sup>

This evidence undermines O'Connor's claim that the Boards unfairly denied exemption to the Brethren and the Testimony of Jesus. The Act stipulated that the doctrine of a religious body must prohibit the bearing of arms.<sup>47</sup> Yet several members of these denominations admitted this was not the case. While the Act did not make a written constitution strictly necessary, it was the only conclusive proof that a denomination could possess. In the absence of such a document, it is quite understandable that Boards would be far more sceptical of their credentials.<sup>48</sup> Furthermore, the Wellington Boards' questioning indicates that O'Connor is mistaken in arguing that they dismissed appeals simply because a denomination lacked a written constitution. Instead, the Boards carefully weighed up the wording of the Act and all the available testimony before reaching a verdict.

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<sup>44</sup> *ibid.* and 10 February 1917, p. 5.

<sup>45</sup> *ibid.*, 24 April 1917, p. 7. *WDT*, 24 March 1917, pp. 4-5. *MES*, 13 February 1917, p. 6.

<sup>46</sup> *EP*, 25 July 1917, p. 8 and 26 July 1917, p. 7. *FS*, 4 August 1917, p. 2.

<sup>47</sup> *NZS*, Military Service Act 1916, Section 18 (1) (e).

<sup>48</sup> Salmond to Tate, 22 May 1917, AD 1 Box 733 10/407 (part 1)

While the Wellington Boards ruled that only three denominations were entitled to exemption, they were prepared to offer relief to other objectors. From January 1917, they began to question appellants whose objections they considered 'genuine', but who did not come within the scope of the Act, on their willingness to perform overseas non-combatant service.<sup>49</sup> While an amenable objector still had his appeal dismissed, this was accompanied by a recommendation that he be assigned to the Ambulance Corps.<sup>50</sup> This process is unlikely to have been instigated solely by the Boards. The participation of the Military Representatives, and the fact that Adjutant-General Tate approached the Recruiting Board to have it formalised in May 1917, indicates that it was a joint initiative with the Defence Department.<sup>51</sup> However, the Boards would not have agreed to take an active role had they wished to limit relief to objectors who were eligible for exemption. In addition, the Boards not only issued recommendations for alternative service, but also asked for assurances that they would be carried out.<sup>52</sup> These actions demonstrate that the Wellington Boards were prepared to push the boundaries of the Act. While simply granting recommendations did not constitute a breach of its provisions, the Act had been designed to limit overseas non-combatant service to exempted objectors only.<sup>53</sup> A major weakness of O'Connor's argument is the claim that the issuing of recommendations was first mooted in May 1917 when Tate approached the Recruiting Board and then immediately aborted after a ruling from the Solicitor-General that it would conflict with the Act.<sup>54</sup> This is contradicted by the evidence, as the Boards had already been making recommendations for three months and continued to do so for the remainder of the war.<sup>55</sup> Moreover, O'Connor omits any mention of the Boards' initiating role in favour of allocating the credit solely to the Defence Department.

While the Wellington Boards were prepared to offer overseas non-combatant service, the appellants' willingness to take it up varied substantially. The beliefs held by several objectors meant they could not accept any service that would make them

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<sup>49</sup> *EP*, 26 January 1917, p. 8.

<sup>50</sup> *MES*, 13 March, 1917, p. 2.

<sup>51</sup> *EP*, 10 February 1917, p. 5. Tate to Gray, 5 May 1917, AD 1 Box 733 10/407 (part 1). See also Tate to Board Chairmen, undated May 1917. 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2).

<sup>52</sup> Gray to Tate, 6 August 1917 and 16 August 1917, AD 1 Box 734 10/407 (part 2). *EP*, 10 February 1917, p. 5.

<sup>53</sup> Salmond to Tate, 22 May 1917, AD 1 Box 733 10/407 (part 1).

<sup>54</sup> O'Connor, 'The Awkward Ones', p. 121-122.

<sup>55</sup> *MES*, 1 June 1918, p. 3. *WDT*, 6 June 1918, p. 5.

part of the army. A common complaint was that performing a non-combatant role would increase the military's efficiency and free other men up to kill.<sup>56</sup> One objector argued that caring for the wounded 'is just as bad as fighting; it is taking a hand in it'.<sup>57</sup> In contrast, over half the men who were questioned on undertaking service in the Ambulance Corps proved amenable. Indeed, an increasing number of appellants actually came before the Boards to obtain such a recommendation, rather than exemption. Many of these objectors were members of the Brethren.<sup>58</sup> This indicates that, rather than unfairly denying exemption to this denomination, the Boards actually played an important role in satisfying the objections of several of its members.

The Wellington Boards' verdicts on cases brought by conscientious objectors can also be analysed statistically. Some of the 165 Wellington District appellants who were reported as appealing on this basis were not considered. The majority of appellants who cited 'all grounds' did not allude to objections in their testimony, nor were they questioned on them by the Board members or Military Representatives. This suggests that these men either filled out the appeal form incorrectly, or withdrew this ground. In addition, several objectors failed to attend their hearing, making it impossible to determine how the Boards would have treated the appeal. Cases that fell into these two categories were therefore removed from consideration. This leaves 103 men who definitely appealed on conscientious grounds.

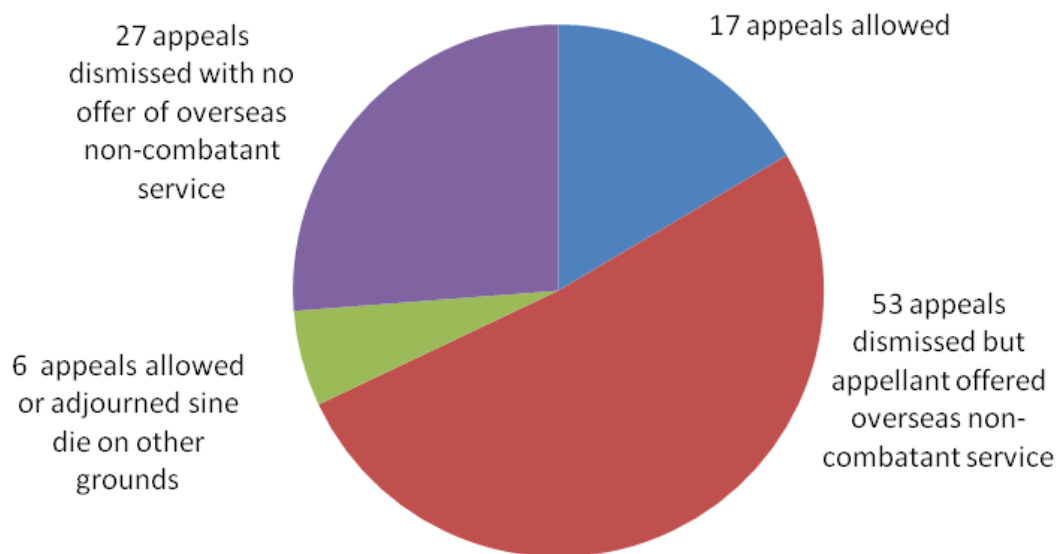
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<sup>56</sup> *EP*, 31 January 1917, p. 8 and 23 March 1917, p. 8. *MES*, 2 July 1917, p. 5.

<sup>57</sup> *EP*, 14 December 1916, p. 3.

<sup>58</sup> *MES*, 21 July 1917, p. 2 and 3 October 1917, p. 5.

### Chart Nine - The Wellington Boards' Verdicts in Appeals Lodged by Conscientious Objectors



Sources: *Evening Post, Feilding Star, Manawatu Evening Standard, New Zealand Times, Pahiatua Herald, Wairarapa Daily Times and Wanganui Chronicle*

The majority of objectors were offered some form of relief by the Wellington Boards. Chart Nine indicates that Act's restrictions left only 17 objectors eligible for exemption; two Quakers, five Seventh-day Adventists and ten Christadelphians. Each of these men had their appeals allowed after they agreed to sign the new undertaking. In contrast, 80 men did not come within the Act's provisions and their appeals were dismissed. The remaining six had their appeals on conscientious grounds dismissed, but were granted exemption on other grounds. Crucially, of the 80 objectors who had their appeals dismissed, 53 were either recommended for overseas non-combatant service or questioned on their willingness to perform it. In the latter cases, it is highly likely that a recommendation to this end would have followed had they proved amenable. This means that, on the basis of their objections, the Wellington Boards exempted or offered overseas non-combatant service to over two-thirds of the objectors who appeared before them.

Comparing that to the figures for the British Tribunals also shows the Wellington Boards in a positive light. Direct comparisons are hindered by the many different types of exemption that the Tribunals could award. Nevertheless, grouping these into broad categories permits some conclusions to be drawn. Given that the British Act

made individual conscientious objection an allowable basis for exemption from all military service, it should come as no surprise that the 46% of such decisions awarded by the Tribunals is much higher than the 17% for the Wellington Boards.<sup>59</sup> However, if one considers the likelihood of an objector being offered at least non-combatant service, then the respective figures of 83% and 68% are considerably closer than might be expected.<sup>60</sup>

If the verdicts that the Wellington Boards delivered on appeals lodged by conscientious objectors were more favourable than has been suggested, can the same be said for their attitudes during hearings? Certainly, the Board members could be highly critical of the beliefs that objectors expounded. Their unrelenting patriotism and belief that every man had a duty to defend his country meant they occasionally expressed anger at an appellant's stance. One objector was bluntly informed that 'unpatriotic people like you don't deserve to belong to the nation', another that he deserved 'a jolly good hiding', while the obstinacy of David Stewart prompted a member of the Third Board to assert 'If all the people were like you, we would very soon be the bond slaves of Germany'.<sup>61</sup> Other appellants were criticised for a perceived willingness to sit back and enjoy New Zealand's freedom and prosperity while other men fought on their behalf; 'You get all the benefits and good of this earth, but will take no share in the work'.<sup>62</sup> If the Boards' attacks could be brutal, then some of their questions were simply unsavoury. The worst was put to Eric Badger when he was asked 'If the Germans came here and attempted to violate your women, kill children and destroy the country, would you attempt to stop them?'<sup>63</sup> As Baker maintains, the knowledge that they would face this kind of treatment is likely to have persuaded a number of objectors not to appeal.<sup>64</sup> In addition, the natural inclination of the Board members to reject the validity of some

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<sup>59</sup> The figure for the Tribunals includes men exempt from all military service; absolutely, conditionally or 'from combatant service only conditional on being engaged on work of national importance'.

<sup>60</sup> In addition to those mentioned above, the Tribunal figure includes objectors who were exempt from combatant service only and who served in the Non-Combatant Corps or refused to serve, leading to a court-martial. Rae, *Conscience and Politics*, p. 132.

<sup>61</sup> *EP*, 23 August 1917, p. 3. *WDT*, 9 January 1917, p. 3. *EP*, 3 March 1917, p. 6. In private, the Chairman of the Second Board described all objectors who did not deserve a recommendation for overseas non-combatant service as 'cranks and shirkers' and asserted that they belonged 'in a mental hospital'. Poynton to Gray, 2 December 1918, AD 1 Box 1046 66/57.

<sup>62</sup> *WC*, 19 July 1917, p. 6.

<sup>63</sup> *MES*, 13 January 1917, p. 7.

<sup>64</sup> Baker, *King and Country Call*, p. 176. See Baughan to Allen, 8 March 1918, AD 1 Box 734 10/407 (part 3).

conscientious beliefs could have led to deserving appellants being denied recommendations for overseas non-combatant service.

Nevertheless, the claim that the Boards approach towards objectors was one of unremitting hostility needs some provisos. On the one hand, the Boards' overwhelming focus was on determining the appellants' eligibility for relief, rather than on attacking their convictions. The initial part of each hearing was an assessment of an objector's claim to exemption. They were always given the chance to press their arguments and to call witnesses.<sup>65</sup> While this element of the appeal was inevitably brief when the objector did not belong to a denomination or was a member of a church that did not oppose military service, the extensive investigations into the doctrines of the Brethren and the Testimony of Jesus demonstrate that the Boards sought to make reasoned decisions. Where the appeal could not be allowed, the second concern was establishing whether the appellant's objections were sufficiently 'genuine' to warrant a recommendation for overseas non-combatant service. It was here that questions about responses to the rape of womenfolk and the killing of infants were usually employed. However, any judgement of the Boards must take into account the circumstances under which they were operating. Sittings were busy, even hectic, occasions, with large numbers of cases having to be heard.<sup>66</sup> Under such pressures, the Boards simply did not have the time to undertake a detailed investigation of an objector's conscience and sincerity. Instead, all they could rely on were crude tests of his consistency. Asking what an appellant would do if his wife was attacked was a means of determining whether he was opposed to force in all circumstances, just like confronting a slaughterman over how he could kill sheep but not people.<sup>67</sup> In a similar vein, farmer objectors were asked if they had 'not been helping the war by growing oats and wheat', with others being challenged to explain parts of the Bible that appeared to encourage military service.<sup>68</sup> Those appellants who explained any apparent inconsistencies by reference to their faith were usually given a recommendation for service in the Ambulance Corps; those who floundered were invariably denied one. Some of the Boards' questions were

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<sup>65</sup> *EP*, 25 July 1917, p. 8 and 26 July 1917, p. 7.

<sup>66</sup> Assistant Adjutant-General to Moorhouse, 6 March 1917, AD 82 Box 1 1/5. *EP*, 5 October 1917, p. 6. *FS*, 22 March 1918, p. 2 and 8 May 1918, p. 2.

<sup>67</sup> *WDT*, 9 January 1917, p. 3.

<sup>68</sup> *ibid.* and 11 January 1917, p. 3. The Biblical text most commonly referenced by Board members was the first chapter of the Book of Numbers, which McLaren argued contained 'a practical illustration of conscription'.

unnecessarily brutal and the theological debates they engaged in could be 'unedifying'. Nevertheless, they were part of an overall approach that was the only one they could adopt in the circumstances to assess the objector.

Moreover, the frequency and relative magnitude of the Boards' criticism of the beliefs held by objectors have been overstated. In many cases, it is not reported to have taken place at all, with the sole focus being the appellant's eligibility for exemption or overseas non-combatant service.<sup>69</sup> This is particularly noticeable in the lengthy questioning of members of the Brethren and the Testimony of Jesus. When criticism of beliefs did occur, it constituted a small part of the proceedings, usually only coming after the objector had refused to undertake service in the Ambulance Corps. The Board members could not understand the reluctance of men who followed a Christian faith to help those in distress and sometimes felt moved to challenge the objector's reasoning vigorously.<sup>70</sup> If attacks on conscientious objectors were less common than has been suggested, it must also be recognised they were not radically different from the comments levelled at other appellants whom the Boards perceived as 'shirking'. Families who had sent no sons to the front were berated for letting others make all the sacrifices, farmers bore the brunt of lines such as 'you were doing too well on the land to fight for the land' and employers who argued their employees could not possibly be replaced were accused of a selfish dereliction of their duty.<sup>71</sup> For the Boards, any man who was apparently unwilling to fight was open to criticism. While objectors were challenged on their beliefs rather than their actions, they were not being singled out especially. A final consideration is that the Boards did express understanding for the stance of some objectors and regret that they were unable to offer them exemption. One Chairman stated that the Boards' hands were tied 'no matter what it felt', while his opposite number on the Second Board told an appellant that 'It does not matter how much we sympathise with you'.<sup>72</sup> Clearly, the Chairmen might only have made these statements because there was no chance of the objector having their appeal allowed. Yet the Boards' willingness to recommend overseas non-combatant service indicates that their approach towards objectors was not unremittingly negative.

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<sup>69</sup> *EP*, 13 December 1916, p. 3, 26 January 1917, p. 8 and 24 April 1917, p. 7. *MES*, 7 November 1917, p. 3

<sup>70</sup> *EP*, 13 March 1917, p. 3 and 23 March 1917, p. 8. *MES*, 25 January 1918, p. 6.

<sup>71</sup> *WDT*, 14 December 1916, p. 2 and 26 April 1917, p. 5. *EP*, 1 February 1917, p. 7.

<sup>72</sup> *EP*, 13 March 1917, p. 3 and 20 April 1917, p. 8.

A weakness of previous studies is their failure to consider the role of the Military Representatives during appeals from conscientious objectors. Given that these officers were tasked with obtaining men for the army, it was inevitable that they would view objectors as a target for thorough interrogation. The Military Representative often took the lead in assessing an appellant's eligibility for exemption and, where possible, produced evidence that a denomination had not been opposed to military service before the war.<sup>73</sup> Invariably the Military Representatives were the first to conclude that an objector did not come within the Act.<sup>74</sup> Furthermore, the ethos of the Military Representatives led them to overshadow the worst of the Board members' hostility towards objectors. A particularly unpleasant hearing concerned Horace Melvin, who refused to undergo a medical exam. Captain Walker confronted Melvin over whether he would still object to medical attention if 'someone severely wounded [him] with an axe'. When this met with defiance, Walker switched to threats; 'I would strongly advise you to be examined. It would be more pleasing, voluntarily than forcibly'.<sup>75</sup> However, the employment of these methods was the exception rather than the rule. As with the Board members, the Military Representatives' focus was on testing the consistency of the appellants' objections to determine whether they should be offered overseas non-combatant service.<sup>76</sup>

Previous studies have exaggerated the harshness of the Boards' treatment of conscientious objectors. As the majority of MPs intended, the wording of the Act restricted exemption to a handful of small denominations and meant that the vast majority of objectors never had a chance of having their appeals allowed. While the Boards placed undue stress on the fact that the Brethren and the Testimony of Jesus lacked a written constitution, the evidence given by members of these denominations made it difficult to conclude that they were eligible for exemption. Rather than tightening the Act's restrictions, the Boards played a crucial role in relaxing them, by agreeing to recommend overseas non-combatant service for any 'genuine' objector. Relief was offered to the majority of appellants and the Wellington Boards' verdicts

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<sup>73</sup> *ibid.*, 10 July 1917, p. 8

<sup>74</sup> *ibid.*, 10 February 1917, p. 5. *FS*, 12 July 1917, p. 2.

<sup>75</sup> *WC*, 19 June 1917, p. 4.

<sup>76</sup> In one instance, Captain Baldwin even pushed for an Ambulance Corps recommendation to be granted in opposition to the Board Chairman. *WC*, 23 March 1917, p. 4.

compare favourably with those of the British Tribunals, which were given a much more liberal remit. During some appeals, the attitudes of the Board members' led them to attack an objector's beliefs. Nevertheless, hostility was rarely more than a small part of the Boards' approach, with the overriding concern being to assess the objectors' eligibility for alternative service. Other perceived 'shirkers' were criticised just as fiercely and the Board members occasionally expressed sympathy for an objector's situation.

## Chapter Six: Firm but Fair

### The Boards' Verdicts

When analysing the verdicts delivered by the Boards, historians have tended to focus on their treatment of farming appeals. While Belich claims that 'most' were exempted, Sonia Inder and Kerry Stratton assert that farmers' appeals received little sympathy.<sup>1</sup> For Baker, farmers were the 'main victims' of the Boards' decisions prior to March 1917, before a change in attitudes and the impact of the Government's direction led to 'rural workers' being overrepresented amongst those exempted.<sup>2</sup> In contrast, Parsons claims 'rural men' were more likely to gain a favourable decision in the early months, but that this advantage 'had melted away by the end of the war'.<sup>3</sup> Comparatively little analysis has been conducted of the Boards' verdicts in all types of appeals. From the first ballot, Parsons finds that they initially allowed or adjourned 52% of Ashburton cases and 37.9% from Dunedin men.<sup>4</sup> Yet she asserts that 'the appeals process provided appellants and their families with little certainty', as very few full exemptions were granted, adjournments were usually brief and sine die decisions were subject to review and often had conditions attached.<sup>5</sup> For Baker, the Boards became increasingly liberal; granting 31.52% of appeals between June 1917 and September 1918, against 26.75% prior to 24 March 1917.<sup>6</sup> He maintains that the bulk of this rise occurred after the Boards began hearing the cases of Second Division men.<sup>7</sup> Nevertheless, these figures indicate that the Boards dismissed considerably more appeals than they granted.

The evidence does not support a number of these claims. While the likelihood of a farmer receiving a positive decision increased, the attitudes held by the Wellington Boards and their Military Representatives meant they were always too sceptical of the grounds on which farmers based their appeals for them to be favoured. In terms of the Boards' overall verdicts, the methodologies employed by Parsons and Baker

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<sup>1</sup> Belich, *Paradise Reforged*, p. 101. Inder, 'Middlemarch'. Kerry Stratton, 'Doing Their Bit', pp. 102-103.

<sup>2</sup> Baker, *King and Country Call*, pp. 119-123 and 141. Baker asserts that 'rural workers' made up 31.9% of all balloted men, but 35.1% of those exempted at the conclusion of the war. Martin cites Baker in making the same contention, 'Blueprint for the Future?', p. 523.

<sup>3</sup> Parsons, 'Many Derelicts of the War', p. 36.

<sup>4</sup> *ibid.* and Table 7, Appendix 1.

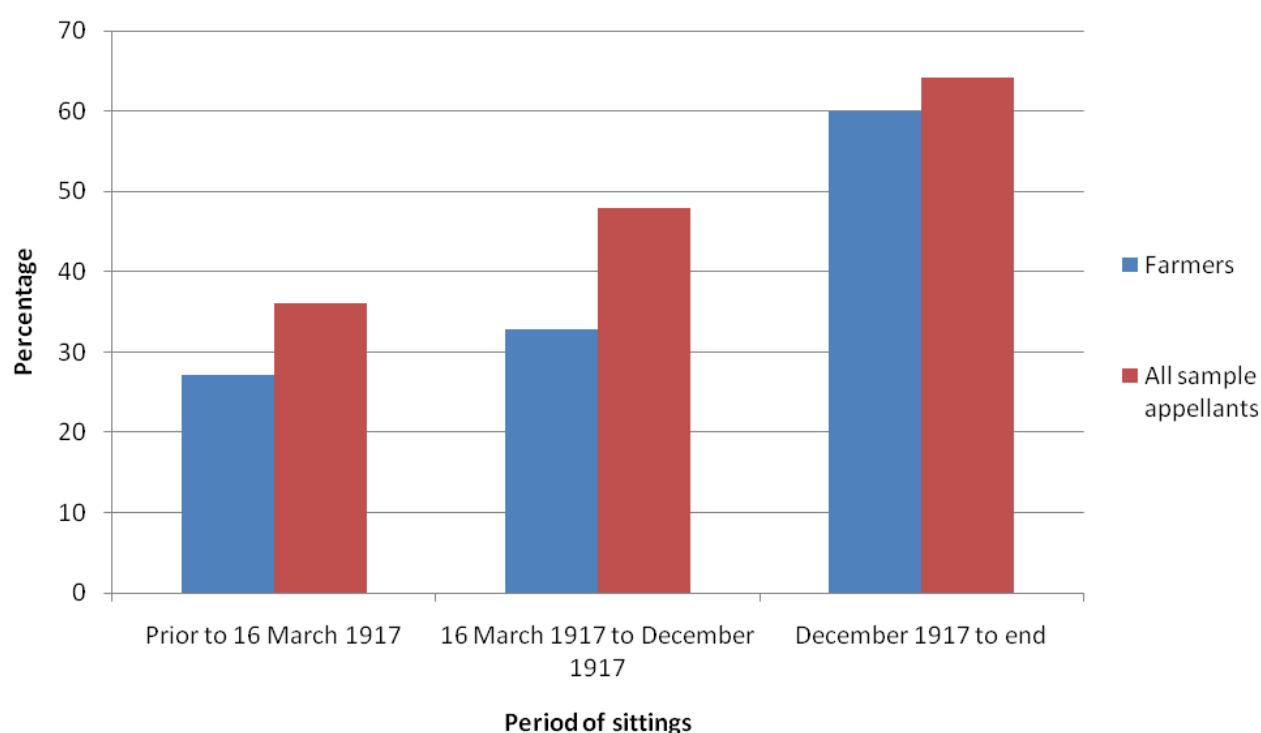
<sup>5</sup> *ibid.*, p. 49.

<sup>6</sup> Baker, 'New Zealanders', p. 258.

<sup>7</sup> *ibid.*, p. 262.

lead them to portray the Boards as being much harsher than was the case. If these issues are addressed, then it becomes apparent that the Wellington Boards delivered a positive 'concrete verdict' on over half the occasions where it was both possible and relevant to do so. As most dismissals were accompanied by a temporary exemption, the vast majority of appellants were afforded some relief from military service. In this latter regard, the Wellington Boards' verdicts compare favourably with those of the Exemption Courts in North-eastern Victoria and the Stratford-upon-Avon Tribunal, although they did dismiss a higher percentage of appeals outright than the Calne Tribunal.

**Chart Ten - Likelihood of a Farmer Receiving a Positive 'Concrete Verdict' from the Wellington Boards by Comparision with all Sample Appellants**



Sources: *Evening Post*, *Feilding Star*, *Manawatu Evening Standard*, *New Zealand Times*, *Pahiatua Herald*, *Wairarapa Daily Times* and *Wanganui Chronicle*

Farmers initially received a lower-than-average percentage of positive 'concrete verdicts'. Chart Ten is based on the same sample of appellants that was utilised to assess the decisions given to seafarers and slaughtermen; it includes only those

who could be identified as appealing on either public interest or undue hardship.<sup>8</sup> It illustrates that, prior to 16 March 1917, only 27.08% of the 'concrete verdicts' given in farming appeals were positive, compared to an average of 36.07% across the sample. In these early months, a farmer's only prospect of gaining exemption on the grounds of their occupation was to prove that nobody else could carry on working their holdings if they went to the front. This was no easy task, as both the Board members and Military Representatives 'refused to take statements for granted, and went to great pains to discover what steps had been taken to secure hands'.<sup>9</sup> They were convinced that plenty of capable help was available and maintained that appellants who had made insufficient efforts to obtain it, or who alleged a rural labour shortage, were failing in their duty to try and get away.<sup>10</sup> Another claim that aroused great suspicion was that family members or neighbours were unable to maintain the farm. Captain Walker asserted that many such statements 'were exaggerated' and sarcastically remarked that 'It's marvellous the number of men about 60 who can't do anything'.<sup>11</sup> Even some arguments that farms would 'go back' or have to be sold altogether fell on deaf ears; they were treated with disbelief or as a worthwhile price to pay to get recruits.<sup>12</sup> The Chairman of the First Board asked one appellant 'would it not be better to sell the farm and go to the front in order to keep the Germans out of New Zealand?'.<sup>13</sup>

Although the likelihood of a farmer being granted a positive 'concrete verdict' by the Wellington Boards increased after 16 March 1917, their position relative to the other sample appellants became substantially worse. Between 16 March 1917 and December 1917, farmers obtained a positive 'concrete verdict' 32.85% of the time. Yet the rise in positive decisions across the sample was considerably more acute, up to 47.86%. This means that for much of 1917, a farmer's chances of being awarded a positive 'concrete verdict' were over 30% lower than the average. During this period, the Boards and Military Representatives largely followed the Government's

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<sup>8</sup> 'Concrete verdicts' are defined as allowed, adjourned sine die and dismissed. They exclude temporary adjournments. See Chapter Two.

<sup>9</sup> *EP*, 20 December 1916, p. 4.

<sup>10</sup> *WDT*, 14 December 1916, p. 2. *MES*, 13 January 1917, p. 5, 10 February 1917, p. 2 and 12 February 1917, p. 5.

<sup>11</sup> *MES*, 15 January 1917, p. 5 and 12 March 1917, p. 2.

<sup>12</sup> *ibid.*, 22 November 1916, p. 5.

<sup>13</sup> *EP*, 13 December, p. 3. The *Manawatu Evening Standard* regularly lamented that farming appeals received short shrift in the early months of sittings. See for example Editorial: 'The Labour Problem', 13 December 1916, p. 4, Editorial: 'Depleting Country Labour', 6 January 1917, p. 4 and 9 March 1917, p. 4.

direction by not expecting farmers to sell up in order to go to the front.<sup>14</sup> Nevertheless, their perception of the merits of most farming appeals had not changed. The Boards' rural members regularly pointed to their own experiences and information from their contacts to claim that farm labour was easier to come by than in previous years, while Captain Baldwin presented one appellant with a list of 38 men who had replied to his advertisement for assistance.<sup>15</sup> The issues of how much work the farmer was doing and why his family or neighbours could not take the strain continued to be extensively probed.<sup>16</sup> One appellant was berated for asking for exemption so he could milk 16 cows, while another's claim that his sister was afraid of cattle prompted a scolding response from McLaren; 'do you know that there are thousands of women in the Old Country who have taken up work they never attempted before? They realise that there is a war on.'<sup>17</sup> These comments demonstrate that the Boards and the Military Representatives remained convinced that many farmers were exaggerating their difficulties. If they believed that a farmer was not actually going to be forced to sell up, then their mantra was that 'fighting men should be the first necessity and produce next'.<sup>18</sup>

The relative position of farmers greatly improved once the Wellington Boards began hearing appeals from Second Division men, but not enough for them to be unduly favoured. Between 1 December 1917 and the conclusion of sittings in November 1918, 59.88% of the 'concrete verdicts' delivered in farming appeals were positive, nearly double the figure for the previous period. In contrast, the frequency with which these decisions were awarded to the sample as a whole only rose to 64.23%. However, this means that farmers were still 6.77% less likely to receive a positive 'concrete verdict' than the average. One of the Board members' principles was that a much lower proportion of married men would be able to go to the front, owing to their greater responsibilities.<sup>19</sup> The fact that farmers obtained a far higher percentage of positive 'concrete verdicts' during this period suggests that the Boards considered their family responsibilities were amongst the most pressing. It is also evident that

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<sup>14</sup> *FS*, 4 October 1917, p. 4 and 3 November 1917, p. 4.

<sup>15</sup> *MES*, 1 May 1917, p. 5. See also 13 April 1917, p. 5. *WDT*, 3 May 1917, p. 4 and 26 October 1917, p. 4. *EP*, 10 October 1917, p. 8. *FS*, 20 June 1917, p. 2 and 10 August 1917, p. 4.

<sup>16</sup> *EP*, 18 May 1917, p. 7. *MES*, 5 November 1917, p. 5.

<sup>17</sup> *MES*, 22 November 1917, p. 7 and 1 May 1917, p. 3. See also 28 March 1917, p. 2.

<sup>18</sup> *ibid.*, 24 July 1917, p. 2. See also 7 June 1917, p. 7 and 20 July 1917, p. 5.

<sup>19</sup> *EP*, 30 January, 1917, p. 3 and 7 February 1917, p. 8.

there was a greater willingness to believe that farmer appellants were 'last men' and that the Government's policy to exempt these individuals unless they could definitely be replaced did influence the Boards' approach.<sup>20</sup> However, farmers were still required to prove that there was no help available and the old suspicions about such claims remained entrenched. One farmer who claimed that his brother could not milk 25 cows was informed that the Chairman knew 'a lady, aged 63 years, who milks 25 cows night and morning'.<sup>21</sup> Other farmers, particularly those who came before the First Board, had to overcome the belief that many of those who claimed to be 'last men' had subdivided, or only just purchased, their properties in order to escape the fighting.<sup>22</sup> Furthermore, as for all appellants, the success of the German March offensive made matters very difficult for farmers for a few months. Only those who were clearly 'last men' escaped the insistence that the critical situation at the front had relegated the need for production below the need for soldiers.<sup>23</sup> While the position of farmers greatly improved after December 1917, many still failed to persuade the Wellington Boards that they required exemption.

Parsons is correct to assert that many of the Boards' verdicts afforded appellants little certainty, but this was either beyond the Boards' control or an important part of their efforts to reach informed decisions. Certainly, very few appeals were allowed outright, but this resulted from the wording of the Act, rather than intransigence on the part of the Boards. The Act only permitted the granting of complete exemptions to men who were deemed to not be 'a member of the reserve'; in other words, those outside of military age or who were not British subjects. Otherwise, allowing an appeal would see the appellant become eligible for all subsequent ballots.<sup>24</sup> In contrast, a sine die adjournment remained in force until it was decided to review the case, with some never coming up for re-assessment. Therefore, in many instances, a sine die adjournment actually afforded the appellant a longer period of exemption.<sup>25</sup> While Parsons' contention that many adjournments were only brief is

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<sup>20</sup> *FS*, 28 May 1918, p. 2. *WDT*, 14 August 1918, p. 4 and 17 September 1918, p. 4.

<sup>21</sup> *WC*, 5 February 1918, p. 4. See also *FS*, 8 December 1917, p. 2, 7 May 1918, p. 2 and 30 May 1918, p. 2.

<sup>22</sup> *EP*, 16 July 1918, p. 7. *FS*, 24 July 1918, p. 2.

<sup>23</sup> *MES*, 19 April 1918, p. 5. *EP*, 3 May 1918, p. 6. *WDT*, 16 May, p. 4.

<sup>24</sup> *NZS*, Military Service Act, 1916, Section 28. See also Gray to Board Chairmen, 20 February 1918, AD 82 Box 1 1/5. *FS*, 25 November 1916, p. 2 and 6 January 1917, p. 4.

<sup>25</sup> Gray to Board Chairmen, 20 February 1918, AD 82 Box 1 1/5. 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2). Indeed, the decision to grant the Boards the ability to adjourn cases indefinitely arose from the Government's desire to secure the exemption of men employed in essential

accurate, this should not be held against the Boards. The purpose of these rulings was to seek policy guidance or gather more information, meaning they formed a vital component of the Boards' endeavours to reach a just verdict. There was never any effort to disguise the purpose behind an adjournment and the Boards could hardly be expected to delay their decision any longer than necessary. That *sine die* adjournments were invariably subject to conditions was also a logical part of the Boards' approach, particularly where the appellant had to remain in the same occupation. Here the Boards' verdict was determined by the fact that the reservist was engaged in an essential industry; if this changed, then the reason for his exemption would become obsolete and his conscription would have less of an impact than that of other men who were going.<sup>26</sup> Further conditions can be explained in the same way, with a reservist who was given an indefinite period to care for his parents no longer having the same responsibilities if his brother returned from the front. The Boards' review of most *sine die* adjournments also illustrates their commitment to equality of sacrifice.<sup>27</sup> By re-assessing an appeal, they could consider any changes in the appellant's circumstances and evaluate whether exemption was still justified. This is most apparent in the extensive reviews before the balloting of the Second Division, with the Boards concerned to apply their belief that single men should go before married men.

The main issue with the methodologies of Baker and Parsons is that they unjustly include a sizeable category of appeals when calculating the percentage that the Boards granted. This concerns those cases where the appellant had already been classed as medically unfit.<sup>28</sup> While most Boards automatically dismissed such appeals, these decisions did not affect the appellant's situation, as his condition afforded him a *de facto* exemption from overseas military service.<sup>29</sup> To allow the appeal would have been counter-productive, as, unless the man was found not to be a reservist, he would have returned to the reserve and been eligible for re-balloting

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industries. Concerned that allowing the appeals of these reservists could see them being re-balloted on multiple occasions, Allen explained that *sine die* adjournments would permit the Government to 'hang these fellows up like Mahomet's coffin, and not let them go into the ballot until we may find it necessary'. To Massey, 1 September 1916, AP (Allen, J. 1 Box 9).

<sup>26</sup> Cooper to Gray, 22 March 1918, AD 82 Box 1 1/3.

<sup>27</sup> Conference of Board Chairmen, 2 August 1917, AD 82 Box 7 46/7. Gray to Allen, 11 April 1918, AD 82 Box 9 85. 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2).

<sup>28</sup> Parsons, 'Many Derelicts of the War', pp. 33, 34 and 36.

<sup>29</sup> Tendall to Gray, 14 September 1917, AD 82 Box 2 1/11/1.

whilst still unfit. The remaining options of a dismissal or a sine die adjournment would produce the same result; the appellant would be exempt as long as he remained unfit and, if he was later reclassified, his right of appeal would be reinstated.<sup>30</sup> Given that their verdict was effectively irrelevant, the fact that most Boards dismissed such cases should not be counted against them.

In Baker's case, three more categories of appeals are unfairly included in his statistics. The first is where the appellant failed to attend his hearing without prior notice.<sup>31</sup> The Boards understandably felt compelled to dismiss these cases, as the man's absence made it impossible to assess his situation through questioning. Quite reasonably, the Boards saw a non-appearance as an indication that the appellant had either withdrawn his claim, was not committed to it or had opted to default.<sup>32</sup> Whatever the reason, the reservist had failed to fulfil his role in the appeals process. The second category consists of appeals that were adjourned temporarily. Such a postponement indicated a belief that the case for exemption had not been fully substantiated. On the other hand, it pointed to a need to consider the matter further and the Board might well have granted the appeal at a later date. By counting temporary adjournments against the percentage of appeals granted, Baker ignores this later eventuality and effectively classes these decisions as dismissals. Baker's least justifiable inclusion concerns those cases that were withdrawn prior to a hearing taking place. Here the Boards played no part in the outcome and were never given a chance to grant exemption; the appellant chose to 'dismiss' the case himself. The considerable impact of Baker's methodology is easy to illustrate. Between 2 June 1917 and 7 September 1918, there were 45,535 verdicts and outcomes across New Zealand. As Baker claims, 31.52% of these saw the Boards allow an appeal or adjourn it sine die. However, removing the four categories discussed above leaves only 24,820 verdicts, of which 57.8% were positive (allowed or adjourned sine die).<sup>33</sup>

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<sup>30</sup> 'Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2). The Chairmen of the Second Wellington Board explained to some disgruntled appellants that there were two meanings to an appeal being dismissed. First, the appellant had failed to substantiate his case and was therefore ordered to camp. The second meaning was that the man had been classed as unfit and was not liable for military service. In cases of the latter sort, the dismissal was simply a matter of procedure. *WDT*, 1 February 1917, p. 4.

<sup>31</sup> Where an appellant gave the Board a valid explanation as to why he would not be able to attend his hearing, the case was adjourned until the next sitting. See for example *EP*, 6 February 1917, p. 8.

<sup>32</sup> *EP*, 28 February 1917, p. 7.

<sup>33</sup> *NZH*, 18 September 1918, p. 6.

Not only are Baker's figures substantially weakened in this way, but they also fail to take into account a crucial aspect of the Boards' verdicts. Baker acknowledges that 'many appellants only wanted - or were granted' temporary exemptions, but his statistics simply group these outcomes with the others that were not allowed or adjourned sine die.<sup>34</sup> This is flawed on two levels. Firstly, if an appellant was only asking for time, then the Boards could hardly be expected to give him more than he wanted when the army's need for men was so pressing. Baker's methodology implies that the dismissal of such appeals was solely at the Boards' initiative, rather than at least partly resulting from nature of the appellant's request. Secondly, granting a temporary exemption was clearly a more liberal act than dismissing a case unconditionally. Not distinguishing between these two verdicts obscures some of the Boards' willingness to afford relief from military service.

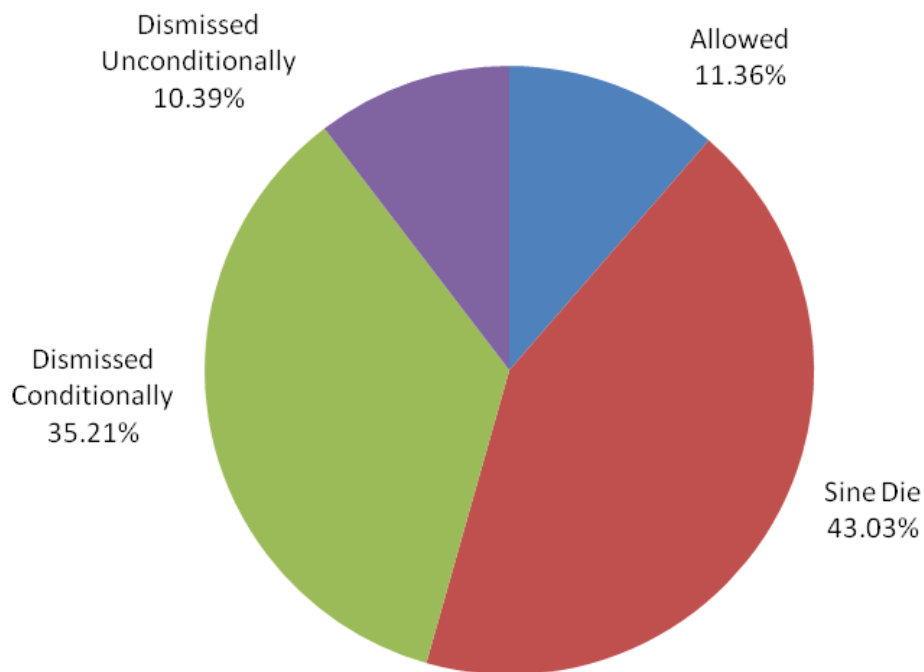
The following approach is designed to address these issues. In analysing the Wellington Boards' verdicts, every case where the appellant was reported as being medically unfit or as failing to attend their hearing was removed from consideration. Only the 'concrete verdicts' were included, as they represented a definite decision over whether the appellant's situation warranted exemption. Finally, a distinction was drawn between conditional and unconditional dismissals, to ascertain whether the Boards were more likely to send men straight to camp or to grant them temporary exemptions. This methodology was also applied to the statistics drawn from the Defence Department returns, and to those for the Tribunals in Britain and Exemption Courts in Australia. However, a proviso must be given in regard to the Defence Department returns. While certain Boards adjourned the appeals of unfit men sine die, the returns do not outline whether these verdicts are included with the other sine die decisions or classed under unfit dismissals.<sup>35</sup> Therefore, the percentages of sine die verdicts drawn from these sources might be slightly inflated.

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<sup>34</sup> Baker, *King and Country Call*, p. 119.

<sup>35</sup> 'Observations on Returns of 14 April 1917', AD 1 Box 1038 64/12. *NZH*, 19 September 1918, p. 6.

**Chart Eleven - 'Concrete Verdicts' Delivered by the Wellington Boards**

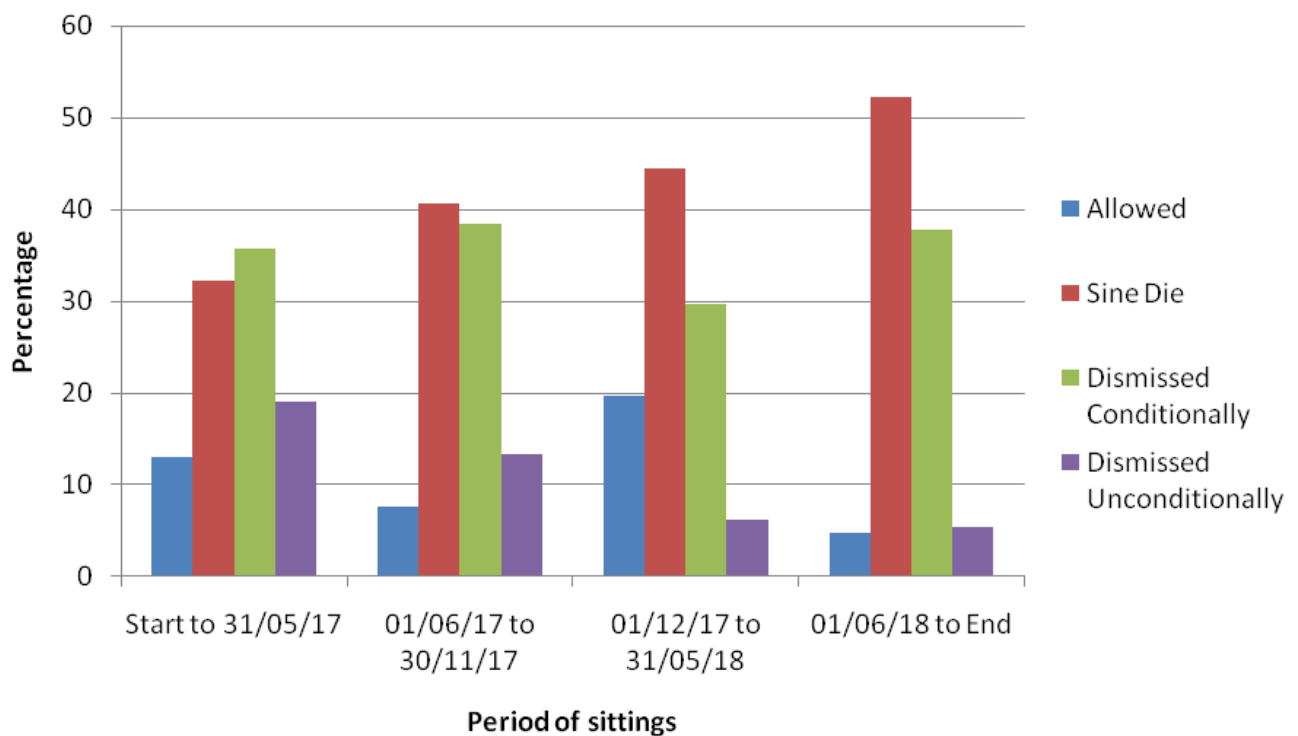


Sources: *Evening Post, Feilding Star, Manawatu Evening Standard, New Zealand Times, Pahiatua Herald, Wairarapa Daily Times and Wanganui Chronicle*

Chart Eleven demonstrates that the Wellington Boards were considerably more inclined to grant appeals than historians have claimed for the New Zealand Boards as a whole. Crucially, a positive 'concrete verdict' was returned more often than a negative one, with appeals being allowed or adjourned sine die 54.39% of the time. Some of these resulted from the Government's policies on essential occupations or were inevitable because of the appellant's age or number of children. Nevertheless, such a high rate of favourable decisions strongly supports the contention that the Wellington Boards' primary concern was to determine carefully which men could reasonably be expected to go, rather than filling reinforcement quotas. That nearly half of the Wellington Boards' verdicts ordered a man to camp means they cannot be said to have been lenient or to have granted exemptions lightly. But the figures also show that the Boards were also true to the other side of their mantra; that exemption would be granted if justified and that many appellants had too many responsibilities, or were too important to the country's industry, to be sent to the front.

Furthermore, the vast majority of the 'concrete verdicts' delivered by the Wellington Boards afforded the appellant some form of relief. Chart Eleven clearly illustrates the importance of considering the two types of dismissals separately. The Board members' stated concern to minimise the hardship that conscription would cause proved to be more than mere self-justification, as they regularly determined that reservists could not be expected to go into camp without time to put their affairs in order. In this regard, 77.21% of dismissals were conditional rather than unconditional, typically affording the appellant between two and six months. When the positive 'concrete verdicts' and conditional dismissals are combined, it becomes apparent that fully 89.61% of the Wellington Boards' decisions granted at least a temporary respite from military service. In the face of this figure, claims that the Boards were harsh or uncaring appear unsustainable.

**Chart Twelve - Changes in the 'Concrete Verdicts'  
Delivered by the Wellington Boards**



Sources: *Evening Post*, *Feilding Star*, *Manawatu Evening Standard*, *New Zealand Times*, *Pahiatua Herald*, *Wairarapa Daily Times* and *Wanganui Chronicle*

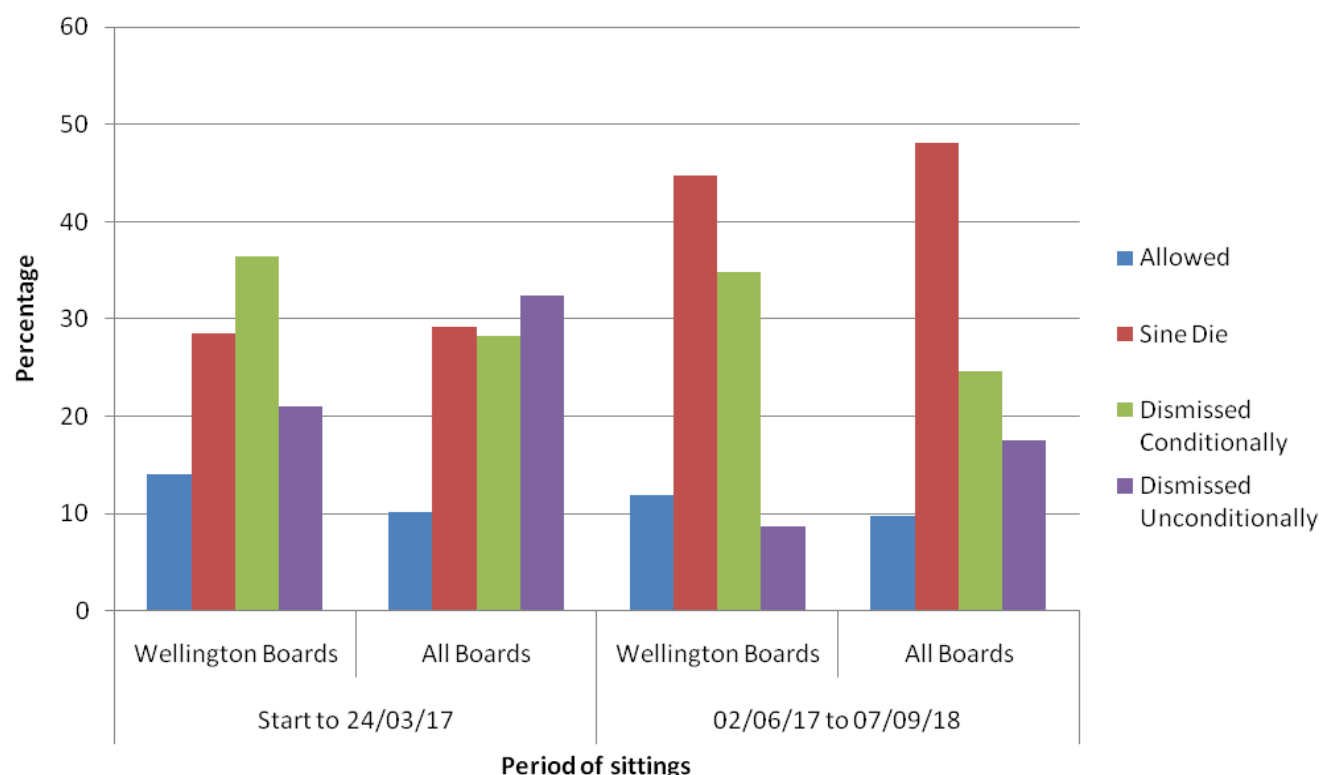
The Wellington Boards became considerably more likely to grant at least a temporary exemption once they started hearing cases from Second Division

appellants. Although Baker claims that the Boards were disposed to 'grant minimal exemptions' in the early months of sittings, Chart Twelve shows that, even prior to 31 May 1917, an appellant had a 45.30% chance of obtaining a positive 'concrete verdict' and a 81.01% chance of being given some period of relief.<sup>36</sup> Between 1 June 1917 and 30 November 1917 both of these figures increased, to 48.24% and 86.62% respectively. This was the period in which government direction of the Boards was at its most extensive. As the Wellington Boards generally proved willing to respond to these instructions, some of the rise in exemptions can be attributed to their influence. However, Chart Twelve suggests that government direction was not the biggest influence on the Wellington Boards' verdicts. The most noticeable change took place after 1 December 1917, when appeals from the Second Division began. In the next six months, positive 'concrete verdicts' rose to fully 64.14% of the total. This increase partly derived from the many appeals that were allowed because the reservist had been called up at too early a stage for his number of children; allowed verdicts declined sharply in the final period of sittings when these difficulties had been largely resolved. However, the Chart suggests that many such appellants would have received a favourable decision had they appealed on other grounds, as a sine die adjournment was easily the most common verdict after 1 December 1917. Equally significant is that unconditional dismissals became extremely rare, constituting only 6.18% of the 'concrete verdicts' reached between 1 December 1917 and 31 May 1918 and 5.35% from 1 June 1918 to the war's conclusion. These figures signify that the most important influence on the Wellington Boards' verdicts was the belief that many married men carried greater responsibilities than single men. They required far fewer of the Second Division to leave their families and enterprises behind, and the vast majority ordered to camp were given time to mitigate the resultant hardship.

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<sup>36</sup> Baker, *King and Country Call*, p. 117.

**Chart Thirteen - 'Concrete Verdicts' Delivered by the Wellington Boards Compared to those Delivered by All Boards**



Wellington Board Sources: *Evening Post*, *Feilding Star*, *Manawatu Evening Standard*, *New Zealand Times*, *Pahiatua Herald*, *Wairarapa Daily Times* and *Wanganui Chronicle*. National Sources: 'Observations on Returns of 14 April 1917, AD 1 Box 1068 64/12 and *New Zealand Herald*, 19 September 1918, p. 6.

Were the verdicts delivered by the Wellington Boards typical of those given nationally? By using returns prepared by the Defence Department, it is possible to address this question for two periods of their operations. Chart Thirteen illustrates some noticeable differences, but also a crucial similarity. In both periods, the Wellington Boards allowed a slightly higher percentage of appeals than the national average, while granting fewer sine die adjournments. However, the most significant divergence concerns the two types of dismissal. Prior to 24 March 1917, the 'concrete verdicts' delivered by the Wellington Boards included 36.39% conditional dismissals and 21.05% unconditional. In contrast, the national trend was for a higher ratio of unconditional dismissals; 32.42% of 'concrete verdicts' against 28.23%. Between 2 June 1917 and 7 September 1918, this difference became even more pronounced, an appellant who came before the Wellington Boards had a 91.36% chance of gaining at least a temporary exemption, whereas the national figure was 82.43%. Yet in terms of positive and negative 'concrete verdicts', the Wellington Boards and the national average are remarkably similar. Up to 24 March 1917,

42.55% of the 'concrete verdicts' delivered by the Wellington Boards were positive compared to 39.35% nationally. For the later sittings, the difference is even more negligible, at 56.61% and 57.83% respectively. While the Wellington Boards were more liberal in terms of granting temporary exemptions, they followed the national trend when it came to delivering positive 'concrete verdicts'.

The figures for the Wellington Boards can in part be compared to those for the British Tribunals and the Australian Exemption Courts. Some limitations are imposed on this approach by the variations in the types of exemption that these bodies could award. The British and Australian systems made hardship, occupation or, in Britain only, conscientious objections, permissible grounds for the granting of an absolute exemption from military service.<sup>37</sup> In contrast, the Wellington Boards could only grant a total exemption if the appellant was found not to be a reservist. Another discrepancy concerns the provision for the Tribunals and Exemption Courts to award 'conditional exemptions' that were contingent on certain factors; usually remaining in force as long as the appellant remained in the same occupation, but sometimes only until one of his brothers returned from the front.<sup>38</sup> The Wellington Boards attached similar conditions to most sine die adjournments, but the lack of detail in many newspaper reports makes it impossible to determine exactly how common this was.<sup>39</sup> Additionally, sine die adjournments were subject to review at any time, whereas conditional exemptions would only be varied if the appellant's situation changed. These differences make it impossible to conduct a comparison based on the likelihood of a certain type of exemption being granted. However, what can be analysed is the frequency with which appeals were dismissed unconditionally. In this regard, the figure of 10.39% of the 'concrete verdicts' delivered by the Wellington Boards is slightly lower than the 12.2% found by Phillip Spinks for the Stratford-upon-Avon Tribunal and considerably lower than 16.95% that McQuilton identifies for the Exemption Courts in North-eastern Victoria.<sup>40</sup> Nevertheless, even the Wellington

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<sup>37</sup> Phillip Spinks 'The War Courts': The Stratford-upon-Avon Borough Tribunal 1916-1918', *The Local Historian*, 32:4 (2000), pp. 210-211. McQuilton 'Back Block Boys', p. 238.

<sup>38</sup> Spinks, 'The War Courts', p. 211. McQuilton, 'Back Block Boys', pp. 239-240.

<sup>39</sup> *EP*, 28 December 1916, p. 3 and 30 December 1916, p. 6. Cooper to Gray, 22 March 1918, AD 82 Box 1 1/3. *FS*, 20 April 1918, p. 4.

<sup>40</sup> Spinks, 'The War Courts', p. 214. McQuilton 'Back Blocks Boys', p. 240.

Boards' willingness to grant at least a temporary exemption is overshadowed by that of the Calne Tribunal, which returned an outright dismissal only 8.50% of the time.<sup>41</sup>

While the Wellington Boards were considerably more inclined to deliver a positive verdict than historians have claimed, farmers received a lower-than-average percentage of such decisions. Although their position did improve, farmers were never disproportionately favoured. The Wellington Boards always remained sceptical of claims to be the 'last man', of a rural labour shortage and that food production was more important than sending men to the front. Furthermore, in their analysis of the Boards' overall verdicts, historians have unfairly included appeals where the outcome was either irrelevant, pre-determined or beyond the Boards' control. When these cases are removed, the statistics strongly support the contention that the Wellington Boards, at least, adopted a balanced attitude. From their treatment of farming appeals and the percentage of all cases that were dismissed, it is clear that the Boards did not grant exemption lightly and were determined to root out appellants who were exaggerating their difficulties. However, the fact that over half of Wellington Boards' 'concrete verdicts' were positive demonstrates that they were equally concerned to grant exemption when it was needed. Furthermore, they sought to minimise the impact of conscription by awarding the vast majority of appellant's at least temporary relief from service and by acting more liberally towards the Second Division.

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<sup>41</sup> Slocombe, 'Recruitment into the Armed Forces', p. 110.

## Conclusions

At the end of the war, Allen wrote to the members of the Military Service Boards to thank them for their efforts over the previous two years. His letter included the following passage; 'There can be no doubt that much of the remarkable success which has attended the enforcement of compulsory military service is due to the sympathetic and impartial way in which the Military Service Boards have administered the provisions of the statute.'<sup>1</sup> The findings of this thesis strongly support this contention.

Previous studies of the Boards have frequently portrayed them in an overly negative manner, at least on the evidence of the work of the Wellington Boards. This has largely stemmed from a focus on those appellants who cited conscientious objections to service, who, it has correctly been stated, were often denied exemption and subjected to hostile questioning. Yet such a narrow focus ignores most of the Boards' operations, with conscientious objectors being a distinct minority compared with those men who based their appeals on undue hardship or public interest. Whatever grounds they cited, appellants in the Wellington Provincial District certainly came before Boards who investigated their cases thoroughly and who were determined not to grant exemption unnecessarily. Yet it is the other side of the Boards' mantra that has been understated or omitted in the historiography; that no man should be unjustly sent to the front.

Claims that the Boards were allowed to operate independently are contradicted by the evidence. On the surface, the Military Service Act seemed to allocate the Boards complete discretion, while the Government configured their membership to balance sectional interests. However, the political objectives of the majority of the executive led it to undermine the notion of impartiality before sittings began. This centred on the attachment of Military Representatives who were charged with seeing cases dismissed and the issuing of extensive policies over essential industries. The amount of government direction only increased during the Boards' operations. Any perceived failure to adhere to the classification of industries, or refusal to exempt the strategic unions and the 'last man' on the farm, was met by rebukes and instructions for cases to be re-heard. The willingness of certain Ministers to control the Boards is most

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<sup>1</sup> 29 November 1918, AD 82 Box 1 1/3.

evident during the Catholic exemption crisis, when Allen was only prevented from overturning their decisions by the political objections of his Cabinet colleagues, especially Attorney-General Herdman.

The argument that the Boards refused to follow the Government's lead is in need of substantial qualification. Undoubtedly, some showed a reluctance to exempt theological students, while the First Wellington Board actively resisted the policy of automatically exempting 'last men'. Yet these were the two exceptions to an overwhelming pattern of compliance. The Boards' saw the Government's directions as a vital component in their efforts to reach an informed decision and frequently requested additional guidance. As the executive desired, appeals from seafarers and slaughtermen were virtually guaranteed to be successful. Furthermore, Allen insisted that the Boards followed the classification of industries and the directive to exempt the 'last man'. In the case of the Wellington Boards, quantitative evidence demonstrates compliance on the issue of essential industries, particularly by the Second and Third Boards. All the Wellington Boards seem to have remained sceptical on claims to be the 'last man'.

A crucial weakness of previous studies is their failure to consider how the attachment of Military Representatives affected the balance of the Boards. Relations between these officers and the Boards' civilian members were generally amicable, as a fundamental aspect of their approach was the same. Both sought to root out 'shirkers' by probing testimony, while holding in contempt those appellants perceived as being unwilling to make sacrifices in order to serve. Yet the Military Representatives' relentless efforts to secure men conflicted with the civilian members' belief that preserving an equality of sacrifice required some exemptions. Several organisations recognised this discrepancy and singled the officers out for criticism. The actions of the Military Representatives seriously compromised the Boards' efforts to appear impartial.

Eligible New Zealanders were considerably less likely to appeal than historians have indicated. Rather than nearly half of all balloted men choosing to come before the Boards, the true figure was just over a third. This means that a lower percentage of New Zealanders appealed than their counterparts in Britain, Australia and Canada. Beyond this general position, there were considerable variations between the

occupational classifications. Some groups, particularly farmers, were heavily overrepresented amongst the appellants, whereas others, such as industrial and commercial workers, were underrepresented. Regardless of their calling, the overwhelming majority of appellants professed an earnest desire to serve were it not for their responsibilities, an assertion supported by the Board Chairmen in the majority of cases. Nevertheless, the argument that certain appellants pragmatically concealed a reluctance to go in order to give themselves some hope of exemption is one that is both impossible to discount and impossible to measure.

There is certainly evidence to support claims that the Boards were harsh in their treatment of conscientious objectors. When assessing a denomination's claims to exemption, an emphasis was placed on its possession of a written constitution prohibiting military service. Such a requirement was not explicitly called for in the Act. Additionally, the Boards' questioning of objectors was at times brutal. Yet the frequency of this kind of treatment has been exaggerated. In many cases, Parliament had completely removed the Boards' discretion to exempt conscientious objectors. In others, it was the testimony of the objectors themselves that cast doubts over whether their denomination was eligible for non-military service in New Zealand. The Boards' central focus was on assessing the objectors' claims to exemption, an objective that usually led to detailed questioning rather than hostility. The comments objectors were subjected to were no worse than those directed at appellants on other grounds who were perceived as shirking their duty.

Statistical analysis of the verdicts given by the Wellington Boards provides compelling evidence that they adhered to a mantra of not unduly exempting men, but not unduly forcing them to go either. This doctrine worked against many farmers, who failed to convince the Boards that they could not be replaced and would be forced to sell their holdings. Overall, however, the Boards did what they could to mitigate the hardship that conscription would cause to the appellants and their families. The most important statistic is that the Wellington Boards delivered a positive 'concrete verdict' more often than a negative one. Furthermore, the vast majority of appellants who had their cases dismissed were given time to arrange their affairs. One of the central tenets of the Boards' philosophy was that the greater responsibilities held by Second Division men meant fewer of them could be expected

to serve. They adhered to this conviction by becoming more liberal after December 1917.

Studies of conscription in New Zealand during the First World War simply cannot ignore the Military Service Boards' operations. The reports of their hearings provide invaluable information on the attitudes of different groups and individuals towards serving in the war. Furthermore, they illustrate how some men came to fight and die at the front, while others remained at home to carry out other responsibilities. This thesis has endeavoured to portray the workings of the Wellington Boards and has only briefly considered the Boards' operations nationally. Statistical data on their verdicts seems to indicate that the other Boards' held similar attitudes to those in the Wellington District, but statistics can only tell part of the story that a full investigation of their sittings would divulge. Equally, it would be revealing to consider how the grounds of appeal differed across the country and whether farmers were always the most likely group to claim exemption. There is also scope for a more comprehensive analysis of how the Boards' hearings compared to those of the Tribunals in Britain and Exemption Courts in Australia, to determine whether the experience of appellants varied across the Empire. On the evidence from the Wellington Boards and the limited comparisons that can be made with the situations in Britain, Australia and Canada, there would seem to be a *prima facie* case that New Zealand men were more willing to accept their call-up and that the Dominion's Military Service Boards were more likely to deliver positive verdicts to appellants.

# Appendix

## Definition of Occupational Categories Used

### 1. Professional

*'Embracing all persons, not otherwise classed, mainly engaged in the government and defence of the country and in satisfying the moral, intellectual, and social wants of its inhabitants'.*

Officer of Government Department, Officer of Local Government, Officer of Defence Department, Officer of Law Department, Judge, Court Officer/Clerk, Magistrate, Lawyer, Law Clerk, Policeman, Prison Warden, Cleric, Theological Student, Salvation Army Officer, Charity Worker, Officer of Health Department, Doctor, Dentist, Chemist, Veterinary Surgeon, Journalist, Scientist, Civil Engineer, Surveyor, Architect, Officer of Education Department, Professor, Teacher, Photographer, Actor, Jockey, Zoological/Botanical Gardener.

### 2. Domestic

*'Embracing all persons engaged in the supply of board and lodging and in rendering personal services for which remuneration is usually paid'.*

Hotelkeeper, Servant, Attendant, Nurse, Groom, Coachman, Gardener, Porter, Caretaker, Cleaner, Hairdresser, Laundryman.

### 3. Commercial

*'Embracing all persons directly connected with the hire, sale, transfer, distribution, storage, and security of property and materials'.*

Bank Manager, Banker, Stockbroker, Public Accountant/Auditor, Adjuster, Auctioneer, Fire-brigade Officer, Estate Agent, House-proprietor, Bookseller, Agent, Newsagent, Music Importer/Seller, Dealer, Scientific Instrument Importer, Draper, Butcher, Fishmonger, Milk Vendor, Grocer, Shopkeeper, Tobacconist, Merchant, Commercial Traveller, Cashier, Clerk, Bookmaker, Warehouseman, Butcher.

### 4. Transport and Communications

*'Embracing all persons engaged in the transport of persons or goods or in effecting communications'.*

Railway Officer, Railway Clerk, Engine-driver, Railway Fireman, Railway Cleaner, Railway Guard, Railway Shunter, Railway Porter, Railway Labourer, Tramway Officer, Tram Conductor, Motor-car Proprietor, Motor-car Driver, Carter, Carrier, Harbour Board Officer, Pilot, Lighthouse-keeper, Ship's Officer, Ship's Engineer, Ship's Fireman, Shipping Clerk, Seaman, Ship's Steward, Ship's Cook,

Stevedore, Wharf Labourer, Wharfinger, Letter Carrier, Postal Officer, Telegraph Officer, Telegraph Operator, Messenger, Radio Operator, Taxi-proprietor, Taxi-driver.

## **5. Industrial**

*‘Embracing all persons, not otherwise classed, who are principally engaged in various works of utility or in specialities connected with the manufacture, construction, modification, or alteration of materials so as to render them more available for the various uses of man, but excluding, so far as possible, all who are mainly or solely engaged in the service of commercial interchange’.*

Shipwright, Shipbuilder, Cabinetmaker, Furniture-maker, Upholsterer, Sawmill Proprietor/Worker, Joiner, Cooper, Paint-manufacturer, Cotton manufacturer, Dyer, Clothing-manufacturer, Hat Maker, Bootmaker, Flaxmill Owner/Worker, Slaughterman, Meat Preserver, Meat Inspector, Fish-curer, Butter/Cheese Maker, Animal-food Refrigerator, Baker, Confectionary Maker, Brewer, Cordial Manufacturer, Fellmonger, Tanner, Fencer, Jeweller, Tinsmith, Blacksmith, Farrier, Ironmoulder, Wire and Cable Worker, Builder, Carpenter, Plumber, Teamster, Painter, Polish Mixer, Upholsterer, Bricklayer, Plasterer, Stonemason, Compositor, Tailor, Printer, Contractor, Bookbinder, Factory Manager, Factory Foreman.

## **6. Farmers, 7. Farm Workers and 8. Other Primary Producers**

*‘Embracing all persons mainly engaged in the cultivation or acquisition of food products and in obtaining other materials from natural sources’.*

**Farmers:** Farmer, Dairy Farmer, Poultry Farmer, Sheep Farmer, Pig Farmer, Station Manager, Stock-breeder, Orchardist, Vine Grower, Grazier, Pastoralist, Market Gardener, Horticulturalist, Farm Contractor.

**Farm Workers:** Farm Manager, Farm Worker, Farm Hand, Shearer, Shepherd, Drover, Ploughman, Milker, Station Hand, Pastoral Labourer, Pastoral Assistant, Pastoral Gardner, Stud Groom, Wool Classer, Agricultural Machinery Driver.

**Others Engaged in Primary Production:** Bee Keeper, Rabbitier, Fisherman, Woodsman, Bushman, Flax Cutter, Coal Miner, Gold Miner, Quarryman.

Source: Categories 1 to 5 are taken directly from the *Census of New Zealand*, 1916. Categories 6 to 8 are a division of one group in the *Census*, part IX, p. 2.

# **Bibliography**

## **PRIMARY SOURCES**

### **Archives New Zealand, Wellington Office**

#### **Army Department**

AD 1 Box 712 9/169 (part 2) - Expeditionary Force - Recruiting Organisation.

AD 1 Box 733 10/407 (part 1) - Territorial Force - Exemptions - Religious Objectors NZEF.

AD 1 Box 734 10/407 (parts 2 and 3) - Territorial Force - Exemptions - Religious Objectors NZEF.

AD 1 Box 736 10/477 - Territorial Force - Exemption - Ministers of Religion.

AD 1 Box 736 10/512 - Territorial Force - Exemption - Reservists under Military Service Act.

AD 1 Box 765 20/43 - Conferences - Conference - Chairmen Military Service Boards.

AD 1 Box 769 22/117- Courts Martial and Courts of Inquiry - Boards (Military Service) Proposals.

AD 1 Box 769 22/117/1 - Courts Martial and Courts of Inquiry - Boards (Military Service) Proposals.

AD 1 Box 769 22/140 - Courts Martial and Courts of Inquiry - Board (Appeal) - Military Representatives on Military Service - Appeal Board.

AD 1 Box 850 22/151 - Courts Martial and Courts of Inquiry - Boards (Medical and Military Service) - Formation of Additional Boards.

AD 1 Box 896 39/275 - Reports - Reports Military Service and Medical Boards.

AD 1 Box 1038 64/12 - Returns - Recruiting and Observations thereon.

AD 1 Box 1038 64/12/1 - Returns - Recruiting and Observations thereon.

AD 1 Box 1039 64/51 - Returns - Exemptions - Sine Die - Granted Military Service Boards.

AD 1 Box 1044 65/185 - Miscellaneous - Exemptions under Military Service Act.

AD 1 Box 1046 66/8 - Conscription - Secretaries Trade Union Appealing as Employers.

AD 1 Box 1046 66/32 - Conscription - Appeals under Military Service Act - Comments On.

AD 1 Box 1046 66/57 - Conscription - Act - Military Service - Report on Compulsory Military Service.

AD 82 Box 1 1/3 - 1st Wellington MS [Military Service] Board - General, September 1916 - December 1918.

AD 82 Box 1 1/3/7 - 1<sup>st</sup> Wellington MS [Military Service] Board - Military Representative, January 1917 - August 1918.

AD 82 Box 1 1/4 - 2nd Wellington MS [Military Service] Board - General, January 1917 - November 1918.

AD 82 Box 1 1/5 (part 1) - 3<sup>rd</sup> Wellington MS [Military Service] Board - General, December 1916 - November 1918.

AD 82 Box 2 1/5 (part 2) - 3<sup>rd</sup> Wellington MS [Military Service] Board - General, January 1917 - March 1918.

AD 82 Box 2 1/11/1 - Military Service Boards - General, August 1916 - October 1917.

AD 82 Box 2 1/11/2 - Military Service Boards - General, October 1917 - December 1918.

AD 82 Box 2 1/11/5 - Military Service Boards - Final Appeal Board, February - March 1917.

AD 82 Box 2 1/11/8 - Military Service Board - Military Representatives, August 1918.

AD 82 Box 3 1/21 - Appeals, February 1916 - February 1918.

AD 82 Box 3 1/22 - Report of Wellington MS [Military Service] Board, December 1918.

AD 82 Box 4 5/1 - Roman Catholic Priests and Marist Brothers, November 1916 - July 1918.

AD 82 Box 7 28/1 - General - Coalminers, September 1916 - October 1918.

AD 82 Box 7 30/1 - Exemption - General, July 1916 - December 1918.

AD 82 Box 7 36 - Seamen, Firemen etc., June 1916 - December 1918.

AD 82 Box 7 46/1 - Chairmen of MS [Military Service] Boards, 29 November 1917.

AD 82 Box 7 46/2 - Chairmen of MS [Military Service] Boards, February - April 1918.

AD 82 Box 7 46/4 - Re Freezing Industry Employees and Military Service, October - December 1917.

AD 82 Box 7 46/5 - Chairmen of MS [Military Service] Boards, December 1916.

AD 82 Box 7 46/6 - Chairmen of MS [Military Service] Boards, March - April 1917.

AD 82 Box 7 46/7 - Chairmen of MS [Military Service] Boards, July - August 1917.

AD 82 Box 7 51 - Returns Showing Appeals Adjourned Sine Die Classified Into Occupations, May 1918.

AD 82 Box 8 74 - Shearers and Slaughtermen, November 1916 - March 1918.

AD 82 Box 9 85 - MS [Military Service] Act, 1916, Regulations etc, and Opinions of Solicitor-General, July 1916 - July 1919.

### **National Efficiency Board**

NEB 1 Box 9 365 - Regarding Practice of Military Service Boards in Regard to Cases Adjourned Sine Die.

NEB 1 Box 16 703 - Report of Second Military Service Boards Conference.

NEB 1 Box 19 917 - Military Service Boards' Advice to Appellant Farmers to Raise Rate of Wages so as to Obtain Labour.

NEB-W 1 Box 808 - Regarding Statements Made Before Military Service Boards by Military Representatives.

### **Sir James Allen Papers**

ALLEN, J. 1 Box 2 M1/15 - Ministerial Files - Correspondence with General Godley.

ALLEN, J. 1 Box 3 M1/57 - Ministerial Files - Correspondence with Governor General, 1917.

ALLEN, J. 1 Box 9 - Miscellaneous Files and Papers - Correspondence between J Allen and WF Massey, September 1916 - August 1919.

ALLEN, J. 1 Box 9 - Correspondence with Colonels Birdwood and Russell, December 1914 - March 1920.

ALLEN, J. 1 Box 11 - Miscellaneous Files and Papers - National Efficiency Board Miscellaneous Papers.

### **Official Government Publications**

*Appendices to the Journal of the House of Representatives*

*Census of New Zealand*

*New Zealand Gazette*

*New Zealand Official Yearbook*

*New Zealand Parliamentary Debates*

*New Zealand Statutes*

*Statistics of the Dominion of New Zealand*

## **Official Lists and Rolls**

*Numerical List of Reservists, Volumes 1-8.* Microfilms 3547, 3548, 3551, 3553, 3555, 3557, 3559 and 3561 held by Wellington Office, Archives New Zealand.

St Johns Branch, New Zealand Society of Genealogists, *New Zealand World War I Service Personnel & Reserves Index*, CD-ROM, Auckland: St Johns Branch New Zealand Genealogists Society, 2002.

## **Newspapers**

*Evening Post* (May 1916 - November 1918)

*Feilding Star* (May 1916 - November 1918)

*Manawatu Evening Standard* (May 1916 - November 1918)

*New Zealand Herald* (24 November 1916 and 18 September 1918)

*New Zealand Times* (May 1916 - November 1918)

*Pahiatua Herald* (May 1916 - November 1918)

*Wairarapa Daily Times* (May 1916 - November 1918)

*Wanganui Chronicle* (May 1916 - November 1918)

## **Primary Publications**

Baxter, Archibald, *We Will Not Cease*, Whatamongo Bay: Cape Catley, 1983.

Holland, H.E., *Armageddon or Calvary: The Conscientious Objectors of New Zealand and "the Process of their Conversion"*, Wellington: Maoriland Worker Printing and Publishing Co., 1919.

Second Division League, *Proceedings of the Second Division League Conference, Wellington, July 18-20 1917*, New Plymouth, 1917.

Sleeman, J.L., 'The Supply of Reinforcements during the War' in H.T.B. Drew (ed.), *The War Effort of New Zealand*, Auckland: Whitcombe and Tombs, 1923, pp. 1-22.

## SECONDARY SOURCES

### Web Based

Atkinson, Neill, 'Mack, Matthew Joseph 1867-1951'.

*Dictionary of New Zealand Biography*, retrieved 16 April 2009,  
<http://www.dnzb.govt.nz/>

Butterworth, Susan, 'Herdman, Alexander Lawrence 1869-1953'.

*Dictionary of New Zealand Biography*, retrieved 3 June 2009,  
<http://www.dnzb.govt.nz/>

Cyclopedia Company Limited, *The Cyclopedia of New Zealand [Taranaki, Hawke's Bay & Wellington Provincial Districts]*, Christchurch, 1908, retrieved from 'New Zealand Electronic Text Centre', 3 July 2009,  
<http://www.nzetc.org/tm/scholarly/tei-Cyc06Cycl-t1-body1-d3-d36-d14.html#name-418592-mention>

McGibbon, Ian, 'Allen, James 1855-1942'.

*Dictionary of New Zealand Biography*, retrieved 16 April 2009,  
<http://www.dnzb.govt.nz/>

Taylor, Kerry, 'McLaren, David 1867-1872? -1939'.

*Dictionary of New Zealand Biography*, retrieved 16 April 2009,  
<http://www.dnzb.govt.nz/>

### Articles

Condliffe, J.B., 'New Zealand during the War', *The Economic Journal*, 29:114 (June, 1919), pp. 167-185.

McDermott, James, 'Conscience and the Military Service Tribunals during the First World War: Experiences in Northamptonshire', *War in History*, 17:1 (2010), pp. 60-85.

McQuilton, John, 'Doing the "Back Block Boys Some Good", the Exemption Court Hearings in North-eastern Victoria, 1916', *Australian Historical Studies*, 31:115 (2000), pp. 237-251.

O'Connor, P.S., 'The Awkward Ones - Dealing with Conscience, 1916-1918', *New Zealand Journal of History*, 8:2 (1974), pp. 118-37.

-----, 'Storm Over the Clergy - New Zealand, 1917', *Journal of Religious History*, 4:2 (1966), pp. 129-148.

Slocombe, Ivor, 'Recruitment into the Armed Forces during the First World War: The Work of the Military Tribunals in Wiltshire, 1915-1918', *The Local Historian*, 30:2 (2000), pp. 105-124.

Spinks, Philip, 'The War Courts': The Stratford-upon-Avon Borough Tribunal, 1916-1918', *The Local Historian*, 32:4 (2000), pp. 210-218.

## Articles in Edited Collections

Martin, John E., 'Blueprint for the Future? 'National Efficiency' and the First World War' in John Crawford and Ian McGibbon (eds), *New Zealand's Great War: New Zealand, the Allies and the First World War*, Auckland: Exisle, 2007, pp. 516-533.

McGibbon, Ian, 'The Price of Empire' in Bronwyn Dalley and Gavin McLean (eds), *Frontier of Dreams: The Story of New Zealand*, Auckland: Hachette Livre NZ, 2005, pp. 216-245.

McLean, Gavin, 'The Fourth Service: The Merchant Marine's War', in John Crawford and Ian McGibbon (eds), *New Zealand's Great War: New Zealand, the Allies and the First World War*, Auckland: Exisle, 2007, pp. 406-424.

Richardson, Len, 'Parties and Political Change' in Geoffrey W. Rice (ed.), *The Oxford History of New Zealand*, 2<sup>nd</sup> edition, Auckland: Oxford University Press, 1992, pp. 201-229.

-----, 'Politics and War: Coal Miners and Conscription, 1914-18' in Philip Ross May (ed.), *Miners and Militants: Politics in Westland, 1865- 1918*, Christchurch: Whitcoulls, 1975, pp. 128-155.

Watson, James, 'Patriotism, Profits and Problems: New Zealand Farming during the Great War' in John Crawford and Ian McGibbon (eds), *New Zealand's Great War: New Zealand, the Allies and the First World War*, Auckland: Exisle, 2007, pp. 534-549.

## Theses and Research Essays

Baker, Paul, 'New Zealanders, the Great War, and Conscription', PhD Thesis in History, University of Auckland, 1986.

Hucker, Graham, 'The Rural Home Front: A New Zealand Region and the Great War, 1914-1926', PhD Thesis in History, Massey University, 2006.

Inder, Sonia, 'Middlemarch 1914-1918', PG Dip Research Essay in History, University of Otago, 1992.

Parsons, Gwen A., 'The Many Derelicts of the War'? Repatriation and Great War Veterans in Dunedin and Ashburton, 1918 to 1928', PhD Thesis in History, University of Otago, 2008.

-----, 'The Christchurch Community at War 1914-1918: Society, Discourse and Power', MA Thesis in History, University of Canterbury, 2003.

Stratton, Kerry, 'Doing Their Bit' The Impact of the First World War on the Inhabitants of Tuapeka County', PG Dip Research Essay in History, University of Otago, 1992.

Wright, Natalie J., 'Clutha at War! The Impact of the First World War on the District of Clutha', Research Exercise in History, University of Otago, 1993.

## **Books**

Adams, R.J.Q. and Poirier, Philip, P., *The Conscription Controversy in Great Britain, 1900-18*, Ohio: Ohio State University Press, 1987.

Baker, Paul, *King and Country Call: New Zealanders, Conscription and the Great War*, Auckland: Auckland University Press, 1988.

Barber, Laurie, *New Zealand: A Short History*, Auckland: Century Hutchinson, 1989.

Belich, James, *Paradise Reforged: A History of the New Zealanders from the 1880s to the Year 2000*, Auckland: Penguin, 2001.

Bollinger, Conrad, *Against the Wind: The Story of the New Zealand Seaman's Union*, Wellington: NZSU, 1968.

Boulton, D., *Objection Overruled*, London: MacGibbon & Kee, 1967.

Crawford, John and McGibbon, Ian (eds), *New Zealand's Great War: New Zealand, the Allies and the First World War*, Auckland: Exisle, 2007.

Department of Internal Affairs, *The Dictionary of New Zealand Biography: Volume 3, 1901-1920*, Wellington and Auckland: Department of Internal Affairs and University of Auckland Press, 1996.

Farland, Bruce, *Farmer Bill: William Ferguson Massey and the Reform Party*, Wellington: First Edition, 2008.

Flynn, George Q., *Conscription and Democracy: The Draft in France, Great Britain, and the United States*, Westport: Greenwood Press, 2002.

Granatstein, J.L. and Hitsman, J.M., *Broken Promises: A History of Conscription in Canada*, Toronto: Oxford University Press, 1977.

Grant, David, *Field Punishment No 1: Archibald Baxter, Mark Briggs & New Zealand's Anti-militarist Tradition*, Wellington: Steele Roberts, 2008.

-----, *Out in the Cold: Pacifists and Conscientious Objectors in New Zealand during World War II*, Auckland: Reed Methuen, 1986.

- Gustafson, Barry, *Labour's Path to Political Independence: The Origins and Establishment of the New Zealand Labour Party 1900-19*, Auckland: University of Auckland Press, 1980.
- Holt, James, *Compulsory Arbitration in New Zealand: The First Forty Years*, Auckland: Auckland University Press, 1986.
- Hamer, David, *The New Zealand Liberals: The Years of Power, 1891-1912*, Auckland: Auckland University Press, 1988.
- King, Michael, *The Penguin History of New Zealand*, Auckland: Penguin, 2003.
- Knaplund, Paul, *Britain, Commonwealth and Empire, 1901-1955*, London: Hamish Hamilton, 1956.
- Locke, Elsie, *Peace People: A History of Peace Activities in New Zealand*, Christchurch: Hazard Press, 1992.
- Lucas, Sir Charles (ed.), *The Empire at War: Volume III*, London: Oxford University Press, 1924.
- Marwick, Arthur, *The Deluge: British Society and the First World War*, London: Macmillan, 1978.
- McKernan, Michael, *The Australian People and the Great War*, Melbourne: Nelson, 1980.
- Nolan, Melanie, *Breadwinning: New Zealand Women and the State*, Christchurch: Canterbury University Press, 2000.
- Oliver, W.H., *The Story of New Zealand*, London: Faber and Faber, 1960.
- Phillips, Jock, *A Man's Country?: The Image of the Pakeha Male - A History*, Revised edition, Auckland: Penguin, 1996.
- Rae, John, *Conscience and Politics: The British Government and the Conscientious Objector to Military Service, 1916-1919*, London: Oxford University Press, 1970.
- Scanlan, Nelle M., *Tides of Youth*, London: Jarrolds Publishers, 1933.
- Scholefield, Guy H., *Newspapers in New Zealand*, Wellington: A.H. and A.W. Reed, 1958.
- , *Who's Who in New Zealand and the Western Pacific, 1925*, Napier: G.W. Venables & Company Ltd., 1924.
- Shenk, Gerald E., *"Work or Fight!" Race, Gender, and the Draft in World War One*, New York: Palgrave MacMillan, 2005.

- Sinclair, Keith, *A Destiny Apart: New Zealand's Search for National Identity*, Wellington: Allen & Unwin in association with the Port Nicholson Press, 1986.
- Smith, Philippa Mein, *A Concise History of New Zealand*, Cambridge: Cambridge University Press, 2005.
- Winter, Denis, *Death's Men: Soldiers of the Great War*, London: Penguin, 1978.
- Wright, Matthew, *Reed Illustrated History of New Zealand*, Auckland: Reed, 2004.