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# **The Tool and Instrument of the Military?**

**The Operations of the Military Service Tribunals in  
the East Central Division of the West Riding of  
Yorkshire and those of the Military Service Boards  
in New Zealand, 1916-1918**

A thesis presented in partial fulfilment of the requirements for the  
degree of Doctor of Philosophy in History at Massey University

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## **Abstract**

The Military Service Acts that implemented conscription in Great Britain and New Zealand during 1916 permitted appeals for exemption to a Military Service Tribunal or Military Service Board respectively. Although claims lodged on the grounds of hardship or occupation were by far the most common, historians have overwhelmingly focused on that distinct minority of individuals who cited conscientious objections. Furthermore, there has been no attempt to compare the structure, or the workings, of the exemption systems in these two countries.

By employing a 'British World' approach, this thesis compares the operations of the Tribunals in the East Central Division of the West Riding of Yorkshire with those of the Boards across New Zealand. It investigates the relationship between the appeal bodies and their respective governments and militaries, to assess how far each claim was judged on its merits. It also analyses the appointment of personnel and the attitudes that the Tribunal and Board members adopted during their hearings. Finally, this thesis considers the proportion of men who appealed, or were appealed for, and the likelihood of them receiving a favourable verdict.

The operations of the Tribunals and the Boards exhibit some striking differences. Large numbers of Tribunals were established with diverse and locally chosen memberships, whereas the personnel for the handful of Boards were appointed according to a prescribed formula. Moreover, the Tribunal members received a plethora of ambiguous directions, which, when combined with a tendency to prioritise the needs of their communities, led to significant inconsistencies of procedure and decision. In contrast, the New Zealand Government exerted strong centralised control, an approach that coincided with the Board members' desire to achieve uniformity.

Despite these significant discrepancies, appellants in both the East Central Division and New Zealand were more likely to be awarded some period of relief from military service than to have their conscription simply confirmed.

## **Acknowledgements**

Although the title page states this thesis is by 'David Littlewood', it simply would not exist in its current form without assistance. My greatest debt is to my wife, Kat, whose love and support always make me feel incredibly lucky. Family members have been behind me throughout and I particularly want to thank my Dad for his tireless efforts obtaining sources for me in the UK.

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I have experienced dedicated assistance at all of the repositories listed in the bibliography. However, a special mention must go to the staff at the Huddersfield Local Studies Library and Kirklees Archives, who managed to locate several previously undiscovered treasures on my behalf.

This thesis is dedicated to the individuals who engaged with the British and New Zealand exemption systems. While some of their sentiments may appear strange or even distasteful to a modern audience, they are surely best viewed as quintessentially human responses to a time of great uncertainty. I only hope all those involved would agree with at least part of what I have to say.

David Littlewood, 2015

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## **List of Charts**

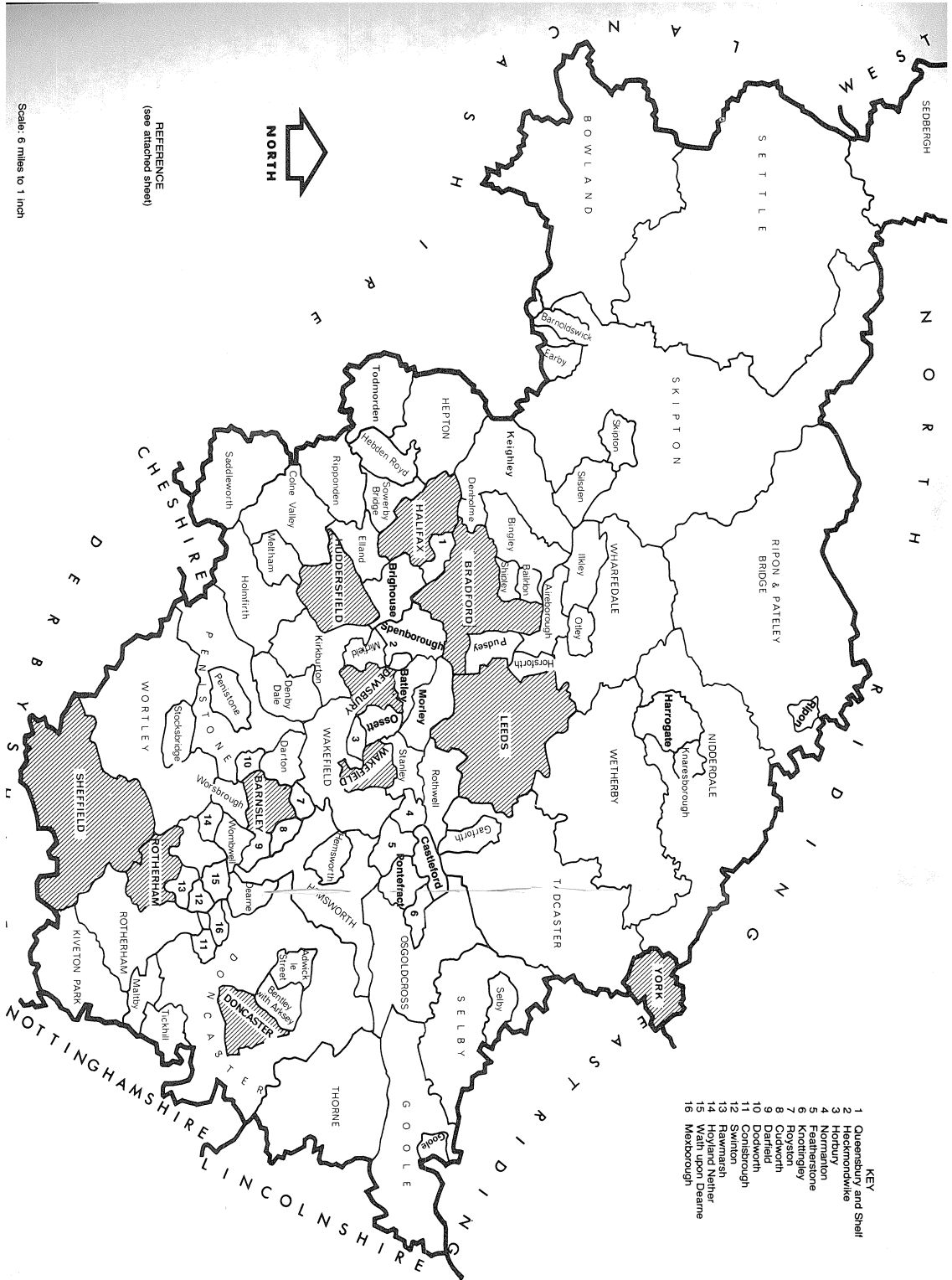
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## Abbreviations

AG	<i>Ashburton Guardian</i>
AJHR	<i>Appendices to the Journals of the House of Representatives</i>
ANZ	Archives New Zealand
AP	Sir James Allen Papers
AS	<i>Auckland Star</i>
AsqP	Papers of Herbert Henry Asquith
ATL	Alexander Turnbull Library
BC	<i>Barnsley Chronicle</i>
BI	<i>Barnsley Independent</i>
BLTF	Birstall Local Tribunal Files
BN	<i>Batley News</i>
BodL	Bodleian Library
C	<i>Colonist</i>
CA	Calderdale Archives
CSG	<i>Cleckheaton &amp; Spenborough Guardian</i>
CVG	<i>Colne Valley Guardian</i>
DDN	<i>Dewsbury District News</i>
DEN	<i>Dannevirke Evening News</i>
DR	<i>Dewsbury Reporter</i>
ECAT	East Central Division Appeal Tribunal
EP	<i>Evening Post</i>
FS	<i>Feilding Star</i>
FUA	<i>Farmers' Union Advocate</i>
GRA	<i>Grey River Argus</i>
GT	<i>Goole Times</i>
HBT	<i>Hawke's Bay Tribune</i>
HC	<i>Huddersfield Chronicle</i>
HE	<i>Holmfirth Express</i>
HEX	<i>Huddersfield Examiner</i>
HHP	Harris Hoyle Papers
HNS	<i>Hawera &amp; Normanby Star</i>
H of C	House of Commons
H of L	House of Lords
HORP	Herbert Otto Roth Papers (Biographical Notes)
ILP	Independent Labour Party
KA	Kirklees Archives
LA	Leeds Archives
LGB	Local Government Board
MARO	Munitions Area Recruitment Officer
ME	<i>Marlborough Express</i>
MES	<i>Manawatu Evening Standard</i>
MP	Member of Parliament
MW	<i>Maoriland Worker</i>
NEB	National Efficiency Board
NZG	<i>New Zealand Gazette</i>
NZH	<i>New Zealand Herald</i>
NZPD	<i>New Zealand Parliamentary Debates</i>

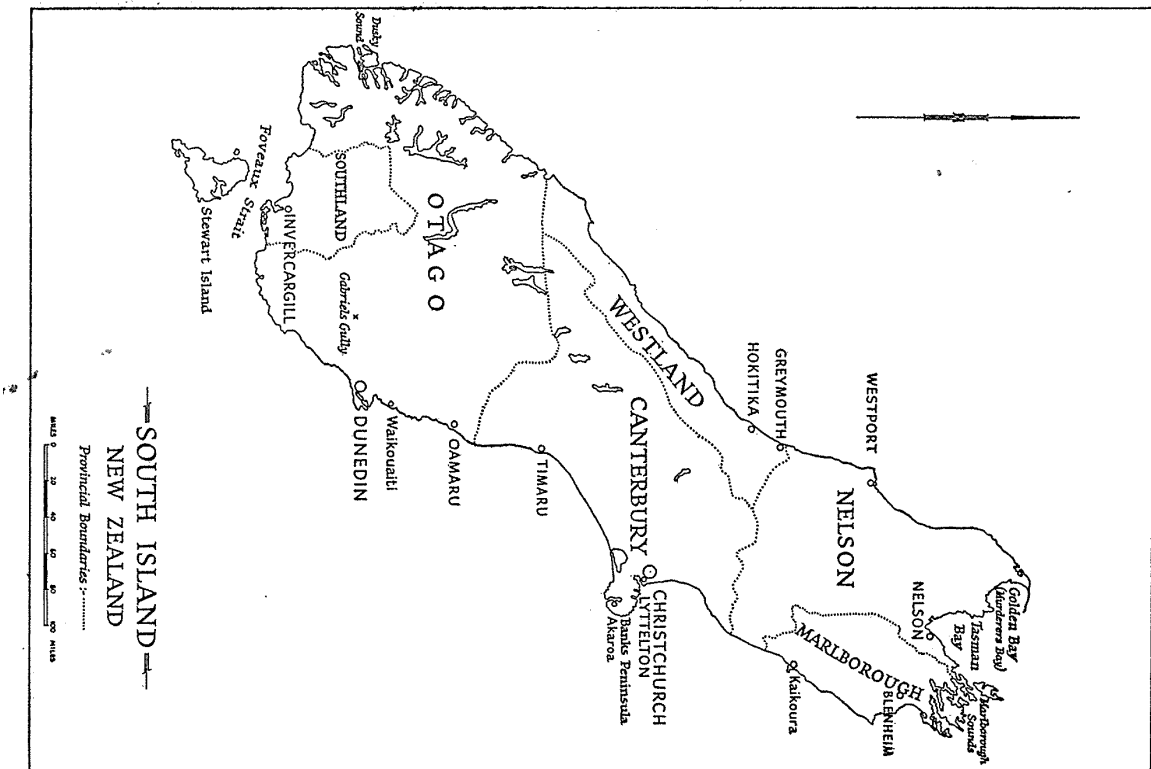
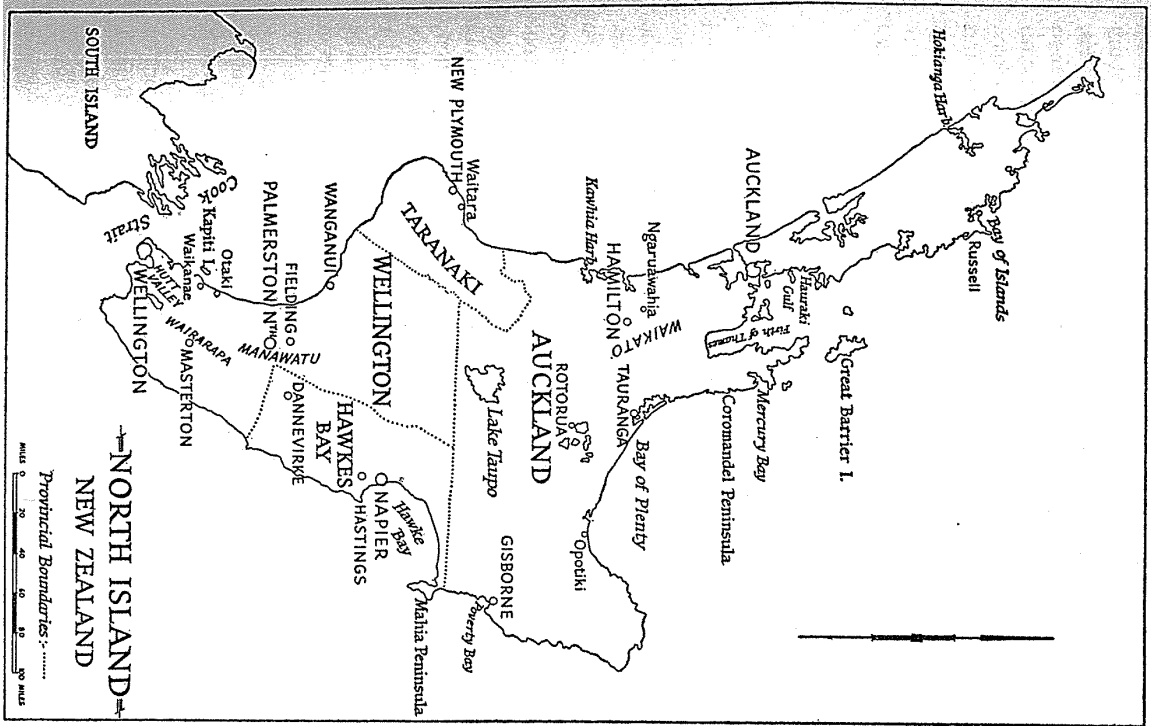
<i>NZS</i>	<i>New Zealand Statutes</i>
<i>NZT</i>	<i>New Zealand Times</i>
<i>ODT</i>	<i>Otago Daily Times</i>
<i>OO</i>	<i>Ossett Observer</i>
<i>P</i>	<i>Press</i>
<i>PBH</i>	<i>Poverty Bay Herald</i>
<i>PCE</i>	<i>Pontefract &amp; Castleford Express</i>
<i>PH</i>	<i>Pahiatua Herald</i>
<i>ST</i>	<i>Southland Times</i>
<i>TBL</i>	<i>The British Library</i>
<i>TH</i>	<i>Taranaki Herald</i>
<i>TNA</i>	<i>The National Archives</i>
<i>W</i>	<i>Worker</i>
<i>WC</i>	<i>Wanganui Chronicle</i>
<i>WDT</i>	<i>Wairarapa Daily Times</i>
<i>WE</i>	<i>Wakefield Express</i>
<i>WSHC</i>	<i>Wiltshire and Swindon History Centre</i>
<i>WT</i>	<i>Waikato Times</i>

# Map One: County of the West Riding of Yorkshire



Source: West Riding County Council, *West Riding of Yorkshire County Services Handbook*, Wakefield: West Riding County Council, 1965.

# Map Two: New Zealand Provincial Districts



Source: W.H. Oliver, *The Story of New Zealand*, London: Faber and Faber, 1960, pp. 54-55.

## Introduction

On 7 October 1916, Albert Walker, a blanket raiser from Dewsbury, explained why he should be exempted from conscription into the British Army. He was the sole support of his father, who had been injured in a textile mill accident, and a sister who looked after the family home. Three of his brothers were serving with the forces and two others had recently been called up. In view of this precarious domestic situation, and the sacrifices made by his family, Walker was granted a conditional exemption.<sup>1</sup> Seven months later, Charles Sneddon made a similar plea at Hawera in New Zealand. As well as owning an 897-acre farm, he was working his father's property 12 miles away, which carried 400 breeding ewes and 40 head of cattle. The proceeds from these two holdings provided for his mother and father, who were aged 80 and 71 respectively. On the strength of this testimony, Sneddon was awarded *sine die* (indefinite) relief from military service.<sup>2</sup> Although they both had to renew their claims in the years that followed, Walker and Sneddon were successful in obtaining further exemption and thereby spent the rest of the Great War at home.<sup>3</sup>

These accounts exemplify a critical aspect of recruitment in Britain and New Zealand, but one that has not been fully analysed by historians. While a plethora of studies have discussed why so many men decided to volunteer, the experiences of those who were called up under conscription have received relatively little scrutiny.<sup>4</sup> Even when the implementation of the respective Military Service Acts has been investigated, scholars have usually focused on only the distinct minority

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<sup>1</sup> *Batley News*, 14 October 1916, p. 7.

<sup>2</sup> *Hawera & Normanby Star (HNS)*, 19 May 1917, p. 2, 15 June 1917, p. 5 and 16 October 1917, p. 5; *Wanganui Chronicle*, 21 May 1917, p. 4.

<sup>3</sup> *HNS*, 7 June 1918, p. 5.

<sup>4</sup> John Morton Osborne, *The Voluntary Recruiting Movement in Britain, 1914-1916*, New York: Garland, 1982, pp. 73-105; Catriona Pennell, *A Kingdom United: Popular Responses to the Outbreak of the First World War in Britain and Ireland*, Oxford: Oxford University Press, 2012, pp. 143-62; David Silbey, *The British Working Class and Enthusiasm for War, 1914-1916*, London: Frank Cass, 2005, pp. 49-124; Peter Simpkins, *Kitchener's Army: The Raising of the New Armies, 1914-16*, Manchester: Manchester University Press, 1988, p. 64; J.M. Winter, *The Great War and the British People*, Cambridge: Harvard University Press, 1986, pp. 29-37; John McK. Graham, 'The Voluntary System: Recruiting, 1914-16', MA Thesis in History, University of Auckland, 1971; Jock Phillips, *A Man's Country?: The Image of the Pakeha Male – A History*, revised edition, Auckland: Penguin, 1996, pp. 158-63; Matthew Wright, *Shattered Glory: The New Zealand Experience at Gallipoli and the Western Front*, Rosedale: Penguin Books, 2010, pp. 45-8.

of eligibles who expressed religious or political objections.<sup>5</sup> It is rare to see equal significance placed on the fact that, like Albert Walker and Charles Sneddon, substantial numbers of men appealed, or were appealed for, on the grounds that their domestic, business, or occupational circumstances meant they should not be expected to serve. In Britain, specially constituted Military Service Tribunals determined many of these cases, whereas Military Service Boards were established to hear every claim lodged by New Zealanders.

The primary focus here is on comparing the operations of the Tribunals in the East Central Division of the West Riding of Yorkshire with those of the Boards across the whole of New Zealand. This involves answering three key questions. Firstly, how much influence did the respective governments and militaries exert over the appeals process? Secondly, what proportion of men appealed, or were appealed for, and what grounds were cited in support of these claims? Finally, what attitudes did the Tribunal and Board members adopt and how likely were they to grant exemption?

Such a comparison offers rich potential as an avenue of historical inquiry. The number of cases brought before the Tribunals ran into the millions, while tens of thousands of New Zealanders were also the subjects of appeals.<sup>6</sup> In every one of these claims the verdict was a seminal moment for the man concerned. Success meant seeing out the war in relative safety, refusal would at best strain family and business arrangements, and at worst lead to death or serious injury at the front. Arthur Slack described the occasion of his hearing as a 'vitally important day in my life', while the anguish of witnessing their son being denied an exemption certificate proved too much for one West Riding couple, who committed suicide a

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<sup>5</sup> J.M. Bourne, *Britain and the Great War, 1914-1918*, London: Edward Arnold, 1989, p. 212; Arthur Marwick, *The Deluge: British Society and the First World War*, London: Bodley Head, 1965, p. 81; Alan G.V. Simmonds, *Britain and World War One*, Abingdon: Routledge, 2012, pp. 54-6; Trevor Wilson, *The Myriad Faces of War: Britain and the Great War, 1914-1918*, Cambridge: Polity Press, 1986, pp. 398-9; Damien Fenton, *New Zealand and the First World War, 1914-1919*, Auckland: Penguin, 2013, pp. 34-5; Ian McGibbon, 'The Price of Empire, 1897-1918' in Bronwyn Dalley and Gavin McLean (eds), *Frontier of Dreams: The Story of New Zealand*, Auckland: Hachette Livre, 2005, pp. 239-40; Paul Moon, *Turning Points: Events that Changed the Course of New Zealand History*, Auckland: New Holland, 2013, pp. 137-8.

<sup>6</sup> 'Statement for the War Committee, Showing the Numbers of Men Due to the Army and the Number of those Remaining in Civil Life. Also the Requirements of the Army on 1<sup>st</sup> October 1916', 24 October 1916, CAB 17/158, the National Archives (TNA); David Littlewood, "'Should He Serve?': The Military Service Boards' Operations in the Wellington Provincial District, 1916-1918', MA Thesis in History, Massey University, 2010, pp. 58-9.

few hours later.<sup>7</sup> The methods by which the appeal bodies reached their decisions are equally revealing. An oft-stated complaint about Great War sources is that they are limited in their extent and weighted towards the middle and upper classes.<sup>8</sup> This is not the case for the Tribunals' and Boards' sittings, which brought together individuals from every walk of life and were extensively reported in the press.<sup>9</sup> Crucially, the burden of proof lay with the appellants, who had to defend their claim under questioning by providing evidence of the surrounding circumstances. As a result, the testimony not only facilitates a comparison between the attitudes of British and New Zealand men towards being conscripted, but also between the policies, values, and imperatives that underpinned the process of determining who should be exempt.<sup>10</sup>

There is strong precedent for adopting a transnational focus. The late 1990s witnessed the emergence of what is commonly termed 'British World' scholarship. Developed during a series of conferences organised by Canadian Phillip Buckner, this approach rejects the utility of purely national histories in favour of drawing comparisons between different parts of the Empire. It also challenges the notion that a rigid core/periphery relationship existed between Britain and the Dominions, and instead advocates the symbiotic interpretation of 'Britishness' as a

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<sup>7</sup> Diary Entry, 17 January 1916, Private Papers of Arthur Ronald Roy Slack, Documents 18453, Imperial War Museum; *Huddersfield Examiner*, 1 December 1916, p. 4; Such was the 'drama' and import of the appeal bodies' sittings that they have also featured in works of historical fiction (A.J. Cronin, *The Stars Look Down*, London: Victor Gollancz, 1949; Nelle M. Scanlan, *Tides of Youth*, London: Jarrolds, 1933, pp. 268-72).

<sup>8</sup> David Monger, *Patriotism and Propaganda in First World War Britain: The National War Aims Committee and Civilian Morale*, Liverpool: Liverpool University Press, 2012, p. 12; Pennell, *A Kingdom United*, p. 9; Silbey, *The British Working Class*, pp. 5-7.

<sup>9</sup> The attendees at one Tribunal hearing were described by a contemporary as 'a motley group of young and old, clean and dirty, rich and poor, sober and – well not drunk, perhaps I ought to say abstainers and boozers' (Will Ellsworth-Jones, *We Will Not Fight: The Untold Story of the First World War's Conscientious Objectors*, London: Aurum, 2007, pp. 67-8); Rather more charitably, the observer of a Board sitting noted that 'The appellants themselves are of every class and type ... The blacksmith straight from his forge, the labourer from the waterside, the bush-man from the backblocks, rubs shoulders with the musician, slaughterman, flying-school pupil, and ship's cook' (*New Zealand Herald*, 29 September 1917, p. 1 (supplement)).

<sup>10</sup> H. Cartmell, *For Remembrance: An Account of Some Fateful Years*, Preston: George Toulmin & Sons, 1919, pp. 68-9; A.J. Peacock, *York in the Great War: 1914 to 1918*, York: York Settlement Trust, 1993, p. 382; Ivor Slocombe, *First World War Tribunals in Wiltshire*, Devizes: Wiltshire Family History Society, 1997, p. 5; See also Bart Ziino, 'Enlistment and Non-Enlistment in Wartime Australia: Responses to the 1916 Call To Arms Appeal', *Australian Historical Studies*, 41:2 (2010), pp. 217-8.

category for analysis.<sup>11</sup> As Katie Pickles has noted, the fact ‘Britishness’ was promoted most extensively during times of conflict makes the study of war and society an obvious point of interest.<sup>12</sup> Several historians working in Britain have readily embraced these concepts, particularly when analysing networks of people and shared cultural institutions.<sup>13</sup> ‘British World’ methodologies took longer to gain a New Zealand foothold, partly due to the long-standing emphasis on tracing that country’s supposedly distinctive nationalism.<sup>14</sup> Recently, however, there has been a growing willingness to re-examine the implications of New Zealand’s imperial past.<sup>15</sup> Indeed, Giselle Byrnes advances *The New Oxford History of New Zealand* as a response to Peter Gibbons’ entreaty to ‘dissolve or decentre “New Zealand” as a subject’.<sup>16</sup> When doing so, she promotes transnationalism on the basis that it identifies ‘connections and linkages that are comparable with each other and occur more or less simultaneously’.<sup>17</sup>

Despite these developments, the historiography of the two appeal systems has remained almost totally confined within a national framework. Not a single mention is made of the Boards’ operations in any work that considers the Tribunals. From the New Zealand perspective, the only effort to relate the exemption process to that in the imperial centre is Paul Baker’s comment that the

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<sup>11</sup> Phillip Buckner and R. Douglas Francis, ‘Introduction’ in Phillip Buckner and R. Douglas Francis (eds), *Canada and the British World: Culture, Migration, and Identity*, Vancouver: University of British Columbia Press, 2006, pp. 1-9.

<sup>12</sup> Katie Pickles, ‘The Obvious and the Awkward: Postcolonialism and the British World’, *New Zealand Journal of History*, 45:1 (2011), pp. 85-7.

<sup>13</sup> Brad Beaven, *Visions of Empire: Patriotism, Popular Culture and the City, 1870-1939*, Manchester: Manchester University Press, 2012; Kathleen Wilson (ed.), *A New Imperial History: Culture, Identity and Modernity in Britain and the Empire, 1660-1840*, Cambridge: Cambridge University Press, 2004; Angela Woollacott, *Gender and Empire*, Basingstoke: Palgrave Macmillan, 2006.

<sup>14</sup> W.H. Oliver, *The Story of New Zealand*, London: Faber and Faber, 1960; Geoffrey W. Rice (ed.), *The Oxford History of New Zealand*, 2<sup>nd</sup> edition, Auckland: Oxford University Press, 1992; Keith Sinclair, *A Destiny Apart: New Zealand’s Search for National Identity*, Wellington: Allen & Unwin, 1986.

<sup>15</sup> Felicity Barnes, *New Zealand’s London: A Colony and Its Metropolis*, Auckland: Auckland University Press, 2012; James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783-1939*, Oxford: Oxford University Press, 2009; Charlotte Macdonald, *Strong, Beautiful and Modern: National Fitness in Britain, New Zealand, Australia and Canada, 1935-1960*, Wellington: Bridget Williams Books, 2011; Katie Pickles, *Transnational Outrage: The Death and Commemoration of Edith Cavell*, Houndmills: Palgrave Macmillan, 2007.

<sup>16</sup> Giselle Byrnes, ‘Introduction: Reframing New Zealand History’ in Giselle Byrnes (ed.), *The New Oxford History of New Zealand*, Melbourne: Oxford University Press, 2009, p. 2; Peter Gibbons, ‘The Far Side of the Search for Identity: Reconsidering New Zealand History’, *New Zealand Journal of History*, 37:1 (2003), p. 39.

<sup>17</sup> Byrnes, ‘Introduction’, p. 14.

British experience provided a 'mainly negative' example.<sup>18</sup> As for the appeal bodies, Baker argues that the legislation sufficiently limited the Boards' discretion over conscientious objectors to render their hearings 'little more than unpleasant rituals' compared to those of the Tribunals.<sup>19</sup> P.S. O'Connor places more emphasis on the Board members when he maintains that they rarely indulged in the 'kind of bloodthirsty hectoring' practised by their British counterparts.<sup>20</sup>

The East Central Division of the West Riding of Yorkshire had much to recommend it as a British focus. Under the Military Service Act of January 1916, provision was made for Appeal Tribunals to be established in each county to hear cases lodged against the verdicts of the district-level Local Tribunals.<sup>21</sup> However, due to the large size of its population, the West Riding was divided into four separate jurisdictions.<sup>22</sup> One of these was the East Central Division, which centred on the County Boroughs of Barnsley, Dewsbury, Huddersfield, and Wakefield, and the Boroughs of Batley, Morley, Ossett, and Pontefract.<sup>23</sup> The attractions of this area as a point of comparison for New Zealand were substantial. Their populations were roughly the same, while a similar number of people lived in their largest settlements: Huddersfield and Auckland.<sup>24</sup> Moreover, the Division broadly contained the mix of urban and rural, and industry and agriculture, which also characterised New Zealand's society and economy. As a result, the relationship is between two cross-sections, rather than being skewed towards any group. A final, particularly significant, factor concerned the availability of sources. In 1921, the Ministry of Health decreed the Tribunals' records were not 'of sufficient public value to justify their preservation' and should be destroyed, with the exception of those pertaining to the Lothian and Peebles Appeal Tribunal, Middlesex Appeal

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<sup>18</sup> Paul Baker, *King and Country Call: New Zealanders, Conscription and the Great War*, Auckland: Auckland University Press, 1988, p. 86.

<sup>19</sup> *Ibid.*, p. 176.

<sup>20</sup> P.S. O'Connor, 'The Awkward Ones – Dealing with Conscience, 1916-1918', *New Zealand Journal of History*, 8:2 (1974), p. 133.

<sup>21</sup> UK, Military Service Act, 1916, Second Schedule.

<sup>22</sup> *Doncaster Gazette*, 18 February 1916, p. 2.

<sup>23</sup> The Division embraced the Barnsley, Dewsbury, Huddersfield, and Wakefield County Boroughs, and the unions of Barnsley, Dewsbury, Wakefield (except Lofthouse-with-Carlton), Goole, Hemsworth, Huddersfield, Pontefract, Saddleworth, also the portion of Spenborough in North Bierley Union and Kexborough in Penistone Union (*Barnsley Independent*, 11 March 1916, p. 5).

<sup>24</sup> The Division contained 810,454 people in 1911, compared to the 1,070,910 who were living in New Zealand. That same year, Huddersfield's population was 107,821 and Auckland's 102,676 (*1911 Census of Great Britain; 1911 Census of New Zealand*).

Tribunal, and the London-based Central Tribunal.<sup>25</sup> Thankfully, this order was ignored in a handful of cases, and the records of the East Central Division's Local Tribunals enjoy an uncommonly high survival rate.

The selection of New Zealand provided for a detailed comparison. It too adopted a fulsome measure of conscription during 1916, with grounds of appeal that roughly mirrored those stipulated by the British Act.<sup>26</sup> On the other hand, the situation in the remaining 'white Dominions' of the Empire was so different that drawing revealing conclusions would have been impossible. No form of compulsory military service was ever mooted for South Africa over fears that it would incite open rebellion amongst the already resentful Afrikaners and amongst the majority black population.<sup>27</sup> In Australia, the Labor Government of Prime Minister William Hughes took steps towards introducing a bill, only to be blocked by the results of two popular referendums.<sup>28</sup> Although conscription was implemented in Canada and Newfoundland, this only occurred during August 1917 and May 1918 respectively, and through legislation that provided a whole swathe of loopholes for obtaining exemption.<sup>29</sup>

The Tribunals have been surprisingly neglected in Britain's Great War historiography. Nowhere is this more apparent than in the work of Ilana Bet-El, the first to concentrate on those men who were conscripted into the army. She maintains that, while volunteers took an active decision to join the colours, the enlistment of a conscript was a bureaucratic process 'marked by the lack of choice or control of the individual over his own fate'.<sup>30</sup> In fact, it was the voluntary system that allowed individuals to postpone a decision on whether they were willing and able to perform military service. The possibility of claiming exemption from

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<sup>25</sup> Ministry of Health Circular R. 293, 27 March 1922, MH 47/5, TNA; The Ministry of Health inherited the responsibility for these records following the disestablishment of the Local Government Board in 1919.

<sup>26</sup> *New Zealand Statutes*, Military Service Act, 1916, Section 18.

<sup>27</sup> Timothy C. Winegard, *Indigenous Peoples of the British Dominions and the First World War*, Cambridge University Press, 2012, pp. 165-6.

<sup>28</sup> E.M. Andrews, *The ANZAC Illusion: Anglo-Australian Relations during World War I*, Cambridge: Cambridge University Press, 1993, pp. 121-4

<sup>29</sup> J.L. Granatstein and J.M. Hitsman, *Broken Promises: A History of Conscription in Canada*, Toronto: Oxford University Press, 1977, pp. 84-5; Amy J. Shaw, *Crisis of Conscience: Conscientious Objection in Canada during the First World War*, Vancouver, University of British Columbia Press, 2009, p. 3; Winegard, *Indigenous Peoples*, pp. 162-5.

<sup>30</sup> Ilana R. Bet-El, *Conscripts: Lost Legions of the Great War*, Phoenix Mill: Sutton, 1999, p. 27.

conscription required every reservist to weigh up their circumstances and make a definite choice whether or not to appeal.<sup>31</sup> Several other monographs mention the Tribunals in the context of the Government's manpower policies, but without reference to the proceedings of individual bodies or a detailed analysis of the different types of cases.<sup>32</sup>

Studies that analyse the Tribunals in more detail have overwhelmingly focused on the hearings of conscientious objectors. During the inter-war years, several commentators established the orthodoxy that these occasions were marked by intolerance, vitriol, and an unjustified refusal to grant the absolute exemption, as opposed to relief from combatant service, which was necessary to satisfy the beliefs of many appellants.<sup>33</sup> A few recent appraisals have advanced rather more balanced conclusions. While acknowledging that some Tribunal members were unnecessarily abusive in their questioning, these historians also suggest that most of them did the best they could to implement fairly the loosely worded and poorly regulated 'conscience clause'.<sup>34</sup> Nevertheless, the majority of investigations into

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<sup>31</sup> Ironically, the only time Bet-El mentions the right of appeal is during an example of a conscript's supposed passivity in the face of the enlistment process. Yet the case mentioned came before the Tribunals twice, with the man being granted a temporary exemption on both occasions (*Conscripts*, p. 30).

<sup>32</sup> R.J.Q. Adams and Philip P. Poirier, *The Conscription Controversy in Great Britain, 1900-18*, Columbus: Ohio State University Press, 1987, pp. 148, 231; Ian F.W. Beckett, *Home Front, 1914-1918: How Britain Survived the Great War*, Kew: National Archives, 2006, p. 39; David Bilton, *The Home Front in the Great War: Aspects of the Conflict, 1914-1918*, Barnsley: Leo Cooper, 2003, p. 62; Keith Grieves, *The Politics of Manpower, 1914-18*, Manchester, Manchester University Press, 1988, pp. 45-6; Charles Messenger, *Call-To-Arms: The British Army, 1914-18*, London: Cassell, 2005, p. 136; Denis Winter, *Death's Men: Soldiers of the Great War*, London: Penguin, 1978, pp. 29-34.

<sup>33</sup> W.J. Chamberlain, *Fighting For Peace: The Story of the War Resistance Movement*, London: No More War Movement, 1928, pp. 47-53; John W. Graham, *Conscription and Conscience: A History, 1916-1919*, London: George Allen & Unwin, 1922, pp. 65-89; Philip (Viscount) Snowden, *An Autobiography: Volume One, 1864-1919*, London: Ivor Nicholson & Watson, 1934, pp. 403-10; Adrian Stephen, 'The Tribunals' in Julian Bell (ed.), *We Did Not Fight: 1914-1918 Experiences of War Resisters*, London: Cobden-Sanderson, 1935, pp. 381-2.

<sup>34</sup> Rachel Barker, *Conscience, Government and War: Conscientious Objection in Great Britain, 1939-45*, London: Routledge & Kegan Paul, 1982, pp. 29-43; Martin Ceadel, *Semi-Detached Idealists: The British Peace Movement and International Relations, 1854-1945*, Oxford: Oxford University Press, 2000, pp. 220-2; Thomas C. Kennedy, *The Hound of Conscience: A History of the No-Conscription Fellowship, 1914-1919*, Fayetteville: University of Arkansas Press, 1981, pp. 89-105; John Rae, *Conscience and Politics: The British Government and the Conscientious Objector to Military Service, 1916-1919*, London: Oxford University Press, 1970, pp. 33-67, 94-133; Keith Robbins, *The Abolition of War: The Peace Movement in Britain, 1914-1919*, Cardiff: University of Wales Press, 1976, pp. 79-84.

the exemption process still highlight the Tribunals' allegedly harsh treatment of conscription's moral and political opponents.<sup>35</sup>

Sascha Auerbach analyses a more specific form of objection. He postulates that the bitterness generated by the exemption hearings of London's East End Jews resulted from differing conceptions of citizenship. For the Tribunal members, 'manly duty and membership in the nation' required every eligible to take his place at the front.<sup>36</sup> This attitude led to conflict with appellants who emphasised their responsibilities as family breadwinners, and denied the Government's right to force them to undertake military service. According to Auerbach, the Tribunal members' response was to classify the Jews as unpatriotic 'aliens' whose stance threatened the social fabric of the community.<sup>37</sup>

Turning to the West Riding, there is a study of conscientious objectors in Huddersfield by Cyril Pearce. He finds that a tradition of non-conformist Liberalism meant this town's response to the war was largely one of indifference, with an active minority protesting against British involvement.<sup>38</sup> A subsequent strengthening of resistance meant the hearings of objectors usually took place before packed galleries of supporters, who so worried the Local Tribunal's members that they consistently referred cases to the East Central Division Appeal body.<sup>39</sup> However, Pearce somewhat contradicts the notion that anti-war sentiments had a wide currency in Huddersfield by admitting that less than one percent of the appeals there were based on conscientious grounds.<sup>40</sup> He does adopt

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<sup>35</sup> Lois S. Bibbings, *Telling Tales About Men: Conceptions of Conscientious Objectors to Military Service during the First World War*, Manchester: Manchester University Press, 2009, pp. 29-31; David Boulton, *Objection Overruled*, London: MacGibbon & Kee, 1967, pp. 123-39; Peter Brock and Nigel Young, *Pacifism in the Twentieth Century*, Syracuse: Syracuse University Press, 1999, pp. 42-5; F.L. Carsten, *War Against War: British and German Radical Movements in the First World War*, Berkeley: University of California Press, 1982, pp. 66-9; Ellsworth-Jones, *We Will Not Fight*, pp. 62-78; Denis Hayes, *Challenge of Conscience: The Story of the Conscientious Objectors of 1939-1949*, London: George Allen & Unwin, 1949, pp. 43-4; Caroline Moorhead, *Troublesome People: Enemies of War, 1916-1986*, London: Hamish Hamilton, 1987, pp. 31-4; Peacock, *York in the Great War*, pp. 376, 517-8; Jo Vellacott, *Bertrand Russell and the Pacifists in the First World War*, New York: St Martin's Press, 1981, pp. 31-41.

<sup>36</sup> Sascha Auerbach, 'Negotiating Nationalism: Jewish Conscription and Russian Repatriation in London's East End, 1916-1918', *Journal of British Studies*, 46:3 (2007), p. 619.

<sup>37</sup> *Ibid.*, pp. 598-611.

<sup>38</sup> Cyril Pearce, *Comrades in Conscience: The Story of an English Community's Opposition to the Great War*, London: Francis Boutle, 2001, pp. 56-97.

<sup>39</sup> *Ibid.*, pp. 157-71.

<sup>40</sup> *Ibid.*, pp. 161, 314.

a more conventional line when describing how the Tribunals treated this group of appellants: the system 'was ill conceived, confusingly advised, indifferently staffed and, in emotionally charged times, incapable of the proper judicial detachment its duties required'.<sup>41</sup>

Nonetheless, the last twenty-five years have seen a number of works expand both the depth and breadth of Tribunal historiography. These studies, in common with that of Pearce, draw heavily on newspaper accounts and the few surviving Tribunal records, which gives them a decidedly local focus. They differ from Pearce's analysis by considering a cross-section of the men who came before the Tribunals, rather than concentrating on what was, they unanimously agree, the small proportion who cited conscientious objections.<sup>42</sup>

These more inclusive studies have tended to challenge the 'traditional' portrayal of the Tribunals as cogs in an impersonal conscription machine. As part of his thesis and subsequent book, the first full-length monograph on the British exemption system, James McDermott contends that ambiguous guidance often required the appeal bodies to formulate their own policies.<sup>43</sup> With the freedom to allocate degrees of importance between the army and the community, some Tribunals were prepared to modify, or even ignore, official directions if they perceived them as a threat to local interests.<sup>44</sup> For Adrian Gregory, the Tribunals were part of an 'extremely complex, devolved, and flexible' enlistment system and operated in a

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<sup>41</sup> Ibid., p. 170.

<sup>42</sup> James G.M. Cranstoun, 'The Impact of the Great War on a Local Community: The Case of East Lothian', PhD Thesis, Open University, 1992, p. 117; Adrian Gregory, *The Last Great War: British Society and the First World War*, Cambridge: Cambridge University Press, 2008, p. 101; Keith Grieves, 'Military Tribunal Papers: The Case of Leek Local Tribunal in the First World War', *Archives: The Journal of the British Record Association*, 16:70 (1983), p. 146; Christine Housden, 'Researching Kingston's Military Tribunal, 1916-1918', *Occasional Papers in Local History*, 2 (2004), p. 6; James McDermott, *British Military Service Tribunals, 1916-1918: 'A Very Much Abused Body of Men'*, Manchester: Manchester University Press, 2011, p. 40; K.W. Mitchinson, *Saddleworth, 1914-1919: The Experience of a Pennine Community during the Great War*, Saddleworth: Saddleworth Historical Society, 1995, p. 65; 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. 111; Philip Spinks, "'The War Courts': The Stratford-upon-Avon Borough Tribunal, 1916-1918", *The Local Historian*, 32:4 (2000), p. 214.

<sup>43</sup> James McDermott, 'The Work of the Military Service Tribunals in Northamptonshire, 1916-1918', PhD Thesis in History, University of Northampton, 2009, pp. 9-10 and *British Military Service Tribunals*, p. 4.

<sup>44</sup> McDermott, *British Military Service Tribunals*, pp. 1, 5-8.

very public setting.<sup>45</sup> As local, often elected, dignitaries, their members endeavoured to steer a middle course between the demand to root out 'shirkers', and the need to protect the economy and their own political prospects by not acting too harshly.<sup>46</sup> Likewise, Robin Barlow, Keith Grieves, Ivor Slocombe, and Philip Spinks each acknowledge that the Tribunals' members were responsive to the need for soldiers, but argue they often prioritised an efficient allocation of manpower that would not prejudice their district's productivity.<sup>47</sup>

The Boards have received even less attention than their British counterparts. Some studies of the New Zealand Home Front ignore the appeals process entirely. More common is a focus on only those few men who cited religious or political objections to performing military service.<sup>48</sup> It has generally been acknowledged that the Boards possessed little discretion in these cases. However, O'Connor asserts that they arbitrarily determined exemption should only be given to groups that possessed written articles against bearing arms, while Baker maintains some deserving appellants were denied a recommendation for non-combatant service.<sup>49</sup> The Boards have been subjected to even greater criticism over how they treated conscientious objectors. Gwen Parsons claims they were primarily concerned with challenging an appellant's beliefs, Ian McGibbon finds 'humanitarian arguments against involvement in war cut no ice', and Graham Hucker characterises the Board members' attitude as one of 'disdain'.<sup>50</sup>

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<sup>45</sup> Adrian Gregory, 'Military Service Tribunals: Civil Society in Action, 1916-1918' in Jose Harris (ed.), *Civil Society in British History: Ideas, Identities, Institutions*, Oxford: Oxford University Press, 2003, p. 178.

<sup>46</sup> *Ibid.*, p. 186.

<sup>47</sup> Robin Barlow, 'Military Tribunals in Carmarthenshire, 1916-1917' in Nick Mansfield and Craig Horner (eds), *The Great War: Localities and Regional Identities*, Newcastle: Cambridge Scholars, 2014, pp. 18-9; Grieves, 'Military Tribunal Papers', p. 150 and 'Mobilising Manpower: Audenshaw Tribunal in the First World War', *Manchester Region History Review*, 3:2 (1989), pp. 24-7; Slocombe, 'Recruitment into the Armed Forces', p. 108; Spinks, 'The War Courts', p. 212.

<sup>48</sup> 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. 108-19; Michael King, *The Penguin History of New Zealand*, Auckland: Penguin, 2003, pp. 301-2; Christopher Pugsley, *On the Fringe of Hell: New Zealanders and Military Discipline in the First World War*, Auckland: Hodder & Stoughton, 1991, pp. 225-35; Matthew Wright, *Reed Illustrated History of New Zealand*, Auckland: Reed, 2004, p. 266.

<sup>49</sup> O'Connor, 'The Awkward Ones', pp. 132-3; Baker, *King and Country Call*, pp. 173-5.

<sup>50</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, p. 36; McGibbon, 'The Price of Empire', p. 239; Graham Hucker, 'The Rural Home Front: A New Zealand Region and the Great War, 1914-1926', PhD Thesis in History, Massey University, 2006, p. 169.

A few studies have adopted a wider scope. On the one hand, James Belich and John Martin argue the Boards readily embraced the concept of essential industries, while Keith Scott asserts most Otago appellants were treated with 'considerable leniency'.<sup>51</sup> Yet such positive appraisals are rare. Sonia Inder, Lisa James, and Kerry Stratton all claim the Boards dismissed the majority of cases lodged by agricultural and pastoral appellants.<sup>52</sup> In his thesis and later book, Baker maintains the appeal bodies were always inconsistent and more likely to refuse exemption than to grant it.<sup>53</sup> For Parsons, the fact the Boards dealing with Dunedin and Ashburton men were 'cautious and even sceptical about the appellant's claims' meant few appeals were allowed outright.<sup>54</sup> Hucker does concede that the Board operating in Taranaki considered each case on its merits. However, he qualifies this by maintaining that most appeals were viewed with suspicion, and that verdicts showed a 'degree of inconsistency, even indecision'.<sup>55</sup>

Tribunal records are a crucial source for the British side of this thesis. While the Ministry of Health's instruction to destroy all documents seems to have been carried out for the East Central Division Appeal Tribunal, its implementation was decidedly less thorough at a lower level. The minute book of the Huddersfield Local Tribunal summarises the verdicts delivered at each sitting, and indicates whether these resulted from formal hearings, or were based on the recommendations of the Military Representative and his Advisory Committee. Before July 1916 the decisions are categorised simply as 'accepted' or 'refused'. Thereafter, more information is available as to the types of exemption awarded, but the document rarely provides details on specific cases.<sup>56</sup> A greater depth can

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<sup>51</sup> James Belich, *Paradise Reforged: The Story of the New Zealanders from the 1880s to the Year 2000*, Auckland: Penguin, 2001, p. 101; 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. 523; Keith Douglas Scott, *Before ANZAC, Beyond Armistice: The Central Otago Soldiers of World War One and the Home They Left Behind*, Auckland: Activity Press, 2009, p. 215.

<sup>52</sup> Sonia Inder, 'Middlemarch, 1914-1918', PG Dip Research Essay in History, University of Otago, 1992, p. 36; Lisa James, 'Doing Their Duty: The Impact of Conscription on Farming Families in New Zealand during the Great War', Research Essay in History, Victoria University of Wellington, 2006, pp. 13, 30-8; 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>53</sup> Paul Baker, 'New Zealanders, the Great War, and Conscription', PhD Thesis in History, University of Auckland, 1986, pp. 258, 262 and *King and Country Call*, pp. 117-23.

<sup>54</sup> Parsons, 'The Many Derelicts of the War', p. 48.

<sup>55</sup> Hucker, 'The Rural Home Front', pp. 172-8.

<sup>56</sup> Huddersfield Local Tribunal Minutes, KMT 18/12/2/52, Kirklees Archives (KA).

be found in the minutes of the Spenborough Local Tribunal, which supply the name and verdict for every appeal, and in the Batley Tribunal's register of cases, which also notes whether a claim was personal or had been lodged by the employer.<sup>57</sup> The most useful records are those pertaining to the Marsden and Birstall appeal bodies. The former comprise the private papers of Harris Hoyle, the Tribunal's trade unionist representative, and include overall statistics on the verdicts reached, correspondence between Hoyle and his colleagues, and annotated sitting agendas.<sup>58</sup> In terms of the Birstall body, the surviving sources feature the clerk's minutes, letters addressed to the Tribunal members, and agendas for each sitting.<sup>59</sup> Clearly these documents divulge a wealth of information. Nevertheless, they only cover part of the East Central Division, and do not detail the appellants' motivations or the rationale behind many of the Tribunals' verdicts.

Newspapers play a major role in mitigating these omissions. Thankfully, each of the Division's principal towns has at least one accessible publication for the conscription period, and their combined coverage also includes most of the less populous districts that hosted Tribunal sittings. These newspapers took a great interest in the exemption system. They described the appointment of the Tribunals' members and frequently reported on reactions to their decisions. Significantly, each publication also carried extensive accounts of appeal hearings, which usually provide the only record of what occurred in terms of the questions asked, statements made, and the attitudes of the Tribunal members.

Several documents provide useful evidence regarding the influence of the Government and the military on the British exemption process. Most significant are the fully preserved records of the Middlesex Appeal Tribunal. These contain a majority of the statutes, regulations, and instructions issued to the Tribunals during their operations.<sup>60</sup> Any gaps in this collection are filled by the consolidated circulars of the Local Government Board, which was responsible for administering

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<sup>57</sup> Spenborough Local Tribunal Minutes, KMT 39/1/2/1, KA; Batley Borough Council – Local Tribunal Register of Cases, KMT 1, KA.

<sup>58</sup> Papers of Mr Harris Hoyle Concerning his Membership of the Marsden Military Service Tribunal, S/NUDBTW/34, KA.

<sup>59</sup> Birstall Urban District Council – Local Tribunal Files, RD 21/6/2, KA.

<sup>60</sup> Middlesex Appeal Tribunal Papers, MH 47/5-163, TNA.

the appeal bodies.<sup>61</sup> The *Official Reports* of the two Houses of Parliament, in addition to the papers of Prime Minister Herbert Asquith, are revealing on the passage of the Military Service Acts and the controversies generated by the Tribunals' decisions.<sup>62</sup> Both the Cabinet and Ministry of National Service records divulge official policies on exemptions, while the files of the War Office illuminate the military's perspective.

A number of sources also allow comparisons to be drawn with other parts of Britain. First are the minute books of the Halifax and Leeds Local Tribunals, which sat in the West Central Division and the North Central Division of the West Riding respectively.<sup>63</sup> A second repository is the correspondence, minutes, and final report of the Central Tribunal, which contain overall statistics regarding the exemption process. It also outlines those case verdicts that were meant to inform the work of the Local and Appeal Tribunals.<sup>64</sup> The third set of resources are the memoirs and letters of men who worked as part of the appeals system: Harry Cartmell, who chaired the Preston Local Tribunal in Lancashire; Neville Chamberlain, who initially chaired the Birmingham Tribunal in Warwickshire; and Colonel Charles Repington, who acted as Military Representative during sittings in the Metropolitan Borough of Hampstead.<sup>65</sup> Of final significance are a number of 'civic histories'. Written by individuals who experienced hearings at first hand, these works detail the constitution of the relevant Tribunals and list the number of claims they dealt with.<sup>66</sup>

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<sup>61</sup> Local Government Board Circulars, 1915-1918, MH 10/79-84, TNA.

<sup>62</sup> The Papers of Herbert Henry Asquith, 1<sup>st</sup> Earl of Oxford and Asquith, MSS. Asquith, Bodleian Library.

<sup>63</sup> Halifax Local Tribunal Minutes, CMT 1/2/2/19/1-3, CA; Minutes of the Local Tribunal for Leeds City, LC/TC, Leeds Archives.

<sup>64</sup> Central Tribunal Papers, MH 47/1-4, TNA.

<sup>65</sup> Cartmell, *For Remembrance*, pp. 68-99; Robert Self (ed.), *The Neville Chamberlain Diary Letters, Volume One: The Making of a Politician, 1915-20*, Aldershot: Ashgate, 2000, pp. 47-8, 102, 107-10, 121; Lieut.-Col. C. À Court Repington, *The First World War, 1914-1918: Personal Experiences of Lieut.-Col. C. À Court Repington*, London: Constable & Co., 1921, pp. 105-6, 120, 127, 129, 144, 203, 297, 330-3, 361-5, 569.

<sup>66</sup> F.P. Armitage, *Leicester, 1914-1918: The War-Time Story of a Midland Town*, Leicester: Edgar Backus, 1933, pp. 168-72; Reginald H. Brazier and Ernest Sandford, *Birmingham and the Great War, 1914-1919*, Birmingham: Cornish Brothers, 1921, pp. 27-30; William Herbert Scott, *Leeds in the Great War, 1914-1918: A Book of Remembrance*, Leeds: Leeds Libraries and Arts Committee, 1923, pp. 314-9; George F. Stone and Charles Wells (eds), *Bristol and the Great War, 1914-1919*, Bristol: J.W. Arrowsmith, 1920, pp. 114-28.

Material on the New Zealand Boards has been obtained from Defence Department files. These outline the methods used to appoint the appeal bodies' members and the genesis of any instructions issued to them. Additional contents comprise statements of the Executive's policies on exemptions, government and Defence Department correspondence with the Boards, general returns on verdicts, and the Board Chairmen's valedictory reports. These records are more revealing than the Tribunal minutes and case registers in terms of the appeal bodies' attitudes and how they were managed. However, they provide much less detail on individual claims.

Newspapers are the primary means of supplementing these files. The total coverage of the consulted publications takes in nearly every town at which the Boards heard cases. Like their British counterparts, New Zealand newspapers were avid followers of the exemption process and described sittings at length. These accounts are of considerable importance, as only they detail particular appeals in terms of the grounds raised and the testimony supplied. Moreover, an absence of Board minutes means that newspapers are the sole source for determining the verdict given in each claim.

None of the Board members wrote detailed retrospectives of their service. However John McCaw of the First Auckland Board did produce an autobiography that briefly covers his wartime activities, while Arthur Rosser, the trade unionist member of the Second Auckland Board, occasionally commented on the work of that body in his 'Trade and Labour Notes' column for the *Auckland Star*.<sup>67</sup>

Further information is drawn from a number of other sources. Most significant are the papers of the Minister of Defence, Sir James Allen, who took the leading role in administering the Boards.<sup>68</sup> As a body partly established to help the Boards determine which occupations could release more men for military service, the files of the National Efficiency Board contain additional details. The *New Zealand*

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<sup>67</sup> John McCaw, 'Biography of My Life for the Benefit of My Children', 1929, MS 1164, Alexander Turnbull Library; Rosser penned his newspaper column under the pseudonym 'Industrial Tramp' (*Auckland Star*, 1 March 1917, p. 7).

<sup>68</sup> Sir James Allen Papers, ALLEN, ANZ; Between August 1916 and June 1917, and again between April and October 1918, Allen was the Acting Prime Minister in the absence of both Prime Minister William Massey and the Deputy Prime Minister, Sir Joseph Ward (Baker, *King and Country Call*, p. 227).

*Parliamentary Debates* are vital to understanding the legislative and regulatory framework under which the Boards began their operations, while several MPs articulated the misgivings of their constituents over the appeal bodies' conduct.

This thesis begins by examining the major decisions taken before the Tribunals' and Boards' operations commenced. Chapter One analyses the appeal bodies' initial discretion to determine cases and the extent to which this was circumscribed by their respective governments and militaries. Chapter Two then discusses the appointments made to the various positions within the exemption systems, while Chapter Three investigates the degree of autonomy that the appeal bodies were willing to exercise once sittings were underway. In Chapter Four, the focus is on the attitudes the Tribunal and Board members adopted during hearings. The appellants themselves are central to Chapter Five, which examines the proportion of men who were the subjects of exemption pleas, and how frequently the various grounds were cited. A narrower scope is adopted in Chapter Six: how the appeal bodies treated the claims of conscientious objectors. Finally, Chapter Seven analyses the overall verdicts delivered by the Tribunals and Boards to determine the relative likelihood of them granting exemption.

# Chapter One: Setting the Boundaries

## The Framework of the Exemption Systems

The initial extent of the British Tribunals' and New Zealand Boards' freedom to determine exemption claims was delineated by the measures that introduced conscription. Within these enactments, two factors established the boundaries of the appeal bodies' discretion: the ability and willingness of their respective governments to exert central control and the degree of influence possessed by the military.

When debating how far the Tribunals' powers were circumscribed, historians have usually downplayed the role of the civilian government departments, while asserting that the War Office held considerable sway. After the Armistice, the Tribunals were regularly portrayed as one cog in a bureaucratic conscription machine.<sup>1</sup> However, some recent works have dissented from this 'traditional' view. Robin Barlow finds that the Government was unable to 'exert any significant influence' and James McDermott contends that the appeal bodies were required to exercise a great deal of discretion.<sup>2</sup> Similarly, Gerard DeGroot argues that the Tribunals were left to determine which workers were essential, while Adrian Gregory describes an 'extremely complex, devolved, and flexible' recruitment system.<sup>3</sup> On the other hand, it has frequently been held that the military possessed substantial authority. This generally concerns the attached Military Representatives, but several historians point out that the War Office also

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<sup>1</sup> W.J. Chamberlain, *Fighting For Peace: The Story of the War Resistance Movement*, London: No More War Movement, 1928, pp. 47-58; John W. Graham, *Conscription and Conscience: A History, 1916-1919*, London: George Allen & Unwin, 1922, p. 65; Adrian Stephen, 'The Tribunals' in Julian Bell (ed.), *We Did Not Fight: 1914-18 Experiences of War Resisters*, London: Cobden-Sanderson, 1935, pp. 381-2.

<sup>2</sup> Robin Barlow, 'Military Tribunals in Carmarthenshire, 1916-1917' in Nick Mansfield and Craig Horner (eds), *The Great War: Localities and Regional Identities*, Newcastle: Cambridge Scholars, 2014, p. 10; James McDermott, *British Military Service Tribunals, 1916-1918: 'A Very Much Abused Body of Men'*, Manchester: Manchester University Press, 2011, p. 22.

<sup>3</sup> Gerard J. DeGroot, *Blighty: British Society in the Era of the Great War*, London: Longman, 1996, p. 96; Adrian Gregory, 'Military Service Tribunals: Civil Society in Action, 1916-1918' in Jose Harris (ed.), *Civil Society in British History: Ideas, Identities, Institutions*, Oxford: Oxford University Press, 2003, p. 178.

appointed Advisory Committees to investigate every appeal.<sup>4</sup> Rachel Barker and Martin Ceadel even maintain that the Tribunals themselves were under War Office control.<sup>5</sup>

In contrast, New Zealand historians have tended to argue that the Boards began their sittings largely free from both executive and military influence. Paul Baker contends that the Government 'de-politized' the appeal bodies and situated them beyond its jurisdiction.<sup>6</sup> Likewise, Lisa James finds that the Boards were intended to reach 'independent' judgments, while both John Martin and Gwen Parsons claim that the Government left them without direction regarding essential industries.<sup>7</sup> This view has been partly contested by James Belich, who cites attempts to secure exemption for the 'strategic unions': 'miners, seamen, wharfies and freezing workers'.<sup>8</sup> As for the military, Baker and James both maintain that the administration of conscription was placed outside the Defence Department's remit, a point advanced in more specific terms by J.E. Cookson, who states that the Boards themselves were 'under civil control'.<sup>9</sup> Baker also downplays the

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<sup>4</sup> Will Ellsworth-Jones, *We Will Not Fight: The Untold Story of the First World War's Conscientious Objectors*, London: Aurum, 2007, p. 64; Cyril Pearce, *Comrades in Conscience: The Story of an English Community's Opposition to the Great War*, London: Francis Boutle, 2001, p. 161; 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. 107; Those historians who also comment on the Advisory Committees are Lois S. Bibbings, *Telling Tales About Men: Conceptions of Conscientious Objectors to Military Service during the First World War*, Manchester: Manchester University Press, 2009, p. 30; McDermott, *British Military Service Tribunals*, p. 16; John Rae, *Conscience and Politics: The British Government and the Conscientious Objector to Military Service, 1916-1919*, London: Oxford University Press, 1970, pp. 62-3.

<sup>5</sup> Rachel Barker, *Conscience, Government and War: Conscientious Objection in Great Britain, 1939-45*, London: Routledge & Kegan Paul, 1982, p. 12; Martin Ceadel, *Semi-Detached Idealists: The British Peace Movement and International Relations, 1854-1945*, Oxford: Oxford University Press, 2000, p. 220.

<sup>6</sup> Paul Baker, *King and Country Call: New Zealanders, Conscription and the Great War*, Auckland: Auckland University Press, 1988, p. 117.

<sup>7</sup> Lisa James, 'Doing Their Duty: The Impact of Conscription on Farming Families in New Zealand during the Great War', Research Essay in History, Victoria University of Wellington, 2006, p. 11; 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, pp. 519-20; 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, p. 44.

<sup>8</sup> James Belich, *Paradise Reforged: The History of the New Zealanders from the 1880s to the Year 2000*, Auckland: Penguin, 2001, p. 101.

<sup>9</sup> Baker, *King and Country Call*, p. 87; James, 'Doing Their Duty', p. 11; J.E. Cookson, 'Illiberal New Zealand: The Formation of Government Policy on Conscientious Objection, 1940-1', *New Zealand Journal of History*, 17:2 (1983), p. 122.

importance of the Military Representatives by arguing that their role was 'theoretically ... impartial'.<sup>10</sup>

Whereas the respective historiographies imply more similarities than differences, the parameters under which the British Tribunals and New Zealand Boards commenced their operations actually had very little in common. Political expediency led to a British exemption system based on a well-established tendency towards localism and decentralisation. As the man responsible for overseeing the appeal bodies, the President of the Local Government Board, Walter Long, strove to protect their discretion. Certainly some checks and balances were put in place to try and moderate the number of exemptions awarded, but many of these initiatives actually made the appeals process more, rather than less, local, and all of them increased the number of actors involved. The War Office's Military Representatives and Advisory Committees were undoubtedly granted some important prerogatives. However, they were unable to refuse appeals without reference to the Tribunals, and there was always the possibility of localist sentiment influencing their actions.

Differing circumstances meant that New Zealand largely declined to follow Britain's example. It was repeatedly stated that the Boards would be allowed to determine cases on their individual merits. However, political imperatives led the Government to retain several means of reining in the appeal bodies. They also prompted the Executive to make use of these prerogatives before sittings had even begun. As Minister of Defence, James Allen took the leading role in formulating the legislative and regulatory framework under which the Boards would operate, and established himself as their *de facto* administrator.

There is evidence of some rise in militarism in British society prior to the outbreak of the Great War, challenging long-established attitudes. During the nineteenth century, the continental move towards conscription had been rejected in favour of retaining a small professional army recruited through volunteering. Suspicions dating back to the rule of Oliver Cromwell and the Major-Generals, the fact it was

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<sup>10</sup> Baker, *King and Country Call*, p. 116.

largely recruited from minority groups, and the apparent security provided by the Royal Navy, meant that the army was 'ignored and often abhorred by wider society'.<sup>11</sup> However, these attitudes underwent some revision due to a disastrous series of defeats in the 1899-1902 Boer War, which, by amplifying fears that the 'British race' was declining physically, encouraged a turn towards eugenics and 'efficiency'.<sup>12</sup> This was manifested in the popularity of youth organisations such as the Boys' Brigades and Boy Scouts, each of which stressed the values of sport, religion, and military discipline.<sup>13</sup> The post-Boer War period also saw the emergence of the National Service League. Established in 1902 to push for the introduction of compulsory military training, this body boasted Lord Roberts, Britain's most revered soldier, as its president.<sup>14</sup> Encouraged by the popularity of 'invasion' literature, and a belief that German naval expansion and imperial ambitions threatened British interests, an estimated 40% of young males belonged to a youth organisation by 1914, while the National Service League claimed to have nearly 100,000 members in 1912.<sup>15</sup>

Nevertheless, pre-war militarism lacked both depth and popular appeal. The primary aim of the Scouts was to train citizens for the Empire, not to indoctrinate militarism, and the martial outlook of the Boys' Brigades was mitigated by a greater emphasis on social control.<sup>16</sup> Furthermore, membership of a movement does not necessarily equate to identifying with, or absorbing, all of its teachings.<sup>17</sup> Of greater significance is the fact that most adolescent males were not part of a

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<sup>11</sup> DeGroot, *Blighty*, p. 15; See also Catriona Pennell, *A Kingdom United: Popular Responses to the Outbreak of the First World War in Britain and Ireland*, Oxford: Oxford University Press, 2012, p. 11; Trevor Wilson, *The Myriad Faces of War: Britain and the Great War, 1914-1918*, Cambridge: Polity Press, 1986, p. 13.

<sup>12</sup> Alan G.V. Simmonds, *Britain and World War One*, Abingdon: Routledge, 2012, pp. 9-11; J.M. Winter, *The Great War and the British People*, Cambridge: Harvard University Press, 1986, pp. 8-21.

<sup>13</sup> Ian F.W. Beckett, 'The Nation in Arms' in Ian F.W. Beckett and Keith Simpson (eds), *A Nation in Arms: A Social Study of the British Army in the First World War*, Manchester: Manchester University Press, 1985, pp. 4-5.

<sup>14</sup> Denis Hayes, *Conscription Conflict: The Conflict of Ideas in the Struggle For and Against Military Conscription in Britain between 1901 and 1939*, London: Sheppard Press, 1949, pp. 36-50.

<sup>15</sup> Beckett, 'The Nation in Arms', pp. 5-6; Simmonds, *Britain and World War One*, pp. 20-1; Hew Strachan, *The First World War: Volume I: To Arms*, Oxford: Oxford University Press, 2001, p. 145; Anne Summers, 'Militarism in Britain before the Great War', *History Workshop Journal*, 2:1 (1976), p. 113.

<sup>16</sup> Ian F.W. Beckett, *The Amateur Military Tradition, 1558-1945*, Manchester: Manchester University Press, 1991, p. 199; Strachan, *The First World War*, p. 146.

<sup>17</sup> DeGroot, *Blighty*, p. 40.

youth organisation at the outbreak of war; the working-class in particular tended to remain aloof.<sup>18</sup> Similarly, although the National Service League achieved a growing membership and a degree of influence, it remained an association of the higher echelons of society and 'never became a true mass movement'.<sup>19</sup> A lack of widespread political support for the League's objectives meant that no attempt to introduce a measure of compulsion passed its second reading in Parliament.<sup>20</sup> Ultimately, the pre-war drive for conscription failed due to the tradition of a strong navy with a small army, and the Liberal emphasis on the freedoms of the individual.<sup>21</sup>

The army reforms that were undertaken provide further indications of a lack of militarist sentiment. Firstly, the War Minister was forced to operate within a tightly constrained budget. Secondly, the new Army Reserve simply consisted of the old auxiliary units melded into a Territorial force, which was consistently unable to meet even its modest manpower targets.<sup>22</sup> Finally, the 120,000-man complement of the new British Expeditionary Force actually marked an overall decrease in the army's strength.<sup>23</sup>

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<sup>18</sup> J.M. Bourne, *Britain and the Great War, 1914-1918*, London: Edward Arnold, 1989, p. 179; Niall Ferguson, *The Pity of War*, London: Penguin, 1998, p. 15; Ilana R. Bet-El, *Conscripts: Lost Legions of the Great War*, Phoenix Mill: Sutton, 1999, p. 6.

<sup>19</sup> R.J.Q. Adams and Philip P. Poirier, *The Conscription Controversy in Great Britain, 1900-18*, Columbus: Ohio State University Press, 1987, p. 20.

<sup>20</sup> The first pre-war attempt to introduce some form of compulsory military service was made in 1908 by the Liberal MP Thomas Kincaid-Smith. His effort to amend the Territorial and Reserve Forces Act to render service in the Territorials mandatory was defeated 250-34 on its first reading (*Official Report: House of Commons (Fourth Series)*, vol. 191, cols. 1481-9). A few weeks later, the Earl of Wemyss' call to recommence the operation of the Ballot Act was similarly lost (*Official Report: House of Lords (Fourth Series)*, vol. 193, cols. 14-32). Lord Roberts' 1909 National Service (Training and Home Defence) Bill would have stipulated four months service in the Territorials for men reaching 18, followed by compulsory 15-day camps over the next three years, and liability to call-up 'in case of imminent national danger' for a subsequent eight years. The Bill was defeated in the House of Lords on its second reading by 123 votes to 103 (*H of L*, 5:2, cols. 255-352, 356-470); Conservative MP George Sandys introduced a National Service (Territorial Force) Bill in 1913, but this was thrown out by the Speaker on a technicality (*H of C*, 5:51, cols. 1517-94); Finally, Lord Willoughby de Broke's 'Gentlemen's Bill', the Territorial Forces Amendment Bill, called for public school and university graduates, those entering higher professions, and those with an income over £400 a year to undergo military training. It was defeated in the Lords by 53-34 on its second reading (*H of L*, 5:15, cols. 461-99, 518-60, 562-618).

<sup>21</sup> Pennell, *A Kingdom United*, p. 12.

<sup>22</sup> Beckett, *The Amateur Military Tradition*, pp. 217-22.

<sup>23</sup> DeGroot, *Blighty*, p. 25; Beckett, 'The Nation in Arms', pp. 6-7.

Given this background, it was perhaps inevitable that the wartime drift towards conscription would be haphazard. In the early months the issue was swept aside, as a flood of volunteers overwhelmed the existing enlistment machinery. Recruitment was coordinated at a national level by the Parliamentary Recruiting Committee, an essentially apolitical body comprising Government Ministers, MPs, and party officials.<sup>24</sup> However, heralding a situation that would characterise later manpower initiatives, the Committee both delegated the implementation of its initiatives to local organisations and acquiesced in the formation of locally raised 'Pals Battalions'.<sup>25</sup> Adhering to its ideological traditions, the Liberal Government, headed by Prime Minister Herbert Asquith, adopted a policy of 'business as usual', a minimum of state interference in the economy and the lives of the populace, under which volunteering was initially allowed to proceed without restrictions.<sup>26</sup>

By late 1914, it had become apparent that such a *laissez-faire* attitude was leading to a potentially crippling loss of skilled workers from war industries.<sup>27</sup> That September, the Railway Executive Committee issued guidelines stating that men who wanted to enlist could only do so if their employers certified that they were expendable.<sup>28</sup> A more pro-active measure was that of 'badging' essential workers to protect them from the attention of Recruiting Officers.<sup>29</sup> From December 1914 to July 1915, the Admiralty supplied around 400,000 War Service Badges to companies involved in the production of munitions, and although it was rather

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<sup>24</sup> Roy Douglas, 'Voluntary Enlistment in the First World War and the Work of the Parliamentary Recruiting Committee', *The Journal of Modern History*, 42:4 (1970), pp. 564-85.

<sup>25</sup> Simmonds, *Britain and World War One*, p. 45; See also John Morton Osborne, *The Voluntary Recruiting Movement in Britain, 1914-1916*, New York: Garland, 1982, pp. 60-7; David Silbey, *The British Working Class and Enthusiasm for War, 1914-1916*, London: Frank Cass, 2005, p. 28.

<sup>26</sup> Peter Dewey, 'The New Warfare and Economic Mobilization' in John Turner (ed.), *Britain and the First World War*, London: Unwin Hyman, 1988, p. 74; Simmonds, *Britain and World War One*, p. 40.

<sup>27</sup> David Lloyd George, *War Memoirs of David Lloyd George*, vol. I, revised edition, London: Odhams Press, 1938, p. 172; Parliamentary Papers Cd. 9005: *The War Cabinet: Report for the Year 1917*, London, HMSO, 1918, p. 83, the British Library (TBL); A Board of Trade report produced in July 1915 showed that the following percentages of the 'total occupied male population employed in each trade' had already been lost: coal 21.8%, iron and steel 18.8%, engineering 19.5%, electrical engineering 23.7%, shipbuilding 16.5%, small arms 16%, chemicals and explosives 23.8%, other metals 20.8%, cycles 22.3%, wire-drawing 19.7%, woollen and worsted 12.5% (Humbert Wolfe, *Labour Supply and Regulation*, Oxford: Humphrey Milford, 1923, p. 14).

<sup>28</sup> P.E. Dewey, 'Military Recruiting and the British Labour Force during the First World War', *The Historical Journal*, 27:1 (1984), p. 213.

<sup>29</sup> The armaments firm Vickers first developed the practice of 'badging' employees in September 1914 (Arthur Marwick, *The Deluge: British Society and the First World War*, London: Bodley Head, 1965, pp. 56-7; Charles Messenger, *Call-To-Arms: The British Army, 1914-1918*, London: Cassell, 2005, p. 124).

more reluctant to impede the flow of men to the front, from March 1915 the War Office issued 80,000 Badges to those making small arms and ammunition. Yet the role of both these departments was limited to providing badges to the relevant firms, it was individual employers who controlled their distribution.<sup>30</sup>

While two million men had enlisted by the middle of 1915, this marked the point when several factors pushed conscription to the top of the political agenda.<sup>31</sup> The most pressing was a decline in volunteering. In September 1914 enlistments had averaged 116,000 per week; by the middle of 1915 they averaged only 100,000 per month.<sup>32</sup> This was particularly worrying given that the Secretary of State for War, Lord Kitchener, had promised the French that Britain would double its army's strength to 70 divisions.<sup>33</sup> With volunteering coming under strain, support for conscription within the Government was growing. In May 1915, several Conservatives joined the Cabinet as part of the new Coalition, bringing their conscriptionist sentiments with them.<sup>34</sup> Then the 'shells scandal', which saw a lack of artillery rounds blamed for the heavy casualties suffered at the Battle of Neuve-Chapelle, led to the establishment of a Ministry of Munitions with extensive directional powers over the country's industries.<sup>35</sup> This body also replaced the Admiralty and War Office as the sole badging authority, although the allocation of these awards still remained in the hands of individual employers.<sup>36</sup> The lesson of the first year of conflict appeared to be that 'business as usual' had contributed to a

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<sup>30</sup> Wolfe, *Labour Supply*, pp. 24-7.

<sup>31</sup> 'Enlistments for the Regular Army and Territorial Force, August 1914 – November 1918', Appendix 5, CAB 25/95, the National Archives (TNA).

<sup>32</sup> HMSO, *Statistics of the Military Effort of the British Empire during the Great War, 1914-1920*, London: HMSO, 1922, p. 364.

<sup>33</sup> Adams and Poirier, *The Conscription Controversy*, p. 103.

<sup>34</sup> Keith Grieves, *The Politics of Manpower, 1914-1918*, Manchester: Manchester University Press, 1988, pp. 13-15; The new Government consisted of eleven Liberals, nine Conservatives, Labour Party leader Arthur Henderson, and Lord Kitchener. While these outsiders had now been added to the Cabinet, the most important ministerial posts: Chancellor of the Exchequer, Foreign Secretary, President of the Board of Trade, and Home Secretary, all remained in Liberal hands (Rae, *Conscience and Politics*, p. 5).

<sup>35</sup> Richard Holmes, *Tommy: The British Soldier on the Western Front, 1914-1918*, London: Harper Perennial, 2005, p. 35.

<sup>36</sup> Wolfe, *Labour Supply*, p. 29.

shortage of soldiers, a fractured economy, and the loss of essential workers to the front.<sup>37</sup> It seemed that a more systematic allocation of manpower was required.

Asquith recognised that conscription was becoming increasingly likely, but resolved to wait until its viability had been assessed.<sup>38</sup> His first move was to authorise a labour census of the population aged 15 to 65, which was undertaken on 15 August 1915. Continuing the earlier reliance on local bodies, the National Register was organised and the responses tabulated by Local Registration Authorities: the urban and rural district councils, and borough councils, in consultation with the local Recruiting Officers and Labour Exchanges.<sup>39</sup> The results showed 5,158,211 eligible men, of whom 1,519,432 were 'starred' as being employed in essential occupations.<sup>40</sup> Using a 25% ratio for medical rejection, the available manpower pool was reckoned at approximately 2,700,000.<sup>41</sup>

Following the Register, a War Policy Committee was formed to consider future recruitment. Testimony before this body revealed a Cabinet divided between supporters of conscription, mostly Conservative, and opponents, mostly Liberal.<sup>42</sup> Despite four of its six members being conscriptionists, the Committee's official report merely outlined the available options.<sup>43</sup> Of greater significance were two minority reports. The first, by Austen Chamberlain, Winston Churchill, Lord Selborne, and Lord Curzon, asserted that Britain would not get the men it required

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<sup>37</sup> Ian F.W. Beckett, *The Making of the First World War*, New Haven: Yale University Press, 2012, pp. 70-1; John Turner, *British Politics and the Great War: Coalition and Conflict, 1915-1918*, New Haven: Yale University Press, 1992, p. 58.

<sup>38</sup> Adams and Poirier, *The Conscription Controversy*, pp. 83-4.

<sup>39</sup> Lord Selborne, *H of L*, 5:20, col. 459; Peter Simpkins, *Kitchener's Army: The Raising of the New Armies, 1914-16*, Manchester: Manchester University Press, 1988, p. 148.

<sup>40</sup> Men considered eligible for 'starring' included those employed in: '(i) Occupations required for the production or transport of munitions, (ii) Coal mining, (iii) Agricultural occupations, (iv) Certain mining occupations other than coal mining, (v) Railway servants employed in the manipulation of traffic and in the maintenance of the permanent way and rolling stock' (Central Tribunal, *Report of the Central Tribunal Appointed under the Military Service Act, 1916*, London: HMSO, 1919, p. 5).

<sup>41</sup> Adams and Poirier, *The Conscription Controversy*, p. 98.

<sup>42</sup> 'Report of Evidence given before the War Policy Committee at the Privy Council Office on Thursday, August 19, 1915', CAB 37/133/1, TNA; 'Report of Proceedings at a Meeting of the War Policy Cabinet Committee, held at the Privy Council Office on Friday, August 20, 1915, at 2:30pm', CAB 37/133/5, TNA; 'Report of Proceedings at a Meeting of the War Policy Cabinet Committee, held at the Privy Council Office on Monday, August 23, 1915, at 3pm', CAB 37/133/9, TNA; 'Report of Evidence given at a Meeting of the War Policy Cabinet Committee, held at the Privy Council Office on Tuesday, August 24, 1915', CAB 37/133/10, TNA.

<sup>43</sup> 'War Policy Committee: Report', 6 September 1915, CAB 37/134/9, TNA.

through volunteering.<sup>44</sup> In contrast, the Labour member of the Coalition, Arthur Henderson, cautioned that moving to compulsory service without first proving its necessity would split the Cabinet and alienate the working class.<sup>45</sup> Asquith was, therefore, left 'in a fix'.<sup>46</sup> Calls for conscription were becoming incessant, but to introduce it prematurely could bring down the Government and fracture the 'national unity' that he was so desperate to preserve.<sup>47</sup>

In the belief that conscription would only gain 'general assent' if the alternative was proven to have failed, Asquith resolved to give volunteering one last chance.<sup>48</sup> At his behest, Kitchener secured the agreement of the popular Lancashire aristocrat Lord Derby to become the new Director-General of Recruiting.<sup>49</sup> Under what became known as the 'Derby Scheme', publicly announced on 19 October 1915, the Local Registration Authorities, local Parliamentary Recruiting Committees, and local Recruiting Officers organised a personal canvass of all males of military age in an effort to persuade them to enlist directly, or to attest their willingness to serve when required.<sup>50</sup> The attestees were then placed into age groups, numbered one to 23 for the unmarried and 24 to 46 for the married, to be summoned in order by Royal Proclamation. Badged and starred men were asked to attest, but were promised that their occupation would give them immunity from call-up.<sup>51</sup>

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<sup>44</sup> 'Supplementary Memorandum', 7 September 1915, CAB 37/134/7, TNA.

<sup>45</sup> 'Supplementary Report', 7 September 1915, CAB 37/134/5, TNA.

<sup>46</sup> Adams and Poirier, *The Conscription Controversy*, p. 116.

<sup>47</sup> *Ibid.*, pp. 115-18.

<sup>48</sup> *Ibid.*, p. 122.

<sup>49</sup> Randolph S. Churchill, *Lord Derby 'King of Lancashire': The Official Life of Edward, Seventeenth Earl of Derby, 1865-1948*, London: Heineman, 1959, pp. 187-94.

<sup>50</sup> The mechanisms of the Derby Scheme were similar to those adopted for the October 1914 Householders' Return. Authorised by the Parliamentary Recruiting Committee, this canvass had seen eight million letters distributed to every family on the electoral register. Respondents were asked to supply the local council with the number and names of all males aged 19 to 35 living in the home, in addition to their marital status, occupation, height, and a statement declaring their willingness to enlist (Douglas, 'Voluntary Enlistment in the First World War', p. 572).

<sup>51</sup> Parliamentary Papers Cd. 8149: *Report on Recruiting by the Earl of Derby, K.G., Director General of Recruiting*, London: HMSO, 1916, p. 3, TBL; Adams and Poirier, *The Conscription Controversy*, p. 120; Grieves, *The Politics of Manpower*, p. 22; Hayes, *Conscription Conflict*, pp. 194-5; J.K. Montgomery, *The Maintenance of the Agricultural Labour Supply in England and Wales during the War*, Rome: International Institute of Agriculture, 1922, pp. 4-5.

The Derby Scheme's appeals process embodied the existing trends of localism and decentralisation. A crucial role was allocated to Walter Long's Local Government Board, which was tasked with directing the establishment of a Local Tribunal in each of the just over two thousand Local Registration Districts and with their subsequent administration.<sup>52</sup> Long was a firm believer in the good judgment of local bodies and adopted, or even expanded, on the provisions of the Scheme that granted them an important role.<sup>53</sup> Crucially, he left the appointment of the Tribunals' members in the hands of the Local Authorities, and simply recommended that they consist of up to five individuals capable of exercising 'impartial and balanced judgment', who ideally should not all be councillors.<sup>54</sup> Attested men could apply to a Tribunal for a maximum ten-group postponement on the grounds of hardship; employers could lodge a similar plea for their staff by citing necessity in the workplace.<sup>55</sup> When determining these claims, Long instructed the Tribunals that their duty was both to 'facilitate recruiting' and to protect the 'vital industrial and financial interests of the country'.<sup>56</sup> Such ambiguous wording left a great deal of scope for interpretation, difficult to correct amongst so many bodies, as well as indicating a willingness for the Tribunals to

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<sup>52</sup> There were some 1,805 Local Tribunals in England and Wales, and 281 in Scotland (Parliamentary Papers Cd. 8331: *Forty-Fifth Annual Report of the Local Government Board, 1915-1916*, London: HMSO, 1916, TBL; Rae, *Conscience and Politics*, p. 53).

<sup>53</sup> Long's championing of the abilities of local men extended back to the turn of the century. He had been at the centre of Conservative efforts to ensure that conscientious objectors under the 1898 Vaccination Act would have to satisfy two Justices of the Peace that their scruples were genuine, rather than being allowed to make a statutory declaration under oath (Nadja Durbach, 'Class, Gender, and the Conscientious Objector to Vaccination, 1898-1907', *The Journal of British Studies*, 41:1 (2002), p. 83); At the time of the Derby Scheme's implementation, Long was also considering the establishment of local tribunals staffed by 'responsible persons' to hear cases brought against food profiteers (Walter Long, *Memories*, London: Hutchinson & Co., 1923, pp. 228-9).

<sup>54</sup> Local Government Board (LGB) Circular R. 1: 'Recruiting and Local Committees', 26 October 1915, MH 47/142, TNA.

<sup>55</sup> *Ibid.*; At this stage, there was no provision for appeals on the grounds of a conscientious objection. However, attested men could signal a preference for non-combatant work (Director-General of Recruiting, *Group and Class Systems: Notes on Administration*, London: HMSO, February 1916, p. 15, MH 47/142, TNA).

<sup>56</sup> LGB Circular R. 2: 'Local Tribunals', 19 November 1915, MH 47/142, TNA; To explain and justify the exemption process to the public, the War Office circulated a fictional account of how an appeal to a Local Tribunal might proceed. Entitled 'Henry's claim', this passage describes a case being lodged on domestic and employment grounds, the strength of which prompts the local appeal body to grant a postponement for five groups. Delighted with this favourable outcome, the managing director of 'Henry's' company exclaims 'This is an excellent system. It leaves the decision not to the individual conscience or to the individual employer, but to the representatives of the Nation.' Equally pleased, 'Henry' tells his mother 'what a relief it is to me not to have to decide for myself whether I should go, but to know that I am just in the hands of my country, and am doing my bit wherever I am told to go' (*Holmfirth Express*, 4 December 1915, p. 3).

exercise considerable discretion. Nevertheless, the Scheme's architects did not have complete faith that local men would always make the 'correct' decisions. As the first of several limitations on their powers, any reservist or employer who felt that their case had been incorrectly rejected could appeal to a Government-appointed Central Tribunal sitting in London. This higher authority was given licence to formulate its own methodologies and to reach any verdicts it saw fit.<sup>57</sup>

The Local Tribunals enjoyed rather less freedom in claims brought by men who felt that they should have been immune from call-up. Here pressure from government departments, and the desire to halt the loss of men from essential industries, meant that a number of checks and balances were put in place. Special Colliery Courts were appointed by the Home Office to deal with claims on occupational grounds relating to men employed underground or at the surface of coal mines.<sup>58</sup> Left to determine all other appeals for protection, the Tribunals were asked to heed the original starring criteria, and the Lists of Reserved Occupations drawn up to supplement them. If a man could prove that his calling came within the scope of these documents, the appeal bodies' were obliged to treat him as being safeguarded from recruitment.<sup>59</sup>

Yet while the Lists of Starred and Reserved Occupations apparently introduced an element of centralised control into the exemption process, the fractured state of Britain's manpower allocation meant that they actually did the opposite. The Ministry of Munitions, the Admiralty, the Home Office, and the Board of Agriculture each contributed to the main Lists. Moreover, additional occupations were assessed by an inter-departmental Reserved Occupations Committee sitting at the Board of Trade, which formulated its own schema after hearing representations from over 4,000 firms and workmen.<sup>60</sup> Moreover, there were assertions that the original starring had been badly carried out, and accusations that some men, particularly in agriculture, where the starring criteria had been made known

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<sup>57</sup> LGB Circular R. 1, 26 October 1915, MH 47/142, TNA.

<sup>58</sup> LGB Circular R. 35, 3 December 1915, MH 10/80, TNA.

<sup>59</sup> LGB Circular R. 4: 'List of Occupations Referred to in Circular of 19<sup>th</sup> November, 1915, Issued to Local Tribunals', 19 November 1915, MH 47/142, TNA.

<sup>60</sup> Runciman, *H of C*, 5:77, col. 332; 'Reserved Occupations', 20 March 1916, CAB 37/144/47, TNA.

beforehand, had deliberately misrepresented their calling.<sup>61</sup> This meant the Tribunals had to go beyond simply establishing whether a man's occupation appeared on the Lists, they were also required to determine why he had not been starred in the first place, and whether he was actually employed as stated. To further complicate matters, Local Tribunals could only grant these appeals with the assent of the Military Representative. Otherwise they were restricted to making a recommendation before passing the case onto the Central Tribunal.<sup>62</sup>

The appeals process was also partly subject to the influence of the War Office, which was responsible for attaching both a Military Representative and Advisory Committee to each Local Tribunal. The former were either retired army officers, serving Territorials, or prominent civilians selected directly, while the latter were groups of up to five men chosen by the local Parliamentary Recruiting Committee for their knowledge of an area's economic circumstances.<sup>63</sup> Between them, this team screened every application for postponement or starring. If they assented to a claim, it would be granted without the need for a formal Tribunal hearing.<sup>64</sup> However, where an application was deemed contestable, a brief would be prepared for the Military Representative who would then attend the appeal sitting to question the appellant and advocate a refusal.<sup>65</sup> In any case where he subsequently believed that the Tribunal had afforded relief incorrectly, the Military Representative had the right to apply to the Central Tribunal for a review. Finally, the Military Representative was permitted to challenge the immunity from call-up of any man employed outside of munitions work.<sup>66</sup> Clearly these were powerful prerogatives. They signalled a belief that local appeal bodies might tend

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<sup>61</sup> Derby to Asquith, 25 November 1915, Asquith Papers (AsqP), MSS. Asquith 82, Bodleian Library (BodL); Bonnie White, 'Feeding the War Effort: Agricultural Experiences in First World War Devon, 1914-17', *Agricultural History Review*, 58:1 (2010), p. 106.

<sup>62</sup> Central Tribunal, *Report of the Central Tribunal*, p. 6; By 29 February 1916, around 16,000 cases had been referred onto the Central Tribunal. These were divided equally between appeals against the decisions of Local Tribunals and applications to be treated as starred (Minutes of the Central Tribunal, 29 February 1916, MH 47/1, TNA).

<sup>63</sup> Ministry of National Service, *The Recruiting Code*, 1 January 1918, p. 63, NATS 1/95, TNA; 'Memorandum to Supplement Circular of 17<sup>th</sup> November relating to Advisory Committees to Assist the Military Authorities in Respect of Questions Brought before Local Tribunals', 24 November 1915, MH 47/142, TNA.

<sup>64</sup> Director-General of Recruiting, *Group and Class Systems*, p. 17, MH 47/142, TNA.

<sup>65</sup> LGB Circular R. 3: 'Instructions to Local Tribunals', 19 November 1915, MH 47/142, TNA.

<sup>66</sup> Central Tribunal, *Report of the Central Tribunal*, pp. 6-7.

towards excessive leniency and must be constrained from doing so lest they threaten the supply of men to the army.<sup>67</sup>

Yet there were some substantial limitations on the War Office's influence. Firstly, its Military Representatives had no right to refuse claims or to take part in making decisions at appeal hearings. Secondly, the Tribunals could always reject the views that the Military Representatives put forward. Finally, although the War Office appointed the Military Representatives and Advisory Committees, their willingness to follow its directions was not guaranteed. As individuals connected to the local economy, the Advisory Committees were hardly likely to counsel for wholesale losses to the front. Moreover, a desire to minimise public concern over the army's role in the exemption process led Lord Derby to direct that the Military Representatives should also be men familiar to the community in which they would serve.<sup>68</sup> This proved to be an unfortunate decision from the military's perspective, with the War Office lamenting as early as February 1916 that 'in certain cases the military representative has allowed his sympathy for individual hard cases or the special business needs of the locality to outweigh his responsibility in obtaining men'.<sup>69</sup> The Tribunals themselves were certainly not under the 'control' of the War Office. If any body can be said to have exercised such direction it was the Local Government Board, which established the Tribunals and sent them instructions. Indeed, the only way for the War Office even to liaise with the appeal bodies was indirectly through the Local Government Board or Military Representatives.

The outcome of the Derby Scheme marked the beginning of the end for volunteering. On 2 November 1915, Asquith stated in the House of Commons that the Scheme would only be deemed a success if it brought in 'everybody of military age and capacity who is left after you have completely supplied the other national necessities'.<sup>70</sup> Failure to meet this condition would lead to compulsion, a commitment reinforced by what became known as 'Asquith's pledge', which

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<sup>67</sup> Director-General of Recruiting, *Group and Class Systems*, pp. 5-8, MH 47/142, TNA.

<sup>68</sup> *Huddersfield Examiner*, 19 November 1915, p. 2; Rae, *Conscience and Politics*, p. 24.

<sup>69</sup> Director-General of Recruiting, *Group and Class Systems*, p. 5, MH 47/142, TNA.

<sup>70</sup> Asquith, *H of C*, 5:75, col. 520.

stipulated that married men who attested would be off-limits until every single man had been 'dealt with'.<sup>71</sup> Ultimately, the results of the Scheme, placed before the Cabinet on 20 December, did not come close to achieving these goals.<sup>72</sup> Only 840,000 single men of military age attested out of 2.2 million. Removing the starred and the unfit reduced this figure to an estimated 318,533 who were 'actually available'. From 2.8 million married men, the numbers of attestees was 1.3 million, of whom 403,921 were 'available'.<sup>73</sup> Arguably the fate of volunteering had been sealed already, as the Allied Conference at Chantilly on 6 December had seen Britain commit to a sustained offensive against the German lines in the coming year.<sup>74</sup> With the failure of the Derby Scheme, and the need to secure every available man for the Western Front, Asquith finally agreed to put a Military Service Bill before Parliament in January 1916.

Compared to Britain, military values had a much greater influence in pre-war New Zealand. Here something of a dual identity was prevalent by the last decade of the nineteenth century. A strong attachment to Britain co-existed with a nascent nationalism that asserted New Zealanders were in many ways superior to 'Old Britons', a perception that tended to revolve around the attributes of physical fitness and personal daring.<sup>75</sup> If the Boer War stimulated militarism in sections of British society, this national self-image meant that the conflict reinforced an existing martial trend in New Zealand.<sup>76</sup> Support was overwhelming: 6,500 served overseas, the Volunteer Force swelled to over 17,000, and substantial sums of public money were raised.<sup>77</sup> The aftermath of the War illustrated the New Zealand

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<sup>71</sup> Ibid.

<sup>72</sup> The Derby Scheme had originally been scheduled to end on 30 November 1915, but the date for enlistment, direct or into groups, was subsequently extended first to 4 December, and then, finally, to 11 December ('Memorandum on Recruiting', 13 December 1915, CAB 37/139/26, TNA).

<sup>73</sup> Memorandum by Lord Derby on the Results of the Derby Scheme, 20 December 1915, AsqP 82, BodL.

<sup>74</sup> Brigadier-General Sir James E. Edmonds, *Military Operations: France and Belgium, 1916: Sir Douglas Haig's Command to the 1<sup>st</sup> July: Battle of the Somme*, London: Macmillan and Co., 1932, pp. 4-10.

<sup>75</sup> Belich, *Paradise Reforged*, p. 78; Gordon McLauchlan, *A Short History of New Zealand*, new edition, Albany: David Bateman, 2014, pp. 127-8; Ron Palenski, *The Making of New Zealanders*, Auckland: Auckland University Press, 2012, pp. 197-8.

<sup>76</sup> Matthew Wright, *Shattered Glory: The New Zealand Experience at Gallipoli and the Western Front*, Rosedale: Penguin, 2010, pp. 30-2; Jock Phillips, *A Man's Country?: The Image of the Pakeha Male - A History*, Auckland: Penguin, 1996, p. 137.

<sup>77</sup> Peter Cooke and John Crawford, *The Territorials: The History of the Territorial and Volunteer Forces of New Zealand*, Auckland: Random House, 2011, pp. 113-5.

Government's appraisal of its role in the military affairs of the Empire. Firstly, there was a desire to offer more assistance to Britain against the rise of German power.<sup>78</sup> Yet a simultaneous, and perhaps greater, concern was New Zealand's position as an isolated Imperial outpost. Geographically remote, and with a small population and long coastline, New Zealand had already been gripped by the fear of a Russian invasion in the late nineteenth century. More recently, attention had shifted to the perceived threat of attack by Japan, particularly after its comprehensive victory in the Russo-Japanese War. Official rhetoric, therefore, promoted a shared commitment to Imperial defence. New Zealand must demonstrate its willingness and ability to assist Britain, in order that Britain would feel compelled to come to New Zealand's aid if required.<sup>79</sup>

These beliefs stimulated a desire for increased military preparedness. At a time when reforms of the British Army were constrained by the budget, New Zealand doubled its defence expenditure between 1909 and 1913, and an offer to buy Britain a frontline battleship received overwhelming public support.<sup>80</sup> The strongest evidence of New Zealand's greater militarism was the introduction of compulsory military training. Established to push for this measure, the National Defence League could soon boast over 7,000 members.<sup>81</sup> Much of this expansion resulted from the perceived overseas threats, but it was also served by New Zealand's 'tradition of 'big government''.<sup>82</sup> Despite most politicians being avowedly hostile to socialism, successive administrations had responded to increased working class unrest by introducing welfare measures that went further than those of most other countries.<sup>83</sup> Moreover, there was a growing belief that, in return for these beneficial provisions, 'the state had the right to demand certain

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<sup>78</sup> Roberto Rabel, 'New Zealand's Wars' in Giselle Byrnes (ed.), *The New Oxford History of New Zealand*, Auckland: Oxford University Press, 2009, pp. 249-50.

<sup>79</sup> Paul Moon, *New Zealand in the Twentieth Century: The Nation, the People*, Auckland: HarperCollins, 2011, pp. 37-8; Baker, *King and Country Call*, p. 11.

<sup>80</sup> *New Zealand Official Yearbook*, 1914, p. 270; Wright, *Shattered Glory*, p. 38.

<sup>81</sup> Stevan Eldred-Grigg, *The Great Wrong War: New Zealand Society in WWI*, Auckland: Random House, 2010, pp. 15-16; This figure constituted approximately 0.7% of New Zealand's European inhabitants, whereas the National Service League's 100,000 members comprised only around 0.2% of the 1911 British population (*1911 Census of New Zealand*; Brian R. Mitchell, *British Historical Statistics*, Cambridge: Cambridge University Press, 1988, pp. 15-17).

<sup>82</sup> Baker, *King and Country Call*, p. 11.

<sup>83</sup> 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, pp. 206-14; Keith Sinclair, *A History of New Zealand*, revised edition, Auckland: Penguin, 2000, pp. 179-96.

duties of its citizens'.<sup>84</sup> It took two years of war for Britain to introduce conscription, whereas Sir Joseph Ward's 1909 Defence Bill for the compulsory military training of 12 to 21 year olds was opposed by only a handful of MPs.<sup>85</sup> The implementation of this legislation was somewhat less smooth. There were protests, particularly in Christchurch, from pacifists and militant labour, and thousands were prosecuted for falling to parade.<sup>86</sup> Yet other groups rallied to the system's defence and the overwhelming majority of youths and young men did report as ordered.<sup>87</sup>

Despite this greater martial tendency, New Zealand witnessed few calls for conscription during the early months of the Great War. Indeed, the issue was scarcely raised owing to a rush of volunteers, numbering 14,000 in the first week alone. Rather than sending all of these men overseas, the Defence Department dispatched the 8,454 strong Main Body, and arranged for its strength to be maintained through bi-monthly reinforcement drafts. This approach had two consequences. Firstly, it meant that there was no immediate role for all the men that had come forward, with many having to wait several months before entering camp.<sup>88</sup> Secondly, it created an atmosphere of complacency in the Defence Department.<sup>89</sup> By January 1915 this situation had altered somewhat, as a growing realisation that the conflict could be long and difficult meant public attitudes began

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<sup>84</sup> Baker, *King and Country Call*, p. 12.

<sup>85</sup> Males were to be enrolled in the Junior Cadets from age 12 to 14, the Senior Cadets from 14 to 18, the General Training Section from 18 to 21, and the Reserve from 21 to 30 (*New Zealand Statutes (NZS)*, Defence Act, 1909, pp. 295-328); On the advice of Lord Kitchener, who visited the country to inspect its military arrangements, the age range for compulsory training was altered to 14-25 by the 1910 Defence Amendment Act ('Defence Scheme - New Zealand, Report by Lord Kitchener, 1910', AD 10 Box 16/1, Archives New Zealand (ANZ)).

<sup>86</sup> David Grant, *Field Punishment No. 1: Archibald Baxter, Mark Briggs & New Zealand's Anti-Militarist Tradition*, Wellington: Steele Roberts, 2008, pp. 23-6; R.L. Weitzel, 'Pacifists and Anti-Militarists in New Zealand, 1909-1914', *New Zealand Journal of History*, 7:2 (1973), pp. 129-47.

<sup>87</sup> The annual camps associated with compulsory military training had an average attendance rate of 82%. Moreover, while 4,811 men had been convicted for breaches of the Defence Act by 1914, 57,322 individuals were serving under its provisions in the same year (Cooke and Crawford, *The Territorials*, p. 170; David Grant, *Out in the Cold: Pacifists and Conscientious Objectors in New Zealand during World War II*, Auckland: Reed Methuen, 1986, pp. 14-16).

<sup>88</sup> John Crawford, "'I Get Blamed for Everything': Enduring the Burdens of Office, James Allen as Minister of Defence in 1915' in David Monger, Sarah Murray and Katie Pickles (eds), *Endurance and the First World War: Experiences and Legacies in New Zealand and Australia*, Newcastle: Cambridge Scholars, 2014, p. 20.

<sup>89</sup> John McK. Graham, 'The Voluntary System: Recruiting, 1914-16', MA Thesis in History, University of Auckland, 1971, pp. 38-46.

to shift towards regarding volunteering as a duty.<sup>90</sup> It was at this point that steps were finally taken to stimulate enlistment.<sup>91</sup> However, in contrast to the British approach, Allen initially proved resistant to local initiatives. He instead sought to wield a centralised control, arguing 'It was far better that recruiting should be in hands of the Defence Department'.<sup>92</sup>

Several events in the middle of 1915 hardened attitudes towards volunteering. News of the heavy casualties at Gallipoli arrived at the end of April and was quickly followed by the sinking of the *Lusitania*. The former occasioned national pride; the latter led to determination to defeat an unscrupulous enemy.<sup>93</sup> Between them they sparked another flood of volunteers and demands for New Zealand to increase its military commitment.<sup>94</sup> The Coalition Government had already raised the strength of the Main Body in April, and in August it did so again, prompting a need for larger reinforcement quotas.<sup>95</sup> This period also saw the first fears that New Zealand might struggle to meet its obligations, an impression strengthened when Allen erroneously reported that sufficient recruits were not coming forward.<sup>96</sup> A belief that all young men should go to the front grew. Sports teams were targeted, employers pressed their single staff to enlist, and white feathers were more frequently distributed to those perceived to be 'shirking' their duty.<sup>97</sup> Nevertheless, calls for conscription remained limited, given an absence of actual shortages and a reluctance to take action before Britain or the other Dominions.<sup>98</sup>

Demands for compulsory service began in earnest when there was a danger of New Zealand failing to meet its commitments. Allen had finally countenanced local measures to encourage volunteering in April 1915.<sup>99</sup> However, these produced ever-decreasing returns, and the first crisis came when the October reinforcement

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<sup>90</sup> Baker, *King and Country Call*, pp. 21-3.

<sup>91</sup> Graham, 'The Voluntary System', p. 47.

<sup>92</sup> *Evening Star*, 27 November 1914, p. 3.

<sup>93</sup> *Evening Post (EP)*, 8 May 1915, p. 4 and 7 June 1915, p. 6; *New Zealand Herald (NZH)*, 30 April 1915, p. 6 and 14 May 1915, p. 9.

<sup>94</sup> Allen to Godley, 11 May 1915, Sir James Allen Papers (AP), ALLEN 1 Box 1 M1/15 (part 1), ANZ.

<sup>95</sup> *EP*, 19 April 1915, p. 6; Allen to Birdwood, 12 August 1915, AP, ALLEN 1 Box 9, ANZ.

<sup>96</sup> *EP*, 25 May 1915, p. 6.

<sup>97</sup> *NZH*, 27 May 1915, p. 8; *EP*, 28 May 1915, p. 3.

<sup>98</sup> Baker, *King and Country Call*, pp. 30-2.

<sup>99</sup> Graham, 'The Voluntary System', p. 58.

quota was only just filled in time. Much of the blame for this situation was directed at the Defence Department, with the continued time-lapse between enlistment and mobilisation cited as a disincentive to potential volunteers. Critics argued the solution lay in immediate mobilisation through a network of local camps.<sup>100</sup> Yet Allen consistently rejected such proposals, citing cost and efficiency.<sup>101</sup> The difficulties of obtaining a regular and orderly flow of recruits led many in the Government to recognise the potential benefits of conscription. However, they worried about the dissent that might result from introducing it prematurely: Allen wrote that 'it is only the fear of what might happen in Labour circles [that] prevents it being adopted here.'<sup>102</sup>

Therefore, the executive decided that it must be seen to be doing everything it could to make volunteering work. At the centre of this approach was a National Register of males aged between 17 and 60. Like its British equivalent, this measure was justified on the grounds of efficiency.<sup>103</sup> Yet there were two important differences. Firstly, the New Zealand Register circumvented local authorities by requiring respondents to post their forms directly to the Government Statistician. Secondly, it asked individuals to consider whether they were willing to enlist.<sup>104</sup> When the results were released on 7 December, they showed that of the 187,593 males of military age, 58.5% were prepared to volunteer for overseas service, 23.2% would serve in a civil capacity in New Zealand, and 18.3% would volunteer for neither.<sup>105</sup> Anger at the 34,000 men who constituted the latter group was exacerbated by a recruiting shortage over Christmas, widely attributed to the fact that eligibles would not enlist while so many 'shirkers' remained at large.

The New Zealand Government now found itself in the same 'fix' that had so worried Asquith. Conscription appeared to be necessary, but potential resistance

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<sup>100</sup> *Wanganui Chronicle (WC)*, 14 October 1915, p. 4; *Poverty Bay Herald (PBH)*, 18 October 1915, p. 7; *Feilding Star (FS)*, 28 October 1915, p. 2.

<sup>101</sup> *FS*, 29 November 1915, p. 2; *WC*, 18 December 1915, p. 4.

<sup>102</sup> Allen to Godley, 4 January 1916, AP, ALLEN 1 Box 1 M 1/15 (part 2), ANZ; See also Allen to Birdwood, 7 March 1916, AP, ALLEN 1 Box 9, ANZ; Allen to Godley, 13 April 1916, AP, ALLEN 1 Box 1 M 1/15 (part 2), ANZ.

<sup>103</sup> Allen, *New Zealand Parliamentary Debates (NZPD)*, vol. 174, p. 805.

<sup>104</sup> Massey, *NZPD*, 174, pp. 124-30, 977.

<sup>105</sup> *Appendices to the Journals of the House of Representatives*, 1916, H-35.

meant it could only be introduced after the alternative was proven to have failed. The commencement of a new Recruiting Scheme in February 1916 was explicitly justified by the fact that Britain had only abandoned volunteering after a 'most exhaustive and systematic personal canvass' proved unsuccessful.<sup>106</sup> Under the Scheme, each district, county, and borough was to set up a committee composed of members of the local authority and other representative men. This body would then appoint canvassers to interview eligibles in an effort to persuade them to enlist.<sup>107</sup>

Despite the basic similarities with the Derby Scheme, there were some notable differences. While local bodies would carry out the New Zealand measure, its direction would be in the hands of a Recruiting Board consisting of: the Prime Minister, William Massey; the Deputy Prime Minister and Minister of Finance, Sir Joseph Ward; and Allen, thereby giving it a more centralised character.<sup>108</sup> Men who agreed to enlist were not allocated to groups to be called in order, but were allowed to choose when they wished to mobilise.<sup>109</sup> Clearly this removed the need for a right to claim postponement. In fact, there would be no appeal hearings or appeal bodies at all. The only mechanism concerned men engaged in essential industries, for whom employers could apply directly to the Minister of Munitions and Supply, Arthur Myers, for an exemption badge. After investigating the case, Myers would make a recommendation to Allen, who would then decide whether the claim should be accepted.<sup>110</sup> So whereas the War Office and its appointees had no power to determine cases under the Derby Scheme, the Minister of Defence would ultimately decide the only 'appeals' under its New Zealand equivalent.

If the methodology of the Recruiting Scheme differed from its British forerunner, the result was the same. The vast majority of local bodies promised their co-

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<sup>106</sup> Recruiting Board Circular, 14 February 1916, AD 82 Box 8/84, ANZ.

<sup>107</sup> Recruiting Board Circulars to Local Bodies, February 1916, AD 1 Box 713 9/169/2, ANZ.

<sup>108</sup> Recruiting Board Circular to Town Boards, February 1916, AD 1 Box 713 9/162/2, ANZ.

<sup>109</sup> 'Recruiting Board Scheme, Appendix B: Duties of Recruiting Committees', AD 1 Box 713 9/169/2, ANZ.

<sup>110</sup> *PBH*, 16 March 1916, p. 5; *Waikato Times*, 19 July 1916, p. 9; Myers to Allen, 8 June 1916 and Allen to Myers, 9 June 1916, both in AD 1 Box 10/483, ANZ; By the time the Boards' operations began in November 1916, 496 men had obtained exemption badges by virtue of being employed in an essential industry (*Auckland Star (AS)*, 3 November 1916, p. 4).

operation.<sup>111</sup> However, many expressed a preference for conscription rather than another effort to stimulate volunteering, and there was a distinct reluctance to pressure men into enlisting.<sup>112</sup> These attitudes often led to a dilatory approach towards implementing the Scheme, while many bodies that did try to carry out its requirements were unable to find enough canvassers.<sup>113</sup> In desperation, the Recruiting Board attempted to re-brand the measure as an effort to update the National Register.<sup>114</sup> Yet even this could not obtain enough local support for the Scheme to run effectively. If the agents of recruiting proved largely apathetic, those on the receiving end also failed to meet expectations. Some men asserted they would only enlist when they ‘saw “the other fellow” compelled to do his share’, whereas others simply failed to report as they had promised.<sup>115</sup> When every reinforcement draft from February to April mobilised with a greater shortage than the last, it was clear that the ‘final test’ of volunteering had never got off the ground.<sup>116</sup> On 27 March 1916, Massey announced that the Government would introduce a Military Service Bill to Parliament when it reconvened in May.<sup>117</sup>

The drafting of Britain’s conscription legislation was a largely civilian affair. In September 1915, the Lord Privy Seal, Lord Curzon, and the Conservative MP and publicist Leo Amery had prepared a ‘Sketch of Possible Scheme of Compulsory Military Service’.<sup>118</sup> As early as 7 November, when the likely failure of the Derby Scheme became apparent, Asquith requested that their outline be turned into a

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<sup>111</sup> *FS*, 10 February 1916, p. 2; *Northern Advocate*, 12 February 1916, p. 3; *WC*, 16 February 1916, p. 6; Initially, six local bodies and a branch of the Farmers’ Union refused to support the Scheme, but intense Government pressure managed to reduce this to only three local bodies by the middle of March (*NZH*, 14 February 1916, p. 7 and 15 March 1916, p. 8).

<sup>112</sup> Hanna to Allen 12 January 1916 and Lewis to Allen, 19 January 1916, both in AD 82 Box 9 105, ANZ; *PBH*, 11 February 1916, p. 3; *Hawera & Normanby Star*, 16 February 1916, p. 5; *FS*, 17 February 1916, p. 3; *Ohinemuri Gazette*, 18 February 1916, p. 4; *NZH*, 25 February 1916, p. 7.

<sup>113</sup> Commander Wellington Military District to Headquarters NZ Military Forces, 20 April 1916, Commander Group 6 to Wellington Military District Headquarters, 3 May 1916 and Commander Group 2 to Auckland Military District Headquarters, 3 May 1916, all in AD 1 Box 713 9/169/2, ANZ.

<sup>114</sup> Recruiting Board Circular, 14 February 1916, AD 82 Box 8 84, ANZ; *PBH*, 18 February 1916, p. 8.

<sup>115</sup> *EP*, 15 February 1916, p. 3; See also Commander Group 7a to Wellington Military District Headquarters, 1 May 1916, AD 1 Box 713 9/169/2, ANZ.

<sup>116</sup> Gibbon to Gray, 7 March 1916 and 3 April 1916, AD 1 Box 713 9/169/2, ANZ; *NZH*, 14 February 1916, p. 4 and 29 April 1916, p. 8.

<sup>117</sup> *NZH*, 28 March 1916, p. 8.

<sup>118</sup> Rae, *Conscience and Politics*, p. 14; ‘Prime Minister to the King: Cabinet Monday Oct 4 1915’, 12 October 1915, AsqP 8, BodL.

formal draft.<sup>119</sup> It was this model that the Cabinet Committee, established on 15 December, used as the starting point for preparing the Military Service Bill.<sup>120</sup> Under Long's chairmanship, the Committee comprised: Curzon; the Conservative Attorney-General, Frederick Smith; the Liberal Lord President of the Council, Lord Crewe; and Sir John Simon, the Liberal Home Secretary and only member of the Cabinet who opposed conscription on principle. Although it did consult with the departmental staff of the War Office, no member of the Committee had a direct connection to the military.<sup>121</sup> Once a draft had been produced, it was referred to the full Cabinet for approval. Certainly the subsequent discussions involved Kitchener, with other prominent members of the War Office also being asked for their input. However, Kitchener did not insist on any substantive changes, while the objections of the Adjutant-General and the Director of Personnel Services to the wide scope of the 'conscience clause' were rebuffed.<sup>122</sup>

In contrast, political concerns had a substantial impact on the proposed legislation, and ensured that localism and decentralisation would remain at the forefront. During his November 1915 speech to the Commons, Asquith had attempted to undermine potential resistance by asserting that conscription would be solely a means of redeeming his 'pledge' that no attested married men would be taken before all the available singles.<sup>123</sup> Yet the pretense that the Bill was a necessary extension of the Derby Scheme could only be maintained if their provisions were kept similar. The final draft, introduced by the Prime Minister to the Commons on 5 January 1916, displayed several manifestations of this approach. Firstly, it only applied to unattested men who had been unmarried on 2 November 1915, the date of the 'pledge', and who were aged between 18 and 41 on 15 August 1915, those who had been canvassed.<sup>124</sup> Secondly, the Bill maintained the right of a man or his employer to appeal, with the Cabinet Committee noting that the permissible

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<sup>119</sup> Adams and Poirier, *The Conscription Controversy*, p. 133.

<sup>120</sup> Notes on Cabinet Meeting, 15 December 1915, CAB 37/139/27, TNA; The early drafts were produced under Curzon's chosen title: 'Compulsory Military Service Bill' (Draft 297-2, 16 December 1915, WO 32/9348).

<sup>121</sup> Long, *Memories*, p. 224; Rae, *Conscience and Politics*, p. 23.

<sup>122</sup> Major-General Sir Wyndham Childs, *Episodes and Reflections: Being some Records from the Life of Major-General Sir Wyndham Childs*, London: Cassell & Company, 1930, p. 148; Messenger, *Call-To-Arms*, p. 132; Rae, *Conscience and Politics*, pp. 29-30.

<sup>123</sup> Asquith, *H of C*, 5:75, col. 520.

<sup>124</sup> 'Military Service (No. 2) Bill', 6 January 1916, WO 32/9348, TNA.

grounds 'correspond, as far as possible, to those in which exemption can be obtained under the Derby Scheme'.<sup>125</sup> Therefore, a claim might be lodged 'on the ground that it is expedient in the national interests that he or they should, instead of being employed in military service, be engaged in other work; or on the ground that the man by or in respect of whom the application is made has any person dependent on him who, if the man was called up for army service, would be without suitable means of subsistence'.<sup>126</sup> Thirdly, the responsibility for interpreting these loosely worded provisions would remain with the same Local Tribunals established under the Scheme. Indeed, one of Asquith's arguments when trying to ease the possible reluctance of MPs to countenance conscription was that cases would be determined by appeal bodies operating 'in every locality, as close as may be to a man's doors'.<sup>127</sup> The membership of these Tribunals could now be expanded up to a maximum of 25 individuals, but the Local Registration Authorities would continue to make any appointments.<sup>128</sup>

Many of the new elements in the Tribunals' brief would provide them with greater discretion. Under the Derby Scheme, they had only been able to postpone the call-up of men who appealed on hardship or occupational grounds, whereas the Bill permitted the granting of a certificate of exemption from military service in any case that came before them. This relief could be stipulated as either temporary, dependent on certain conditions being met, or absolute. The Tribunals would also have the power to review or renew such a certificate on their own initiative or on the application of its holder.<sup>129</sup> Moreover, deviations from the principle of mirroring the previously available grounds promised to give the Tribunals two extra categories of cases to determine. Firstly, they would be permitted to grant exemption on the basis of 'ill-health or infirmity'.<sup>130</sup> Secondly, during the final Cabinet discussions, the Bill was amended to allow men to appeal on the ground of a 'conscientious objection to the undertaking of combatant service', with an associated provision for the Tribunals to grant exemption 'from combatant duties

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<sup>125</sup> 'Military Service Bill', Draft 297-7, 30 December 1915, CAB 37/139/67, TNA.

<sup>126</sup> 'Military Service (No. 2) Bill', 6 January 1916, WO 32/9348, TNA.

<sup>127</sup> Asquith, *H of C*, 5:77, col. 961.

<sup>128</sup> 'Military Service (No. 2) Bill', 6 January 1916, WO 32/9348, TNA.

<sup>129</sup> *Ibid.*

<sup>130</sup> *Ibid.*

only'.<sup>131</sup> This change was carried out just two days after Simon's resignation from the Government, a move that had prompted fears the former Home Secretary might mobilise a body of Liberal opposition to the Bill, and thereby ruin the image of 'national unity' that Asquith was desperate to present. Given this timing, it seems likely that the 'conscience clause' was a rushed effort to nullify potential Liberal resistance.<sup>132</sup> Whatever the reasoning, the Bill did not outline what the term 'conscientious objection' should include, meaning the task of definition would be left to the Tribunals.

While other features of the Bill appeared to signal a departure from localism and decentralisation, their potential effects actually served to reinforce those trends. The first resulted from lobbying by the Ministry of Munitions, whose officials argued that local appeal bodies would lack the wider perspective necessary to judge which men were required for war production. At its insistence, a sub-section was inserted that would permit government departments to direct that any certificates previously issued to men engaged on essential work should be regarded as certificates of exemption from conscription. In practice this was intended to cover the badging certificates that were paired with each War Service Badge.<sup>133</sup> A second provision was the ability of each government department to grant exemption certificates to 'men, or classes or bodies of men' directly in its employment, and to certify that 'men, or classes or bodies of men' whose work came within its 'sphere' were engaged in work of 'national importance' and should be entitled to exemption from the Tribunals.<sup>134</sup> The combined effects of these measures would place a substantial body of reservists outside the Tribunals' jurisdiction and limit their discretion in many other cases; thereby making them the strongest check placed on the appeal bodies' powers.<sup>135</sup> Nevertheless, given that the provisions revolved around the need to retain men in their employment, they would largely apply to those individuals who had been immune from call-up

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<sup>131</sup> 'Military Service Bill', Draft 297-9, 4 January 1916, AsqP 82, BodL; The previous draft (297-8, 3 January 1916) had stipulated that the objection must be to 'bearing arms'.

<sup>132</sup> Martin Ceadel, *Pacifism in Britain, 1914-1945: The Defining of a Faith*, Oxford: Clarendon Press, 1980, pp. 38-9; Rae, *Conscience and Politics*, pp. 26-7.

<sup>133</sup> Rt. Hon. Christopher Addison, *Four and a Half Years: A Personal Diary from June 1914 to January 1919*, vol. I, London: Hutchinson & Co., 1934, p. 161.

<sup>134</sup> 'Military Service (No. 2) Bill', 6 January 1916, WO 32/9348, TNA.

<sup>135</sup> Long, *H of C*, 5:78, col. 565.

anyway under the Derby Scheme.<sup>136</sup> Moreover, the issuing of individual certificates would remain in the hands of employers rather than a central authority, and involving every government department in the appeals process would make it even more difficult to impose central controls on the awarding of exemptions.

A third significant proposal in the Bill was the establishment of Appeal Tribunals. It would be to these bodies that dissatisfied appellants and employers would have the unrestricted right to refer their claims, whereas a case would now only be taken to the Central Tribunal if an Appeal Tribunal gave its permission.<sup>137</sup> Unlike the Local Tribunals, the Appeal Tribunals would be appointed by the Government, and at a county level rather than for each Registration District.<sup>138</sup> However, the introduction of these bodies would turn out to be primarily an act of localisation. Instead of coming before a central body in London, the vast majority of claims would be dealt with in their county of origin by individuals from that area. Appointing the eventual 73 Appeal Tribunals would also add yet another group of relatively local actors into the exemption process.

As a final measure, the Government would be permitted to issue regulations regarding 'the constitution, function and procedure' of all three types of Tribunal.<sup>139</sup> Clearly this would allow for wide-ranging central direction. Yet it was only permissive; in the absence of regulations the Tribunals would continue to determine their own procedures.<sup>140</sup> Even more importantly, the addition of the 73 Appeal Tribunals would also take the total number of appeal bodies further over two thousand.<sup>141</sup> Such a vast number would make it difficult to draft universally applicable regulations and to make sure they were enforced in a uniform manner or even enforced at all. Ultimately, the exemption system under the Bill would still be localised and decentralised.

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<sup>136</sup> Turner to Tallents, 20 April 1916, AsqP 30, BodL.

<sup>137</sup> 'Military Service (No. 2) Bill', 6 January 1916, WO 32/9348, TNA.

<sup>138</sup> Ibid.; Asquith, *H of C*, 5:77, cols. 959-60.

<sup>139</sup> UK, Military Service Act, 1916, Second Schedule; The Bill initially provided for regulations to be issued only with respect to the Tribunals' 'procedure', but the Government's intentions as to the scope of the sub-section were clarified by the insertion of these extra words during the Committee Stage (Long, *H of C*, 5:78, col. 758).

<sup>140</sup> 'Military Service (No. 2) Bill', 6 January 1916, WO 32/9348, TNA.

<sup>141</sup> Marquess of Lansdowne, *H of L*, 5:21, col. 927; List of Local and Appeal Tribunals in England and Wales, 7 January 1918, NATS 1/914, TNA.

The degree of War Office influence was to remain relatively limited. Long outlined that the Advisory Committees (which were not mentioned in the Bill) would continue in their role as ‘grand juries’ by clearing ‘the lists of cases where the facts are so evident that it would not be worth while’ for the Tribunals to investigate.<sup>142</sup> In doing so, they would again be partnered by the Military Representatives who would appear at exemption hearings to contest claims that were perceived as lacking merit.<sup>143</sup> The proposed legislation provided for the unrestricted right of the Military Representatives to request that exemption certificates be reviewed and to refer cases to the Appeal Tribunals.<sup>144</sup> Even the Local Government Board regarded the latter mechanism more as a safeguard for the army against ‘any laxity on the part of the local tribunal’ than as a means of protecting the appellants.<sup>145</sup> However, although the Military Representative possessed the right of review and appeal, exercising these options would only bring the case before either the same or a higher Tribunal; the Representatives were to have no control over the final determination of cases.

Crucially, the Bill and the debates around it also gave no prospect of the War Office having directing powers over the appeal bodies. The Local Government Board was to be responsible for addressing any difficulty ‘with respect to the constitution of local tribunals, or otherwise in relation to the operation of this Act with respect to local tribunals’.<sup>146</sup> Furthermore, the majority of questions and amendments concerning the Tribunals were dealt with by Long, who gave an explicit assurance that they would be ‘civilian in character and not military’.<sup>147</sup> Finally, it was stated that Long would draw up and issue initial regulations regarding the constitution and procedures of the appeal bodies.<sup>148</sup> These steps made it clear that the role of the military in the exemption system was to be that of a check on the Tribunals’ powers, rather than a controlling agency.

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<sup>142</sup> Long, *H of C*, 5:78, cols. 738-9.

<sup>143</sup> *Ibid.*, col. 738.

<sup>144</sup> ‘Military Service (No. 2) Bill’, 6 January 1916, WO 32/9348, TNA.

<sup>145</sup> Parliamentary Papers Cd. 8697: *Forty-Sixth Annual Report of the Local Government Board, 1916-1917*, London: HMSO, 1917, p. 21, TBL.

<sup>146</sup> Long, *H of C*, 5:78, col. 1010.

<sup>147</sup> *Ibid.*, col. 745.

<sup>148</sup> See for example Long, *H of C*, 5:78, cols. 743-4, 754.

New Zealand's Military Service Bill shared the imprint of political expediency, but the military had a much greater influence on its drafting. The full Cabinet was given ample opportunity to discuss the Bill and make alterations.<sup>149</sup> Nevertheless, it seems that Allen had a particularly prominent role in its preparation: he wrote that this work had kept him 'fully occupied'; Myers identified him as the principal architect; and it was he, not Myers or the Prime Minister, who outlined the proposed legislation to the House of Representatives on 30 May 1916.<sup>150</sup> The Bill's central features appear to have been designed to achieve the broadest possible consent, a goal that was seen to be of vital importance. Not only was there the fear of working-class unrest, but the Government was a coalition, and the House was divided almost equally between Reform and Liberal members.<sup>151</sup> Several MPs had already called for the application of strong compulsion, whereas a few others, mainly Labour and Liberal, remained doubtful whether such a perceived assault on individual liberties was warranted at that juncture, or even at all.<sup>152</sup> The Bill struck a balance between these positions. Each Recruiting District would continue to try and meet its monthly reinforcement quota through volunteering, but failure to do so would result in the balloting of conscripts to make up the shortage. A First Division of the unmarried, widowers without children, and those married after 4 August 1914 would be fully exhausted initially, followed by the predominantly married men of the Second Division. In cases where no sons had enlisted from a family with at least two eligibles, all of the sons were to be available for immediate conscription regardless of their status.<sup>153</sup>

Several of the Bill's sections seem to indicate a desire for the Military Service Boards to exercise considerable discretion. On the one hand, there would be no granting of exemptions by government departments, and no legislative privileging of certain occupational classes of men, as 'it has been proved from experience in Britain that the exempting by classes was a mistake'.<sup>154</sup> Instead, Allen stressed that

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<sup>149</sup> Russell, *NZPD*, 175, p. 624.

<sup>150</sup> Allen to Godley, 11 July 1916, AP, ALLEN 1 Box 2 M1/15 (part 3), ANZ; Myers, *NZPD*, 175, p. 773.

<sup>151</sup> Baker, *King and Country Call*, p. 86.

<sup>152</sup> Wilford, *NZPD*, 175, p. 60; Veitch, p. 81; Statham, p. 140; Wilkinson, p. 184; Coates, pp. 237-8.

<sup>153</sup> Allen, *NZPD*, 175, pp. 484-91.

<sup>154</sup> *Ibid.*, p. 486.

every reservist, or his employer, who desired exemption would have to appeal, and that the Boards would be solely responsible for determining each case on its merits.<sup>155</sup> Claims could be made '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'.<sup>156</sup> The key terms of these ambiguously worded provisions were not defined in the Bill and would, therefore, require the Boards to decide exactly how they should be interpreted and applied. In each case, the Board could dismiss the appeal, adjourn it for re-hearing at a set date, adjourn it *sine die* (indefinitely), or allow it.<sup>157</sup> Moreover, the decisions reached would always be final, as the proposed legislation did not create or allow for any higher bodies to which claims might be referred.

On the other hand, further sections and statements demonstrate that New Zealand's exemption process was intended to be far less localised and decentralised than Britain's. There was no provision for the Boards to grant exemption on the basis of medical unfitness or, initially, on the grounds of conscientious objections to military service. Crucially, the three members of each appeal body would be appointed by the Government rather than by the local authorities, and would only hold their positions at the executive's 'pleasure'.<sup>158</sup> Allen also explained to the House that the current thinking envisaged only one Board in each of the four military districts: Auckland, Wellington, Canterbury, and Otago. Although he went on to state that 'we may have to establish a Board in each military group', even this would only mean 21 appeal bodies, far fewer proportionately than in Britain.<sup>159</sup> Rather than being based in a Local Registration District like the Local Tribunals, the Boards would have to travel across a wide area and hold sittings in many different places.

The probable combined effects of these policies would be threefold. Firstly, the Board members would be less influenced by local concerns than the personnel of the Local Tribunals. Their position would not be dependent on the goodwill of local

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<sup>155</sup> Ibid., pp. 486, 646.

<sup>156</sup> Ibid., p. 487.

<sup>157</sup> NZS, Military Service Act, 1916, Sections 25-30.

<sup>158</sup> Ibid., Section 19(3)

<sup>159</sup> Allen, *NZPD*, 175, p. 646.

authorities, and perhaps the local population, and they might be without a personal connection to their place of sitting. Secondly, the Board members would sometimes lack the familiarity with local conditions that the Tribunals possessed. A final impact concerned central direction. Like their British counterparts, the Boards would be free, in the absence of any regulations, to decide their own approach.<sup>160</sup> However, the Government's right to choose the appeal bodies' members would allow it to select individuals who it felt could be relied upon to adopt the 'correct' attitude towards exemptions, and who it felt would be amenable to applying instructions. Moreover, it would be far easier to produce directions for a handful of appeal bodies than for over two thousand Tribunals, a factor that appears to have featured prominently in Allen's thinking, given his repeated reference to the importance of uniformity between the Boards.<sup>161</sup> The New Zealand Government would also be better able to monitor the activities of its appeal bodies, both to determine if regulations were required and to ensure they were implemented in the desired manner.

Despite some firm assurances to the contrary, there was strong evidence that the military would take a significant role in the New Zealand exemption process. When introducing the Bill, Allen stated that he knew 'of no reason why military men should be on the Appeal Boards', and the proposed legislation made no mention of either Military Representatives or Advisory Committees.<sup>162</sup> Allen even explicitly guaranteed that the Boards would 'not be under military control', but would instead be the responsibility of Myers and his Ministry of Munitions and Supply.<sup>163</sup> Nevertheless, the parliamentary process itself contradicted this assertion. Not only did Allen introduce the Bill and explain its various sections regarding exemptions, he also: responded to most of the questions or comments on the subject during the debates; made statements regarding the proposed number, constitution, and procedure of the Boards; steered the Bill through the committee stage; and

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<sup>160</sup> *NZS*, Military Service Act, 1916, Section 21.

<sup>161</sup> Allen, *NZPD*, 177, p. 186; *EP*, 14 September 1916, p. 8 and 27 September 1916, p. 6.

<sup>162</sup> Allen, *NZPD*, 175, p. 490.

<sup>163</sup> *Ibid.*; A few months later, Allen publicly stated 'As Minister of Defence I do not want to have anything to do with the operation of the Appeal Boards, because I don't want anyone to think that any military man can influence the matter' (*AS*, 18 September 1916, p. 7).

proposed every government amendment.<sup>164</sup> One MP even stated that he hoped to influence ‘the Minister of Defence, when he makes regulations for the exemption Board’, a comment that passed without contradiction.<sup>165</sup> In contrast, no questions were put to Myers, and his speech on the Bill failed to make a single mention of the Boards.<sup>166</sup> All this must surely have made it clear from the outset that the direction of the appeal bodies would actually be the preserve of the Minister of Defence. Yet no opposition was raised to this eventuality, suggesting that New Zealand MPs were more willing to countenance military influence than their British counterparts.

Initially, the appeals process outlined in the British Bill attracted little comment from MPs. The first reading debate largely focused on whether conscription was justified in principle and whether it was necessary in the circumstances. Despite the efforts of Simon and others, the proposed legislation passed its first reading by 403 to 105.<sup>167</sup> Given the scale of this defeat, many opponents now accepted that conscription was inevitable and shifted their attention towards ensuring that the provisions for exemption would operate fairly and equitably. During the second reading debate, some members voiced concerns over the potential for ‘industrial compulsion’, arising from the Tribunals’ ability to make certificates conditional on men remaining in their present employment. They argued that such stipulations would allow employers to threaten staff with the prospect that any disputes over working conditions would not only result in the loss of their jobs, but also their exemptions.<sup>168</sup>

The Cabinet’s attempts to ameliorate fears over ‘industrial compulsion’ led to an increase in the Tribunals’ discretion. It was the Executive itself that moved for the grounds of occupational exemption to be expanded to ‘that it is expedient in the

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<sup>164</sup> For Allen’s responses to comments see *NZPD*, 175, pp. 511, 513, 590; For his claims regarding exemptions see pp. 646, 782-4.

<sup>165</sup> Pearce, *NZPD*, 175, p. 534; See also Hine, p. 568.

<sup>166</sup> Myers, *NZPD*, 175, pp. 771-3.

<sup>167</sup> *H of C*, 5:77, cols. 1254-6; The core opposition consisted of 34 Liberal and 11 Labour members. The remaining 60 noes came from Irish Nationalists, who indicated that they would abstain from subsequent votes after it became clear that compulsory military service would not be implemented in Ireland.

<sup>168</sup> Anderson, *H of C*, 5:77, col. 1463; Lambert, col. 1468; Harvey, col. 1571; Dillon, col. 1632; Pringle, cols. 1716-7.

national interests that he should, instead of being employed in military service, be engaged in other work in which he is habitually engaged or in which he wishes to be engaged or, if he is being educated or trained for any work, that he should continue to be so educated or trained'.<sup>169</sup> In addition, a sub-section was proposed that would allow a man who left the employment on which his exemption depended two months to find similar work and apply for a renewal. This grace period would also apply in any case where a certificate expired or was withdrawn.<sup>170</sup> It was frankly admitted that these concessions were designed to gain the acquiescence of the working-classes to conscription.<sup>171</sup>

However, their acceptance did not go far enough to satisfy all MPs.<sup>172</sup> Several now mobilised behind Labour member Will Anderson's proposal to make every exemption absolute, arguing this was the only way to guarantee that men would not be held hostage by the conditions of their certificate.<sup>173</sup> Such a far-reaching measure was a step too far for the Government. Its spokesmen argued that sufficient safeguards were now in place, while there was surely an unspoken reluctance to allow that every man who received exemption would be permanently lost to the army.<sup>174</sup> This opposition ensured the amendment's defeat by 200 votes to 44.<sup>175</sup> Nevertheless, the desire to pacify potential resistance did prompt the Cabinet to insert a sub-section stating that no certificate could be made conditional on a man working 'under any specified employer or in any specified place or establishment'.<sup>176</sup> Although the Tribunals would be bound by this stipulation, their freedom to grant the different types of certificate had been preserved and the grounds on which they could grant exemption had been extended.

The Tribunals' powers were also strengthened by modifications to the 'conscience clause'. The desire to sway Liberal opinion behind the Bill led the Cabinet to agree

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<sup>169</sup> Bonar Law, *H of C*, 5:78, col. 328; Long, col. 970.

<sup>170</sup> Long, *H of C*, 5:78, cols. 574-5; The grace period was initially proposed as six weeks, but a change to two months was subsequently agreed to.

<sup>171</sup> Bonar Law, *H of C*, 5:78, cols. 317-9.

<sup>172</sup> See for example Sherwell, *H of C*, 5:78, col. 320; Anderson, col. 323; Mason, cols. 332-3.

<sup>173</sup> Anderson, *H of C*, 5:78, col. 526; See for example Pringle, *H of C*, 5:78, cols. 533-8; Thomas, cols. 542-5.

<sup>174</sup> Bonar Law, *H of C*, 5:78, cols. 530-3.

<sup>175</sup> *H of C*, 5:78, cols. 551-4.

<sup>176</sup> Long, *H of C*, 5:78, col. 989.

verbally that the allowable basis for a conscientious objection to military service must extend beyond religious scruples.<sup>177</sup> Of further concern to the Executive was that the introduction of conscription should not cause high-profile disputes with objectors who refused to work under military direction.<sup>178</sup> It therefore secured the acceptance of an amendment that would permit the Tribunals to make an objector's certificate conditional on him 'being engaged in some work which, in the opinion of the local tribunal, is of national importance'.<sup>179</sup> However, the Bill gave no indication as to which occupations should be deemed to satisfy this new concession.

The greatest increase in the Tribunals' discretion resulted from a widening of the available grounds of appeal for hardship cases. Several amendments were tabled that would have compelled the appeal bodies to grant exemption in certain circumstances, most notably to the only son of a widowed mother.<sup>180</sup> Long agreed that the fact the current provision only applied to men with dependents meant it was too restrictive. Nevertheless, he opposed any wording that specified exactly when exemption should be granted, and insisted the Tribunals must be allowed to determine each case on its merits.<sup>181</sup> In making these assertions, Long again voiced his conviction that 'the best way to deal with the matter is to trust the tribunals', who could be relied upon to carry out their task with 'single-mindedness, honesty, and integrity'.<sup>182</sup> These views prompted Long to move the insertion of a replacement sub-section: 'that serious hardship would ensue if a man were called up for Army service owing to his special financial, business or domestic obligations'.<sup>183</sup> Clearly this wording was far broader and more open to interpretation by the Tribunals. Indeed, some MPs argued that it was too wide and would lead to vast numbers of exemptions.<sup>184</sup> In response, Long had the word 'special' replaced by 'exceptional', and made it so appeals brought under the

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<sup>177</sup> Bonar Law, *H of C*, cols. 428, 461-2.

<sup>178</sup> Rae, *Conscience and Politics*, p. 46.

<sup>179</sup> Long, *H of C*, 5:78, col. 556; The amendment was moved by the Quaker MPs Arnold Rowntree and T.E. Harvey (*H of C*, 5:78, col. 430).

<sup>180</sup> MacCallum Scott, *H of C*, 5:78, col. 344.

<sup>181</sup> Long, *H of C*, 5:78, cols. 345-7, 357-8.

<sup>182</sup> *Ibid.*, cols. 351, 745.

<sup>183</sup> *Ibid.*, col. 350.

<sup>184</sup> Mond, *H of C*, 5:78, col. 352; Amery, cols. 355-6; Annan-Bryce, col. 357.

provision could not receive an absolute exemption.<sup>185</sup> Despite these provisos, the Tribunals' discretion in hardship cases had been considerably enhanced.

Long was also able to ensure that the Local Registration Authorities retained considerable freedom in making appointments to the Local Tribunals. Several MPs, acting on an assertion that labour had not received fair representation on the Derby Scheme appeal bodies, supported an amendment stipulating that half the members of each Tribunal must be drawn from trade unions.<sup>186</sup> In addition, Labour MP Philip Snowden moved that a fifth of all members should be female.<sup>187</sup> From the opposite end of the political spectrum came agitation for a guarantee that no individual who was a 'pronounced opponent' of conscription would be allowed to sit on the appeal bodies.<sup>188</sup> Long's response to each of these initiatives was the same: that no definite prescription regarding the Tribunals' constitution should be inserted into the Bill, as the varied occupational and political circumstances in different parts of the country made general rules impractical.<sup>189</sup> Furthermore, if anti-conscriptionists were to be prevented from sitting, then 'common justice' required that all supporters of universal compulsion should also be barred.<sup>190</sup> Instead of modifying the Bill, Long promised that regulations would be issued to the Local Registration Authorities calling for both a representation of labour and the appointment of suitable women if they were available.<sup>191</sup> He claimed that this guidance would be sufficient to ensure that individuals of 'a judicial mind and temperament' were selected.<sup>192</sup> With these assurances, all amendments regarding the constitution of the Tribunals were withdrawn.

In contrast to these contested aspects of the appeals process, the proposed role of the military proved uncontroversial. With the exception of a handful of MPs who

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<sup>185</sup> Long, *H of C*, 5:78, cols. 558, 974; After these various amendments, the final provision for hardship appeals read 'on the ground that serious hardship would ensue, if the man were called up for Army Service, owing to his exceptional financial or business obligations or domestic position' (UK, Military Service Act 1916, Section 2(1)(b)).

<sup>186</sup> Walsh, *H of C*, 5:78, col. 749; See for example Williams, *H of C*, 5:78, col. 750.

<sup>187</sup> Snowden, *H of C*, 5:78, col. 750; Rae asserts that Snowden made this proposal as part of his efforts to 'help the cause of women's suffrage' (*Conscience and Politics*, p. 56).

<sup>188</sup> Long, *H of C*, 5:78, col. 741.

<sup>189</sup> *Ibid.*, cols. 744, 748, 750-1.

<sup>190</sup> *Ibid.*, col. 741.

<sup>191</sup> *Ibid.*, cols. 743-4, 754.

<sup>192</sup> *Ibid.*, col. 741.

expressed reservations over the continuation of the Military Representatives and Advisory Committees, the issue was not raised during the debates.<sup>193</sup> Indeed, the only lengthy speech on the matter was made by Long, who argued that the War Office appointees constituted a crucial part of the recruiting system and acted as a balance to the interests of 'the people and any machinery they may create for themselves'.<sup>194</sup> A lack of comment on this assertion makes it impossible to know exactly how it was received. Nevertheless, the fact that even many of conscription's strongest opponents kept silent is further evidence that the suggested level of military influence on the exemption system was perceived to be limited.

The completion of the committee stage marked the end of changes to the proposed appeals process. It was hardly mentioned in the brief third reading debate, which the Bill passed by 383 to 36.<sup>195</sup> The only substantive amendments moved in the House of Lords concerned the 'conscience clause', but both were withdrawn at the request of Cabinet representatives.<sup>196</sup> The Military Service Act received the Royal Assent on 27 January and took effect on 10 February 1916.<sup>197</sup>

The New Zealand Bill received only limited amendments, meaning that its appeals process remained considerably less localised and decentralised than Britain's. A major point of contention between MPs was the level of independence that the Boards should possess. On one side were those members, predominately Liberal, who, reflecting their party's traditional hostility towards any encroachment of 'class' or 'sectional' interests, welcomed Allen's insistence that the appeal bodies would be allowed complete freedom to determine claims.<sup>198</sup> They argued that including automatic exemptions in the Bill, or issuing directions, would make the system inequitable by privileging certain groups. Rather 'the exemptions ought to be individual, and individual only', with every appeal being judged solely on its

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<sup>193</sup> See for example Ginnell, *H of C*, 5:78, col. 736.

<sup>194</sup> Long, *H of C*, 5:78 col. 738.

<sup>195</sup> *H of C*, 5:78, cols. 1037-42.

<sup>196</sup> *H of L*, 5:20, cols. 1067-75.

<sup>197</sup> *H of C*, 5:78, col. 1464.

<sup>198</sup> David Hamer, *The New Zealand Liberals: The Years of Power, 1891-1912*, Auckland: Auckland University Press, 1988, pp. 41-3; Richardson, 'Parties and Political Change', p. 202.

merits.<sup>199</sup> Other MPs regarded the Government's stated willingness to grant the Boards complete freedom of action as a cause of great concern. Amongst them were a few Liberals who feared a consequent lack of uniformity.<sup>200</sup> Yet the majority were Reform members who, while generally accepting that the legislation should not provide for the exemption of occupational classes, believed this placed an onus on the executive to issue clear instructions over which men should be considered essential. Otherwise the Boards might unknowingly cripple industries that were vital to the war effort.<sup>201</sup> Although MPs discussed this area at length, it seems that the Bill's two facets, seeming to give the Boards considerable latitude while also allowing the Government to issue extensive directions, were enough to satisfy both sides. Indeed, the fact that it was so successful in this regard suggests that, like the provision for instigating conscription only after volunteering had failed, this part of the Bill was deliberately formulated to achieve the widest possible support. Only one pertinent amendment was moved from outside the Government: that the sole surviving son of a family in which at least one had been killed should automatically have his appeal granted. Whereas Long had ensured there would be no concrete prescriptions in the British hardship clause, this amendment was passed without a division.<sup>202</sup>

A further potential reduction in the Boards' independence was proposed in the Legislative Council, New Zealand's appointed upper chamber, to allow the Government to establish a Final Appeal Board if required.<sup>203</sup> After initially arguing that a higher authority would only 'cause delay in the consideration of appeals', Allen came round to the idea and prompted the House to accept it on the basis that 'it was for the sake of uniformity, and to provide a means of giving general directions'.<sup>204</sup> Like the Central Tribunal, the Final Appeal Board would have the power to review and overturn decisions. However, while Long had stated that the Central Tribunal would only issue guidance to the lower bodies, the Final Appeal

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<sup>199</sup> Anstey, *NZPD*, 175, p. 571; See also Dickie, p. 594; Forbes, p. 607; Buddo, p. 621; Talbot, p. 622; Poole, p. 724; Similar sentiments were expressed by Anderson, a Reform MP (*NZPD*, 175, p. 512).

<sup>200</sup> T.W. Rhodes, *NZPD*, 175, p. 590; Brown, p. 557; Wilford, p. 717.

<sup>201</sup> A.K. Newman *NZPD*, 175, pp. 498-9; Wilkinson, pp. 507-8; Pearce, p. 534; Young, p. 640.

<sup>202</sup> *NZPD*, 175, p. 694.

<sup>203</sup> *NZPD*, 176, p. 184.

<sup>204</sup> Allen, *NZPD*, 176, p. 519 and 177, p. 186.

Board would be able to rule on any question of interpretation, administration, or procedure arising from the Act, with the Boards then being obliged to carry out its instructions.<sup>205</sup>

Whereas the Tribunals were asked to define and implement a loose 'conscience clause', the Boards were left with a provision whose wording was highly restrictive. Despite the initial lack of any allowance in the legislation, Allen believed that obtaining the widest possible public backing for conscription required a concession to objectors.<sup>206</sup> He therefore introduced 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>207</sup> A number of MPs had already insisted that it would be 'monstrous' if the views of committed Christian pacifists were not provided for, with a few basing their arguments on the precedent of the British Act.<sup>208</sup> However, most members were thinking only of the Quakers, and emphasised that any section must be tightly worded in order to prevent 'shirkers' from benefitting.<sup>209</sup> Such misgivings prompted these MPs to join with the opponents of any exemption on religious grounds in defeating Allen's proposal by 29 votes to 21.<sup>210</sup>

At the request of a church deputation, the Government decided to introduce a modified amendment in the Legislative Council.<sup>211</sup> On the condition of agreeing to perform non-military work in New Zealand, this would exempt men who, since the outbreak of the war, had been members of a religious body, the tenets and doctrines of which declared military service to be 'contrary to divine revelation'.<sup>212</sup> Some Councillors lamented that this version was far more restrictive. It would automatically disqualify individually held objections, as well as men who belonged

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<sup>205</sup> *NZS*, Military Service Act, 1916, Section 31.

<sup>206</sup> Allen, *NZPD*, 177, p. 334; P.S. O'Connor, 'The Awkward Ones – Dealing with Conscience, 1916-1918', *New Zealand Journal of History*, 8:2 (1974), pp. 118-9.

<sup>207</sup> *NZPD*, 175, p. 694.

<sup>208</sup> T.A.H. Field, *NZPD*, 175, p. 563; Other MPs who supported a concession to religious objectors were Isitt, *NZPD*, 175, p. 541; Hudson, p. 546; Walker, p. 553; Wright, p. 556; Poole, p. 724; Those who cited the British precedent for allowing appeals on conscientious grounds were McCombs, p. 550; Webb, p. 566; Witty, p. 760.

<sup>209</sup> Isitt, *NZPD*, 175, p. 541; Hudson, p. 546; T.A.H. Field, p. 563.

<sup>210</sup> *EP*, 10 June 1916, p. 4; *NZPD*, 175, p. 694.

<sup>211</sup> *NZPD*, 176, p. 367.

<sup>212</sup> *NZPD*, 177, p. 238.

to the many denominations that were not formally opposed to undertaking military service.<sup>213</sup> That exemption would definitely be confined to only two or 'three small bodies' convinced a majority of Councillors to vote in favour, as it would guarantee that 'shirkers' could not escape their duty.<sup>214</sup> Even this proved too liberal for the elected members in the House, and a compromise solution had to be produced which stated that the alternative service would be non-combatant rather than non-military, could include the Army Service or Medical Corps, and could be 'in or beyond New Zealand'.<sup>215</sup> MPs clearly recognised the additional limitations that these stipulations would impose. One of the leading proponents of exemption on religious grounds complained that they 'practically left very little provision at all', while other members labelled the modified amendment pointless, as the few denominations it was designed to benefit would inevitably refuse to accept non-combatant service in the military.<sup>216</sup> This perceived irrelevance seems to have persuaded many opponents of an allowance for religious objectors to vote for the amendment, as it finally passed by 44 to 17.<sup>217</sup>

Two major limitations on the localism and decentralisation of the appeals process received little comment and no amendments. The first was the selection of the Boards' personnel. During the debates, all manner of permutations for the ideal constitution were suggested, with a particular focus on occupations.<sup>218</sup> Yet only a handful of MPs postulated who should be responsible for making the appointments. Some Liberals argued that, as the Boards' role would be of such crucial importance, Parliament itself should decide their membership.<sup>219</sup> For two Social Democrat MPs, the Government's record of establishing committees was ample evidence that it would only select men who would bend to its will.<sup>220</sup> Nevertheless, the fact that most members remained silent on the issue implies a tacit acceptance of the right of the Executive, rather than local authorities, to

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<sup>213</sup> Paul, *NZPD*, 176, p. 353.

<sup>214</sup> Barr, *NZPD*, 176, pp. 347-9; Carson, p. 363; The amendment was passed by fifteen votes to eight (*NZPD*, 176, p. 238).

<sup>215</sup> *NZPD*, 176, p. 519; *NZPD*, 177, p. 331.

<sup>216</sup> Isitt, *NZPD*, 177, p. 335; See also McCombs, p. 336; Hornsby, p. 337; Herries, pp. 337-8; Rhodes, p. 339; Sykes, p. 340.

<sup>217</sup> *NZPD*, 177, pp. 341-2.

<sup>218</sup> See for example Craigie, *NZPD*, 175, p. 533; Wright, p. 557; Anstey, p. 571; Dickie, p. 594.

<sup>219</sup> Thacker, *NZPD*, 175, p. 502; Ell, p. 546; Wilford, p. 716.

<sup>220</sup> Hindmarsh, *NZPD*, 175, p. 728; Webb, p. 732.

determine the Boards' constitution, with the only proposed amendment being a failed attempt to increase the personnel of each body to five.<sup>221</sup> A second area that proved largely uncontroversial was the number of appeal bodies. Most MPs simply spoke of 'the Boards' in a manner that suggests they were willing to accept however many the Government felt necessary.<sup>222</sup> Some even initially referred unquestioningly to a single 'Board'.<sup>223</sup> Despite scattered calls for an appeal body to be established in each military group, as Allen had mooted, or in each 'major centre', nowhere was it argued that every locality should have its own Board.<sup>224</sup>

During the Bill's passage, Allen hinted that the military's role in the hearing of appeals was likely to be strengthened. When MPs debated the proposed legislation, none called for an army presence on the Boards. Rather, a large group of members, primarily Liberal, but also from Reform, expressed their strong opposition to the idea.<sup>225</sup> Most applauded Allen's insistence that there would be no officers on the appeal bodies, claiming that this would raise public confidence in the impartiality of the exemption system.<sup>226</sup> Yet it seems that Allen had come to regret the definitiveness of his earlier pronouncement. Indeed, he proceeded to contradict it flatly at the end of the second reading debate by stating that the Defence Department would 'raise no objection' to military membership, and 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 judgment of the Government'.<sup>227</sup> By this point, the House had, in no uncertain terms, stated its objections to having military men on the appeal bodies. It was also rather disingenuous to ask MPs to leave the matter to 'the Government', when it was readily apparent that Allen himself would play the major role in administering the Boards. Finally, while he somewhat distanced himself from the appointment of former soldiers, Allen did not rule out the use of existing officers or men commissioned specifically for the

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<sup>221</sup> *NZPD*, 175, p. 695.

<sup>222</sup> See for example Ell, *NZPD*, 175, p. 775.

<sup>223</sup> See for example Witty, *NZPD*, 175, p. 492; Wilkinson, pp. 507-8.

<sup>224</sup> T.W. Rhodes, *NZPD*, 175, p. 590; Okey, p. 601; Newman, p. 559.

<sup>225</sup> Forbes, *NZPD*, 175, p. 47; Witty, pp. 492-3; 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; Those Reform MPs who voiced misgivings were Wilkinson, *NZPD*, 175, pp. 507, 781; E. Newman, p. 559; T.A.H. Field, p. 563; Young, p. 640.

<sup>226</sup> Witty, *NZPD*, 175, pp. 492-3.

<sup>227</sup> Allen, *NZPD*, 175, p. 646.

role. Despite there being no reference to it in the Bill, Allen clearly envisaged a military presence at appeal hearings. However, MPs seem to have either missed the significance of his remarks or, more likely, opted not to challenge them, as they occasioned no dissent or proposed amendments to the legislation.

The New Zealand Bill passed its third reading by 44 votes to four (with two pairs).<sup>228</sup> Due to the prolonged wrangle between the House and the Council over the provision for conscientious objectors, it did not finally pass into law as the Military Service Act until 1 August 1916.

The regulations and instructions issued to the British Tribunals enshrined the principles of localism and decentralisation. Drawn up and issued by Long, formal regulations were dispatched on 3 February 1916, accompanied by Local Government Board Circular R. 36, Long's elaboration on their content. The first sections concerned the constitution of the Local Tribunals and were largely a confirmation of the ideas articulated in Parliament. The only regulations stipulated an appeal body of between five and 25 members and required the Local Registration Authorities to 'provide for the adequate representation of labour in the registration district'.<sup>229</sup> Beyond this were a series of recommendations. Tribunals should retain a nucleus of individuals who had gained experience under the Derby Scheme, while the primary criterion for new members should be an ability to judge cases impartially and with regard to the national interest. In addition, the labour representatives should command the confidence of the working classes, and the Local Authorities should 'not hesitate to appoint suitable women on the Tribunals, if they think it desirable to do so'.<sup>230</sup> However, although Long clearly wished this guidance to be followed, it was largely just that, guidance. Both regulations were worded extremely loosely and the instructions asserted that local conditions and the views of the Local Authorities must be the deciding factors in the selection process.<sup>231</sup>

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<sup>228</sup> *NZPD*, 175, p. 786.

<sup>229</sup> 'The Military Service (Regulations) Order, 1916', 3 February 1916, MH 47/142, TNA.

<sup>230</sup> LGB Circular R. 36: 'Circular Relating to the Constitution, Functions and Procedure of Local Tribunals', 3 February 1916, MH 47/142, TNA.

<sup>231</sup> *Ibid.*

These convictions also played a major role when it came to appointing the Appeal Tribunals. At the end of January 1916, Long wrote to the County Council Chairmen asking them to convene a meeting of 'representative persons' for the purpose of drawing up a list of Appeal Tribunal members.<sup>232</sup> In doing so, the Chairmen were asked to follow much the same guidance as for the Local Tribunals, although Long also advised that at least one member should have legal training, and that representatives of chambers of commerce should be strongly considered. Otherwise the Chairmen were free to suggest whomsoever they pleased.<sup>233</sup> Therefore, local men played a crucial role in determining the membership of the Appeal Tribunals.

Localism and decentralisation were particularly evident in the regulations concerning the Tribunals' procedures. The members would have the right to determine what evidence should be admissible, which witnesses should be called, and to hear any case in private if they deemed it necessary.<sup>234</sup> Moreover, there was little firm direction over the verdicts they should reach, with Long stressing that 'the Local Government Board cannot advise Local Tribunals or particular persons on individual cases'.<sup>235</sup> Instead, he confined himself to articulating general principles, namely that every man who came within the Act 'and who is available for military service should undertake military service'.<sup>236</sup> Long was slightly more specific in regard to conscientious objectors, asserting that 'While care must be taken that the man who shirks his duty to his country does not find unworthy shelter behind this provision, every consideration should be given to the man whose objection genuinely rests on religious or moral convictions.'<sup>237</sup> However, nothing in this plea would circumscribe a Tribunal's ability to determine cases in the manner it desired.

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<sup>232</sup> Long to Chairmen of County Councils, Lord Mayors, and Mayors, 31 January 1916, MH 10/80, TNA.

<sup>233</sup> Ibid.

<sup>234</sup> 'The Military Service (Regulations) Order, 1916', 3 February 1916, MH 47/142, TNA.

<sup>235</sup> LGB Circular R. 36, 3 February 1916, MH 47/142, TNA.

<sup>236</sup> Ibid.

<sup>237</sup> Ibid.

There was even some discretion over the claims of men who asserted that their occupation was included in the List of Certified Occupations: those callings that the various government departments identified as being of 'national importance'. This document was very similar in scope to the Lists of Starred and Reserved Occupations that it superseded.<sup>238</sup> The Colliery Courts would still deal with cases from the coal mining industry, while the Tribunals were obliged to exempt any man who demonstrated that he was employed in one of the occupations marked 'MM' (for munitions). However, the tasks of establishing whether a man was actually employed as stated, and whether his calling was actually covered by the List, would still need to be carried out. Even if engagement in a certified occupation was proven, the appeal bodies could refuse exemption if they agreed with the Military Representatives that it was not necessary for a man to remain in civilian employment.<sup>239</sup>

The instructions also extended the Tribunals' discretion in regard to men who had attested under the Derby Scheme. Many appeals concerning these individuals had not been finalised when the Act came into force, meaning that the Tribunals would be required to hear the cases of attested and unattested men side-by-side. In an effort to forestall accusations that the attestees were being punished for expressing their willingness to serve, the Government endeavoured to place them on the same footing as the conscripts. This included allowing the Tribunals to grant them exemption, rather than just postponement, and providing that the Appeal Tribunals would deal with any disputed decisions. In addition, the Lists of Starred and Reserved Occupations became obsolete, with those attested men who were so entitled being protected by the same List of Certified Occupations that applied to unattested men.<sup>240</sup> There were, however, a number of procedural differences between the two classes of case. As attested men were medically examined when they presented themselves at the recruiting office, they were not permitted to claim exemption on the grounds of 'ill-health or infirmity'. Moreover, having

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<sup>238</sup> LGB Circular R. 40: 'Military Service Act, 1916: Certified Occupations', MH 47/142, TNA; N.B. Dearle, *An Economic Chronicle of the Great War for Great Britain & Ireland, 1914-1919*, London: Humphrey Milford, 1929, p. 60.

<sup>239</sup> 'The Military Service (Regulations) Order, 1916', 3 February 1916 and LGB Circular R. 36, 3 February 1916, both in MH 47/142, TNA; Central Tribunal, *Report of the Central Tribunal*, p. 10.

<sup>240</sup> LGB Circular R. 36, 3 February 1916, MH 47/142, TNA.

articulated their willingness to serve, attested men could not advance conscientious objections.<sup>241</sup> Finally, attestees who believed they were in a certified occupation applied to the Military Representative, rather than the Local Tribunal, for exemption.<sup>242</sup> These discrepancies meant the Tribunals enjoyed less discretion in dealing with attested men than their unattested counterparts. Nevertheless, the overall effect of the instructions was to extend the appeal bodies' powers in regard to those men who had come forward under the Derby Scheme.

The regulations and instructions did not increase the role of the military. Instead they simply confirmed what had been stated in Parliament or included in the Act, namely the Military Representative's right 'of being present and of asking questions', and his ability to appeal any decision reached by a Local Tribunal to an Appeal Tribunal.<sup>243</sup> Certainly, there was no provision that would allow the War Office to play any part in the administration of the appeal bodies.

In contrast, the directions concerning the New Zealand Boards placed additional limitations on the localism and decentralisation of the appeals process. Of particular importance was the number of Boards that were initially established. While Allen had suggested to the House that an appeal body might be required in each of the 21 Military Groups, the Recruiting Board instead opted to proceed with the original intention of only having one for each of the four Military Districts.<sup>244</sup> In justifying this decision, Allen argued that an emphasis had been placed on securing a uniformity of procedures and verdicts.<sup>245</sup> Indeed, immediately after their appointments were confirmed, the Board Chairmen were summoned to Wellington for two days to 'consider the Act, and the proposed regulations, and to deal with questions of uniformity of judgment and other points necessary for smooth

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<sup>241</sup> This position was not altered until 2 May 1918, when new regulations came into force that allowed attested men to appeal on all of the grounds open to their unattested counterparts (Central Tribunal, *Report of the Central Tribunal*, p. 9).

<sup>242</sup> LGB Circular R. 48: 'Instructions to Tribunals as to Voluntarily Attested Men', 10 February 1916, MH 47/142, TNA.

<sup>243</sup> 'The Military Service (Regulations) Order, 1916', 3 February 1916, MH 47/142, TNA.

<sup>244</sup> Hogan to Allen, 25 August 1916, AD 1 Box 769 22/117, ANZ; Allen to Massey, 1 September 1916, AP, ALLEN 1 Box 9, ANZ

<sup>245</sup> *NZH*, 25 September 1916, p. 7; *EP*, 27 September 1916, p. 3.

working'.<sup>246</sup> Having only four appeal bodies certainly meant that it would be easier to issue instructions and to monitor compliance. Furthermore, each Board would have a vast area of operations, meaning that local sentiment was likely to play much less of a role than in Britain.

The Government also restricted the Boards' discretion over appeals made on occupational grounds. On 10 October 1916, a regulation was gazetted stipulating that, when considering public interest cases, 'the Board shall, unless it sees good reason to the contrary, accept as sufficient [evidence] a certificate by the Minister of Defence'.<sup>247</sup> So strong was this wording that the Solicitor-General, John Salmond, claimed it created '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 the Boards'.<sup>248</sup> Sensitive to this prospect, Allen told Myers that the certificates would have to be used with care.<sup>249</sup> A discussion of the matter then took place in Cabinet, where it was decided to canvass the opinion of the Attorney-General, Alexander Herdman.<sup>250</sup> He maintained that Salmond had gone beyond his remit by considering the political implications of the certificates rather than their legality. The Government had 'ample authority' to use the documents, as the Act required the Boards to comply with any regulations that were made. Herdman further asserted that the Executive had a clear right to communicate its opinions to the appeal bodies and should use this prerogative to guarantee the exemption of men who were required to maintain essential industries. Nevertheless, the Attorney-General did concur with Salmond that using the certificates could create political problems. Given the choice of directing the Boards through regulations or through conferences with their members, Herdman 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>251</sup>

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<sup>246</sup> Allen to Massey, 1 September 1916, AP, ALLEN 1 Box 9, ANZ.

<sup>247</sup> *New Zealand Gazette (NZG)*, 1916, p. 3208.

<sup>248</sup> Salmond to Gray, 1 December 1916, AD 82 Box 7 30/1, ANZ.

<sup>249</sup> *Ibid.*

<sup>250</sup> *Ibid.*

<sup>251</sup> Herdman to Allen, 8 December 1916, AD 1 Box 736 10/477.

Yet despite both Salmond's and Herdman's misgivings, Allen and a majority of the Cabinet decided that being able to protect essential individuals made issuing the certificates worth the political risk. Salmond was certainly correct to argue that they amounted to a 'practical compulsion' of the Boards, by applying considerable pressure to accept appeals and creating an impression that the appellant deserved exemption before any testimony had been heard.<sup>252</sup> Allen was later to state that he had 'no reason to believe that the Boards would not accept the certificate in every case'.<sup>253</sup> In one respect the certificates actually went further than the List of Certified Occupations issued to the British Tribunals. The List was intended to make the appeal bodies give preferential treatment to claims from particular occupations, but it did not single out specific individuals as being entitled to exemption. Furthermore, the Tribunals were expressly permitted to disregard the fact that a man came within the scope of the List if he was not employed in munitions and was not seen as essential. Although the qualification in the regulation appeared to maintain the Boards' discretion, they were actually informed that any failure to accept a certificate would be treated as 'a very serious matter'.<sup>254</sup>

The Government then proceeded to issue instructions to the Boards in addition to the gazetted regulations. To try and prevent economic dislocation, a list of those industries considered essential was publicly set out by Allen to include: coal mining, farming, shearing, freezing works, shipping, and leather and boot factories. At the same time, the Minister explained that the Boards would be expected to adopt a two-tier hierarchy for public interest cases: men employed in the stated industries should be considered for exemption, those outside them should not.<sup>255</sup> This list and the need to adhere to it was further emphasised to the Board Chairmen at a conference called with the intention of achieving 'a uniform policy'.<sup>256</sup> Four days later, a letter was sent to the appeal bodies that again

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<sup>252</sup> Salmond to Gray, 1 December 1916, AD 82 Box 7 30/1, ANZ.

<sup>253</sup> Allen to Coffey, 21 March 1917, AD 82 Box 4 5/1, ANZ.

<sup>254</sup> *Ibid.*

<sup>255</sup> *NZH*, 24 November 1916, p. 8.

<sup>256</sup> Allen to Reardon, 9 December 1916, AD 82 Box 8 74, ANZ; See also 'Matters to be discussed with Military Service Boards at the Conference on the 15<sup>th</sup> December, 1916', 15 December 1916, AD 82 Box 7 46/5, ANZ.

outlined which industries the Government considered essential.<sup>257</sup> Through these various initiatives, the Government went some way to establishing its own List of Certified Occupations, by insisting that certain appeals should receive more consideration than others.

A desire to defuse potentially militant trade union opposition to conscription prompted the Executive to make special allowances for members of the 'strategic unions'. The Boards were told to exempt all seamen with at least twelve month's experience, all *bona fide* slaughtermen who agreed to work in a similar occupation during the off-season, and, with particular emphasis supported by an extensive use of the ministerial certificates, all coal miners.<sup>258</sup> These steps accorded to the 'strategic unions' the same privileged status given to munitions workers who appeared before the Tribunals. They also incidentally undermined the idea that there would be no automatic exemptions of occupational classes.

Reductions in the Boards' discretion were matched by an increase in the role of the military. During the debates on the Military Service Bill, it had been repeatedly stated that 'the Government' would select the Boards' personnel. However, in practice it was Allen who made the crucial decisions. Firstly, all correspondence from prospective members was directed to, or forwarded onto, the Minister of Defence.<sup>259</sup> Secondly, when a dispute arose over the appointments to the Auckland Board, Allen was the only member of the Government who attended the meeting called to resolve the issue.<sup>260</sup> Thirdly, Allen both explained the criteria used during the selection process to the press and announced the names of the candidates chosen.<sup>261</sup> Lastly, the other two permanent members of the Recruiting Board, Massey and Ward, were out of the country when the choice of members was made, with Allen being senior to the two temporary replacements.<sup>262</sup> The task of

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<sup>257</sup> Allen to Massey, 19 December 1916, AP, ALLEN 1 Box 9, ANZ.

<sup>258</sup> *EP*, 14 February 1917, p. 8; Allen to Niall, 16 January 1918, AD 82 Box 8 74, ANZ; Allen to Webb, 2 September 1916 and Allen to MacDonald, 4 December 1916, both in AD 82 Box 7 28/1, ANZ.

<sup>259</sup> See correspondence in AD 1 Box 769 22/117, ANZ.

<sup>260</sup> 'Record of Meeting in Auckland Mayor's Room between Allen, O.C. Auckland District, the Group Commander and the Full Sub-Committee of the Recruiting Committee', 13 October 1916, AD 1 Box 769 22/117, ANZ.

<sup>261</sup> *EP*, 27 September 1916, p. 3.

<sup>262</sup> Gray to Fraser, 11 September 1916, AD 82 Box 2 1/11/1, ANZ.

appointing the Tribunals was placed in the hands of the Local Registration Authorities, but it was the Minister of Defence who took the prominent role in staffing the Boards.

Another crucial step was the attachment of a Military Representative to each Board. On the one hand, the role of these individuals resembled that of their British counterparts. They were charged with investigating appeals to determine whether they had merit and with preparing a case against those considered dubious.<sup>263</sup> During the hearing, they had the 'right to be heard in opposition thereto, to produce evidence, and to cross-examine witnesses', but were not permitted to take part in making decisions.<sup>264</sup> However, in other respects the position of the New Zealand Military Representatives was somewhat different. They would not have the assistance of a local Advisory Committee, while the lack of higher appeal bodies meant they would be unable to challenge the Boards' verdicts. In addition, these Representatives were not regular army men, but legal professionals who were, at most, serving Territorial Officers. The official justification asserted that such 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'.<sup>265</sup> Given that the regulation tasked the Military Representatives with opposing claims rather than supporting them, this is a somewhat dubious claim, and one that is further undermined by the deliberate assignment of the officers to Boards that would sit outside the geographical limits of their legal practices. Again the rationale given for this step was to promote impartiality.<sup>266</sup> Yet it meant that the New Zealand Military Representatives would lack the local knowledge possessed by their British counterparts and would probably be less susceptible to local sentiment. Therefore, the New Zealand Representatives would likely prove more responsive to official instructions, a consideration that appears to have carried considerable weight, given that the post-war report on recruiting stressed that the

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<sup>263</sup> Tate to Board Chairmen, 15 March 1918, AD 1 Box 769 22/140, ANZ.

<sup>264</sup> *NZG*, 1916, p. 3207.

<sup>265</sup> Tate to Board Chairmen, 15 March 1918, AD 1 Box 769 22/140, ANZ.

<sup>266</sup> 'Recruiting 1916-1918: Report by Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ.

main reason for their appointment was so they could 'voice the point of view' of the Defence Department.<sup>267</sup>

The relative positions of the Military Representatives encapsulate many of the significant differences between the two exemption systems. In Britain, the move towards conscription saw localism and decentralisation emerge as the dominant themes of recruitment policy. For political reasons, these principles were further enshrined in the Military Service Act, which established Tribunals wielding wide discretionary powers in every Local Registration District, with members appointed by the Local Registration Authorities. The administration of these bodies was entrusted to Long, who proved an active proponent of their freedom to judge appeals. Certainly the Government's faith in the Local Tribunals was not absolute, with higher appeal bodies, Advisory Committees, Military Representatives, the List of Certified Occupations, and, in particular, the right of government departments to grant exemptions, all acting as checks and balances on their discretion. Yet the overall effect of these measures actually increased the local and fragmented nature of the appeals process rather than reducing it. As for the War Office, it was in no position to control the Tribunals directly, and the fact that its own appointees were local men meant that even their willingness to follow instructions was uncertain. In contrast, there was little evidence of localism and decentralisation in New Zealand. Here only a handful of Boards were appointed, meaning they would be much less local and much more susceptible to direction than their British counterparts. Moreover, the Government quickly demonstrated a willingness to circumscribe the appeal bodies' powers by issuing extensive instructions regarding men employed in essential industries. A greater degree of military influence was ensured by the fact that Allen took the lead role in selecting the Boards' members and would act as the overall head of the exemption system.

These findings differ from those presented in most existing studies. British historians have tended to downplay the initial influence of the Government and emphasise that of the War Office, but the evidence suggests that the Tribunals possessed a great deal of discretion on both counts. Moreover, the common

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<sup>267</sup> Ibid.

assertion that the New Zealand appeal bodies were granted a substantial degree of independence is the direct opposite of what is argued here.

## Chapter Two: Judges and Juries

### The Staffing of the Exemption Systems

Once the framework of the British exemption system had been finalised, the next step was to assign Tribunal members, Military Representatives, and personnel for the local Advisory Committees. In turn, New Zealand's appeal provisions necessitated the selection of Board members and Military Representatives. Filling these various posts required two important decisions to be taken: how should the appointments be made and what traits and qualifications should the chosen individuals possess?

When commenting on the British appointments process, most historians have argued that local circumstances were the primary determinants. Little has been written about the method of deciding who should sit on the Tribunals. There are three exceptions, the first being the common assertion that the nucleus of the Military Service Act bodies comprised those individuals who had heard appeals under the Derby Scheme.<sup>1</sup> A second is the claim that the requirement to provide 'adequate' representation of labour frequently proved controversial.<sup>2</sup> The final exception is Adrian Gregory's analysis of the Bedfordshire Appeal Tribunal, which he argues was appointed through 'the old-boy network'.<sup>3</sup> Much greater emphasis

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<sup>1</sup> Robin Barlow, 'Military Tribunals in Carmarthenshire, 1916-1917' in Nick Mansfield and Craig Horner (eds), *The Great War: Localities and Regional Identities*, Newcastle: Cambridge Scholars, 2014, pp. 8-9; Lois S. Bibbings, *Telling Tales About Men: Conceptions of Conscientious Objectors to Military Service during the First World War*, Manchester: Manchester University Press, 2009, p. 30; David Boulton, *Objection Overruled*, London: MacGibbon & Kee, 1967, p. 123; James G.M. Cranstoun, 'The Impact of the Great War on a Local Community: The Case of East Lothian', PhD Thesis in History, Open University, 1992, p. 112; John W. Graham, *Conscription and Conscience: A History, 1916-1919*, London: George Allen & Unwin, 1922, p. 65; Keith Grieves, 'Mobilising Manpower: The Audenshaw Tribunal in the First World War', *Manchester Region History Review*, 3:2 (1989), p. 23; James McDermott, *British Military Service Tribunals, 1916-1918: 'A Very Much Abused Body of Men'*, Manchester: Manchester University Press, 2011, p. 16; Cyril Pearce, *Comrades in Conscience: The Story of an English Community's Opposition to the Great War*, London: Francis Boutle, 2001, p. 159; John Rae, *Conscience and Politics: The British Government and the Conscientious Objector to Military Service, 1916-1919*, London: Oxford University Press, 1970, pp. 53-4.

<sup>2</sup> Cranstoun, 'The Impact of the Great War', p. 113; Adrian Gregory, *The Last Great War: British Society and the First World War*, Cambridge: Cambridge University Press, 2008, pp. 104-5; McDermott, *British Military Service Tribunals*, p. 18; A.J. Peacock, *York in the Great War: 1914 to 1918*, York: York Settlement Trust, 1993, pp. 381-2; Rae, *Conscience and Politics*, pp. 55-7; Ivor Slocombe, *First World War Tribunals in Swindon*, Devizes: Wiltshire Family History Society, 1997, pp. 4-5.

<sup>3</sup> Gregory, *The Last Great War*, p. 104.

has been placed on the backgrounds of the members, with the 'traditional' view of Tribunals staffed by military officers having been largely supplanted.<sup>4</sup> It is now widely maintained that local dignitaries constituted the majority, and that most were male, middle-class, and strong proponents of the war effort.<sup>5</sup> Moreover, John Rae and James McDermott have contended that the Tribunals' personnel tended to be drawn from a district's major industries.<sup>6</sup> Comment on the Military Representatives is limited to Will Ellsworth-Jones' and McDermott's assertion that they were often retired army officers or serving Territorials.<sup>7</sup> Similarly, McDermott, A.J. Peacock, and Rae merely describe the local Advisory Committees as men conversant with their district's economic conditions, although Gregory does specify that the Hampstead body comprised a barrister, a labour representative, and five tradesmen.<sup>8</sup>

In contrast, the New Zealand historiography describes a procedure dominated by centralised decision-making. Paul Baker asserts that the Government sought the nomination of well-known public figures before establishing four Boards that possessed uniform memberships: a magistrate, a farmer, and a trade unionist or, where labour organisations refused to put anyone forward, an employer. This configuration received widespread approval, although there were some complaints from Trades Councils over the failure to include a unionist on two of the appeal bodies. For Baker, this criticism prompted the Executive to place a working-class advocate on all of the additional Boards established in January

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<sup>4</sup> For the 'traditional view' see Adrian Stephen, 'The Tribunals' in Julian Bell (ed.), *We Did Not Fight: 1914-1918 Experiences of War Resisters*, London: Cobden-Sanderson, 1935, p. 384.

<sup>5</sup> Bibbings, *Telling Tales About Men*, p. 30; Boulton, *Objection Overruled*, pp. 123-4; Cranstoun, 'The Impact of the Great War', pp. 112-3; Will Ellsworth-Jones, *We Will Not Fight: The Untold Story of the First World War's Conscientious Objectors*, London: Aurum, 2007, pp. 63-4; Gregory, *The Last Great War*, p. 103; Keith Grieves, 'Military Tribunal Papers: The Case of Leek Local Tribunal in the First World War', *Archives: The Journal of the British Record Association*, 16:70 (1983), p. 145; Christine Housden, 'Researching Kingston's Military Tribunal, 1916-1918', *Occasional Papers in Local History*, 2 (2004), p. 5; McDermott, *British Military Service Tribunals*, p. 17; Charles Messenger, *Call-To-Arms: The British Army, 1914-18*, London, Cassell, 2005, pp. 135-6; Pearce, *Comrades in Conscience*, pp. 161-2; Rae, *Conscience and Politics*, pp. 55-8; Alan G.V. Simmonds, *Britain and World War One*, Abingdon: Routledge, 2012, p. 54; 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. 107.

<sup>6</sup> McDermott, *British Military Service Tribunals*, pp. 17-18; Rae, *Conscience and Politics*, pp. 55-6.

<sup>7</sup> Ellsworth-Jones, *We Will Not Fight*, p. 64; McDermott, *British Military Service Tribunals*, p. 16.

<sup>8</sup> McDermott, *British Military Service Tribunals*, p. 16; Peacock, *York in the Great War*, p. 343; Rae, *Conscience and Politics*, p. 17; Gregory, *The Last Great War*, p. 104.

1917.<sup>9</sup> While Christopher Pugsley and Stevan Eldred-Grigg concur with Baker regarding the backgrounds of the Boards' civilian personnel, the latter implies that 'army officers' also sat as voting members.<sup>10</sup> As for the Military Representatives, Baker contends that the choice was deliberately made from solicitors who in most cases were also serving Territorial officers.<sup>11</sup>

Comparing the appointments process in the East Central Division with that in New Zealand demonstrates that the former revolved around local imperatives, whereas the later was focused on a pursuit of uniformity. The selection of Tribunal members was left to the local councils and the criteria they were asked to apply were open to wide interpretation. There were some similarities in the way that the authorities went about the business, but variations in their internal dynamics, and in the local circumstances, led to a broad range of approaches. It is legitimate to talk of the 'typical' traits of a Division Tribunal member: he was a civilian, active in local government, and middle class. Nevertheless, many of the chosen individuals did not share these characteristics, while the members varied by occupation and in their attitudes towards conscription. A lack of consensus over what constituted 'adequate' labour representation meant the initial appointments received a good deal of criticism, some of which was able to effect changes. As in the case of the Division's Tribunal members, the choice of Military Representatives and Advisory Committee personnel was primarily based on their knowledge of, and standing within, a district, rather than being limited to men from any particular background.

A very different methodology was adopted in New Zealand. The Minister of Defence, James Allen, resolved that detailed criteria should be used to screen the candidates and that the Boards' membership should follow a standard configuration. This meant that the backgrounds and attitudes of the appointed individuals were similar across the country, with local circumstances not being taken into account. Certainly these methods came in for some criticism, but this

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<sup>9</sup> Paul Baker, *King and Country Call: New Zealanders, Conscription and the Great War*, Auckland: Auckland University Press, 1988, pp. 115-6.

<sup>10</sup> Christopher Pugsley, *On the Fringe of Hell: New Zealanders and Military Discipline in the First World War*, Auckland: Hodder & Stoughton, p. 225; Stevan Eldred-Grigg, *The Great Wrong War: New Zealand Society in WWI*, Auckland: Random House, 2010, p. 232.

<sup>11</sup> Baker, *King and Country Call*, p. 116.

never came close to making Allen deviate from his chosen path. As for the Military Representatives, they too were selected on the basis of centrally determined traits.

The appointment of Tribunal members began with the formation of the Derby Scheme bodies in November 1915. As each Local Registration Authority was required to appoint its own Tribunal, this led to the establishment of fully 63 in the East Central Division.<sup>12</sup> The councils carried out their selections much as they would have for any other committee. Nominees were moved and seconded, a vote was taken if necessary, and then the successful candidates were asked to confirm their acceptance of the position. Unfortunately, the minutes and newspaper reports of some meetings provide little detail on what took place beyond listing the chosen individuals.<sup>13</sup> Yet this lack of comment at least suggests that matters were carried through without controversy in these instances. Certainly there are minutes that record the personnel of Tribunals being resolved upon unanimously.<sup>14</sup>

Nevertheless, the decision to entrust the appointments to the councils, and to afford them considerable discretion, meant that a number of issues arose during the constitution of the Division's Derby Tribunals. Some of these stemmed from tensions over previous recruiting efforts. Following the nomination of Frank Wood at a meeting of the Ardsley Council, it was suggested that, as a large employer, he might frequently find himself in the delicate position of hearing appeals from his own staff. Although Councillor Bury maintained that Wood could be relied upon to put the country's interests first, Councillor Naylor countered that 'There are more

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<sup>12</sup> These comprised: the four County Boroughs of Barnsley, Dewsbury, Huddersfield, and Wakefield; the four Boroughs of Batley, Morley, Ossett, and Pontefract; the fifty Urban Districts of Altofts, Ardsley, Ardsley East and West, Birkenshaw, Birstall, Castleford, Cudworth, Darfield, Darton, Dodworth, Emley, Farnley Tyas, Featherstone, Flockton, Golcar, Goole, Heckmondwike, Holme, Holmfirth, Honley, Horbury, Hoyland Nether, Kirkburton, Kirkheaton, Knottingley, Lepton, Linthwaite, Marsden, Meltham, Methley, Mirfield, Monk Bretton, New Mill, Normanton, Royston, Saddleworth, Scammonden, Shelley, Shepley, Skelmanthorpe, Slaithwaite, South Crosland, Spenborough, Springhead, Stanley, Thurstonland, Whitley Upper, Whitwood, Wombwell, and Worsborough; and the five Rural Districts of Barnsley, Goole, Hemsworth, Pontefract, and Wakefield (*London Gazette*, 10 March 1916, p. 2561).

<sup>13</sup> Holme Urban District Council Minutes, 23 November 1915, KMT 15/2/1/4, Kirklees Archives (KA); Shepley Urban District Council Minutes, 11 November 1915, KMT 33/2/1/7, KA; Thurstonland Urban District Council Minutes, 3 November 1915, KMT 41/2/1/5, KA.

<sup>14</sup> Golcar Urban District Council Minutes, 15 November 1915, KMT 12/2/1/11, KA; South Crosland Urban District Council Minutes, 16 November 1915, KMT 38, KA.

young men working on [his] firm to-day than any other firm in Yorkshire', and further charged that 'some of them have been anxious to enlist'.<sup>15</sup> Despite these misgivings, Wood was voted onto the Ardsley Tribunal. However, he resigned a month later, citing a reluctance to judge the claims of his own employees.<sup>16</sup> The controversy within the Linthwaite Council proved more intractable. After several meetings failed to agree on a fifth member, Councillor Freer was chosen.<sup>17</sup> However, his acceptance prompted two of the other nominees, Councillors Cock and Haigh, to withdraw their offers of service.<sup>18</sup> The *Colne Valley Guardian* attributed this impasse to the existence of two factions within the authority, 'as widely distinct and genuinely hostile to each other as Kilkenny cats'.<sup>19</sup> Freer's appointment would have given the East and South Wards, which had 'not lifted a finger or said one word to encourage recruiting' a total of three members, while the West Ward, whose personnel were considered to have fulfilled their patriotic duty, would have been left with only two. According to the *Colne Valley Guardian*, Cock and Haigh had, therefore, 'declined to act as dummies' and resigned.<sup>20</sup> Through an intemperate exchange of letters, and the refusal of additional West Ward men to serve, this dispute rumbled on for several more weeks.<sup>21</sup> Matters finally came to a head when the nomination of Councillor Livesey threatened to leave the West Ward completely unrepresented. When Cock protested, the Council Chairman asserted that the situation had stemmed from his own 'foolishness' for having resigned and Livesey's appointment was carried.<sup>22</sup>

Local concerns over the methodology of the Derby Scheme could also be important factors. This usually revolved around a belief that conscription would be a more equitable recruiting measure. At Birstall, Councillors Holton and Flynn used their nominations to the Local Tribunal as an opportunity to eulogise the provisions of

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<sup>15</sup> *Barnsley Chronicle (BC)*, 6 November 1915, p. 7.

<sup>16</sup> *Ibid.*, 11 December 1915, p. 3.

<sup>17</sup> Linthwaite Urban District Council Minutes, 1 November 1915 and 22 November 1915, KMT 23/2/1/8, KA.

<sup>18</sup> *Ibid.*, 13 December 1915, KMT 23/2/1/8, KA; *Colne Valley Guardian (CVG)*, 7 January 1916, p. 2.

<sup>19</sup> *CVG*, 14 January 1916, p. 2.

<sup>20</sup> *Ibid.*; The *Guardian's* writer further alleged that one of the East or South Ward members had given 'utterance to pro-German sentiments that if uttered in open Council instead of sheltering himself behind the protection of "in committee" ... might have cost him some months of liberty'.

<sup>21</sup> Linthwaite Urban District Council Minutes, 3 January 1916, KMT 23/2/1/8, KA; *CVG*, 21 January 1916, p. 2 and 28 January 1916, p. 8.

<sup>22</sup> *Worker (W)*, 29 January 1916, p. 6.

the Scheme, and to praise the manner in which it would preserve the British ethos of volunteerism. Yet this oratory was strongly objected to by Councillor Willans, who argued that conscription was the only equitable way to decide who should go to the front. Upon his stance being strongly criticised, Willans stated that he wanted nothing more to do with the whole process, and resigned his council seat as well.<sup>23</sup> A somewhat similar impasse occurred at Ardsley, when Councillor Brook objected to being proposed as a labour representative on the Local Tribunal. He alleged that the Scheme 'had nothing to do with recruiting' and raised the prospect of men escaping their military obligations through favouritism. With the support of several other councillors, Brook renounced his nomination by exclaiming 'I am not going to be party to that kind of conscription. If they want the men I say fetch them in the proper straightforward way and have done with it.'<sup>24</sup>

If the Scheme was criticised for not being comprehensive enough, it also came under fire from the opposite perspective. When Councillor Steele, manager of Barrow Colliery, was nominated as a member of the Worsborough Tribunal, he both denied the ability of any outside body to ascertain who could be spared from his workplace and argued that their district had already outdone neighbouring areas by sending thousands of men to the army. With these considerations in mind, Steele asserted that he 'should not want to be on' the Tribunal, as he must consider recruitment from his colliery's perspective, rather than from the national perspective.<sup>25</sup>

If specific local concerns affected the appointments made by certain councils, a more widespread complication was whether the Tribunals should include representatives of labour. Although the instructions issued by the President of the Local Government Board, Walter Long, emphasised the need for members who were able to exercise 'impartial and balanced judgment', they did not specifically

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<sup>23</sup> Birstall Urban District Council Minutes, 1 November 1915, KMT 3/2/1/5, KA; *Dewsbury Reporter (DR)*, 6 November 1915, p. 1; Willans resumed his Council seat, and accepted a place on the Birstall Tribunal, once the Military Service Act had begun its passage through Parliament (Clerk's Rough Minutes, Birstall Urban District Council – Local Tribunal Files (BLTF), 31 December 1915, RD 21/6/2, KA).

<sup>24</sup> *BC*, 6 November 1915, p. 7.

<sup>25</sup> *Ibid.*, 13 November 1915, p. 2.

call for the working classes to be represented.<sup>26</sup> In the event, some councils did not require explicit prompting and selected one, or even two, labour men for their appeal bodies. The Derby Tribunal for Ossett numbered amongst its personnel both the trade unionist Councillor Ernest Sowden, and the President of the Ossett and Horbury Trades and Labour Council, William France.<sup>27</sup> Yet this concessionary approach was notably lacking elsewhere. After a two-hour meeting of the Huddersfield Council, the District Trades and Labour Council were informed that not only had their original nominee, Councillor Topping, been rejected, but that a secondary proposal of Alderman Wheatley had also been defeated on the casting vote of the Mayor. Outraged by this rebuff, and scornful of the Mayor's claim that his action was 'not a class matter', the Trades Council passed a resolution of 'emphatic protest'.<sup>28</sup> A similar feeling of injustice was prevalent at the Pontefract Trades Council, whose members resolved to communicate directly with the Director of Recruiting over the absence of labour representation on the Local Borough Tribunal. Particular indignation was expressed here over the fact that the corporation was supposed to be a coalition body, with the delegates maintaining that the appointments demonstrated the continued existence of 'party feeling', and promising that 'the attitude of those concerned will be noted when normal times appear'.<sup>29</sup> The acrimony resulting from this issue could even spill into neighbouring districts. When addressing a recruiting meeting, the Mayor of Batley took the opportunity to complain that the Dewsbury Council had failed to appoint any labour representatives onto its Tribunal.<sup>30</sup> However, the Chairman of the Dewsbury body replied that two working-class men had in fact been nominated, but had both refused to accept the position.<sup>31</sup>

In February 1916, each of the Division's local authorities was tasked with establishing a Tribunal that would both hear appeals under the Military Service Act, and take over the responsibility of determining cases lodged by attested men.

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<sup>26</sup> Local Government Board (LGB) Circular R. 1: 'Recruiting and Local Committees', 26 October 1915, MH 47/142, The National Archives (TNA).

<sup>27</sup> *Ossett Observer (OO)*, 6 November 1915, p. 8.

<sup>28</sup> *W*, 27 November 1915, p. 5; Huddersfield and District Associated Trades and Labour Council Minutes, 24 November 1915, S/HTC/1/4, KA.

<sup>29</sup> *Pontefract & Castleford Express (PCE)*, 19 November 1915, p. 5.

<sup>30</sup> *DR*, 20 November 1915, p. 6.

<sup>31</sup> *Ibid.*, 27 November 1915, p. 7.

When doing so, the councils unanimously adopted Long's suggestion that the current members should form the nucleus of the reconstituted bodies.<sup>32</sup> This was seen as a logical step, as the incumbents had become familiar with the work and gained crucial experience.<sup>33</sup> Indeed, for the 54 Military Service Tribunals where the relevant information is obtainable, fully 260 of their 361 initial members (72.02%) had previously sat on the Derby Tribunals.<sup>34</sup> The newcomers were almost entirely additional members. Nonetheless, a handful of individuals used the reorganisation as an opportunity to resign. Some, such as the Chairman of the Kirkburton Tribunal, did so because they intended to appeal against their own conscription and did not think it appropriate to judge the claims of others.<sup>35</sup> A more frequent reason for stepping down was the expanded Tribunal workload, which, it was held, would cause membership to become increasingly onerous and thereby impinge on personal business commitments.<sup>36</sup> In contrast, there are no recorded instances in the Division of members being removed from their position when the Tribunals were remodelled.

Beyond this uncontroversial retention of existing personnel, the discretion afforded by the instructions, and the varied dynamics of the councils, led to substantial divergence. One issue was the number of individuals who should be appointed to each Tribunal. Although the Act and Long's instructions permitted anywhere from five to 25 members, the implicit expectation in the latter was that the number should reflect the size of a district's population, so as to achieve the fullest representation of its various interests without becoming too cumbersome.<sup>37</sup> Yet this was infrequent in practice. The councils at Wakefield (population 51,511 in 1911), Barnsley (50,614), and Batley (36,389), despite being the third, fourth,

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<sup>32</sup> LGB Circular R. 36: 'Circular Relating to the Constitution, Functions and Procedure of Local Tribunals', 3 February 1916, MH 47/142, TNA.

<sup>33</sup> *OO*, 19 February 1916, p. 3.

<sup>34</sup> These figures require some explanation. An individual is deemed to have sat upon a Derby Scheme Tribunal if he took up the position at any time before that body was reconstituted as a Military Service Tribunal. Therefore, he was not necessarily appointed when the Derby Scheme Tribunal was first established. Regarding the Military Service Act Tribunals statistic, this refers only to personnel who were appointed when their appeal body was first reconstituted. In other words, it does not take into account any members who were added subsequently.

<sup>35</sup> *W*, 8 January 1916, p. 7.

<sup>36</sup> Batley Borough Council General Purposes Committee Minutes, 22 March 1916, KMT 1/2/2/15/4, KA.

<sup>37</sup> LGB Circular R. 36, 3 February 1916, MH 47/142, TNA.

and fifth most populous districts in the Division respectively, opted to retain the five existing members without any additions.<sup>38</sup> By far the most commonly adopted course was to expand the Tribunal to six or seven members, as occurred in the two most populous districts, Huddersfield (107,821) and Dewsbury (53,351).<sup>39</sup> Nevertheless, certain authorities went considerably further. At Horbury (7,509), Lepton (3,123), and Dodworth (3,284) ten members were chosen.<sup>40</sup> The two largest bodies outstripped even this figure, with eleven members being assigned to both the Knottingley Tribunal (6,680) and the Mirfield Tribunal (11,712).<sup>41</sup> Clearly the number of appointments reflected the wishes of each council, rather than any centrally determined formula.

Another decision that prompted a variety of approaches was what proportion of a Tribunal's personnel should be made up of local government members. Long's instructions in this regard were rather ambiguous, as he wrote that it was 'left to the discretion' of the councils whether they went beyond their own ranks, but simultaneously asserted that 'a proportion of every Tribunal should be selected from outside the local authority'.<sup>42</sup> In the event most councils willingly adopted the latter course and settled upon a majority of local government men supplemented by a minority of outsiders. Nonetheless, the chosen ratio differed considerably. At Knottingley nine councillors were accompanied by two outsiders, while at Castleford there were three councillors to two outsiders.<sup>43</sup> A handful of Tribunals actually contained a majority of individuals from beyond the local authority, by five to four at Darfield and six to one at Golcar.<sup>44</sup> In contrast, numerous other councils, particularly those that chose not to expand the size of their appeal bodies, acted on the discretion that the instructions afforded and appointed only members

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<sup>38</sup> *Wakefield Express (WE)*, 26 February 1916, p. 5; *Barnsley Independent (BI)*, 12 February 1916, p. 5; Batley Borough Council General Purposes Committee Minutes, 9 February 1916, KMT 1/2/2/15/4, KA; *1911 Census of Great Britain*.

<sup>39</sup> Huddersfield Borough Council Minutes, 16 February 1916, KMT 18/12/1/35, KA; Dewsbury County Borough Council & Committees Minutes, 10 February 1916, KMT 8/3/2/1/3-4, KA; *1911 Census of Great Britain*.

<sup>40</sup> *WE*, 12 February 1916, p. 6; Lepton Urban District Council Minutes, 10 February 1916, KMT 22/2/1/4, KA; *BC*, 12 February 1916, p. 2; *1911 Census of Great Britain*.

<sup>41</sup> *PCE*, 11 February 1916, p. 6; *Huddersfield Chronicle (HC)*, 19 February 1916, p. 7; *1911 Census of Great Britain*.

<sup>42</sup> LGB Circular R. 36, 3 February 1916, MH 47/142, TNA.

<sup>43</sup> *PCE*, 11 February 1916, p. 6.

<sup>44</sup> *BC*, 11 March 1916, p. 2; Golcar Urban District Council Minutes, 10 February 1916, KMT 12/2/1/11, KA.

of their own authority. At Methley, Councillor Bullimore suggested that the personnel of the existing Tribunal should be increased to seven and that the public 'would have more confidence' in the appeal body if it contained someone not connected to the Council. However, this motion came to nothing after Councillor Websdale argued that people ought to have faith in their elected representatives.<sup>45</sup>

A lack of uniformity also occurred when the councils had to decide whether to accept the requests of other local bodies for representation. Clearly there were many groups who had already been successful in this regard when the Derby Tribunals were formed, but additional requests came from those who felt their claims had been unjustly ignored. In the Division, the most regular source of these entreaties was the local Butchers' Associations, which argued that the maintenance of efficient food distribution depended on having an expert on each Tribunal who could stem the loss of labour from their industry.<sup>46</sup> Yet the Associations' large volume of applications did not equate to successful results. The Ossett Council pointed out that there were only 14 butchers in the town, and that their claims to representation were weaker than those of groups such as the 37 licensed victuallers.<sup>47</sup> Similar reasoning was advanced at Holmfirth, where it was maintained that the butchering trade was far from the only one experiencing shortages.<sup>48</sup>

Applications from other groups were also rejected. The Pontefract Borough Council split between those who supported the request of the local War Agricultural Committee for a farmer and market gardener to be added to the Tribunal, and those who felt the existing membership was sufficiently representative. After discussion had failed to resolve the issue, a vote decided in favour of the status quo.<sup>49</sup> A similar move might have succeeded at Featherstone but for extenuating circumstances. There Councillor Poppleton objected to a

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<sup>45</sup> *PCE*, 25 February 1916, p. 1.

<sup>46</sup> Holmfirth Urban District Council Minutes, 7 February 1916, KMT 16/6/1/20, KA; Dewsbury County Borough Council & Committees Minutes, 17 February 1916, KMT 8/3/2/1/3-4, KA; Batley Borough Council General Purposes Committee Minutes, 23 February 1916, KMT 1/2/2/15/4, KA.

<sup>47</sup> *OO*, 19 February 1916, p. 3.

<sup>48</sup> *Holmfirth Express (HE)*, 12 February 1916, p. 2.

<sup>49</sup> *PCE*, 11 February 1916, p. 6.

recommendation by the General Purposes Committee that only a farmer need be added. Arguing that Councillor Maxwell did not stand for the whole of the shopkeepers, Poppleton asserted that they required additional representation. When the force of this argument was recognised, Poppleton himself was nominated for membership. However, he refused to serve, as it would mean adjudicating on the case of his own son.<sup>50</sup>

The question of whether to appoint women to the Tribunals proved less controversial, but still did not produce a unanimous response. Long's instructions left this decision entirely in the hands of the councils, although he did urge that 'suitable' individuals should serve if 'desirable'.<sup>51</sup> The overwhelming sentiment was that it was undesirable, with minutes and newspaper reports indicating that the prospect was not even discussed in the vast majority of cases. Nonetheless, there were a handful of exceptions. There are no recorded instances in the Division, although one did occur at nearby Leeds, of a proposal for female membership being moved and rejected.<sup>52</sup> All three councils where the matter was broached subsequently appointed a woman. This decision seems to have been reached amicably at New Mill and Ardsley East and West, where the reading of Long's advice swiftly led to its acceptance, but was rather more contentious at Holmfirth.<sup>53</sup> There the decision to increase the existing body from five to seven members was followed by an animated debate over whether the additions should be two labour representatives, or one labour representative and one woman. When discussion failed to resolve the matter it was put to the vote, with the five supporters of two labour men being defeated by nine votes for the counter-proposal.<sup>54</sup>

There was more debate over the regulatory stipulation that each Tribunal must include 'adequate' representation of labour.<sup>55</sup> Long had endeavoured to clarify this phrase in his guidance by calling for the appointment of individuals in whom the

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<sup>50</sup> *Ibid.*, p. 3.

<sup>51</sup> LGB Circular R. 36, 3 February 1916, MH 47/142, TNA.

<sup>52</sup> Leeds City Council Minutes, 17 February 1916, LL 2/1/33, Leeds Archives (LA).

<sup>53</sup> New Mill Urban District Council Minutes, 11 February 1916, KMT 29/4/1/8, KA.

<sup>54</sup> *HE*, 12 February 1916, p. 2.

<sup>55</sup> 'The Military Service (Regulations) Order, 1916', 3 February 1916, MH 47/142, TNA.

working class would 'have confidence', and suggesting that local labour organisations should be consulted. Yet he deliberately left two fundamental questions unanswered: what proportion of a Tribunal's membership constituted 'adequate' representation and what type of individual should be deemed to have the confidence of the working-class?<sup>56</sup> This equivocality resulted in varied approaches and a number of difficulties. Most of the Division's councils attempted to fulfill the requirements of the regulation by including a bare minimum of labour representation.<sup>57</sup> A common approach was that adopted at Huddersfield, where the Tribunal was chosen in approximate proportion to the composition of the Council itself, with two Liberals, two Conservatives, and one Labour member.<sup>58</sup> However, a concession of this kind proved unpalatable for the majority at the Dodworth Council, where Councillor Levitt described a proposed membership that would not reflect Labour's position on the authority as 'A Tory move for political purposes'. He and his Labour colleagues then endeavoured to have the whole Council appointed as the Tribunal, but were defeated on a vote and had to settle for two Labour members out of 10.<sup>59</sup> A more accommodating attitude was adopted elsewhere, although none of the Division's councils matched those at Leeds, which allowed the three major political parties equal representation, or York, which had three Labour men and two Liberal pacifists amongst its 10 Tribunal members.<sup>60</sup> Nonetheless, two labour representatives were appointed amongst the five members at Batley and amongst the seven at Ossett.<sup>61</sup> On the other hand, certain councils directly contravened the regulation by refusing to select any working-class men. This was carried out in a particularly blithe manner at Cudworth, where an inquiry as to whether reappointing the existing members would provide labour representation was met with the reply that 'They are all workers, sir, although none of them can do a day's work.'<sup>62</sup>

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<sup>56</sup> LGB Circular R. 36, 3 February 1916, MH 47/142, TNA.

<sup>57</sup> Farnley Tyas Urban District Council Minutes, 23 February 1916, KMT 10/2/1/2, KA.

<sup>58</sup> Pearce, *Comrades in Conscience*, p. 162.

<sup>59</sup> BC, 12 February 1916, p. 3.

<sup>60</sup> Rae, *Conscience and Politics*, p. 56; Peacock, *York in the Great War*, p. 382.

<sup>61</sup> Batley Borough Council General Purposes Committee Minutes, 9 February 1916, KMT 1/2/2/15/4, KA; Borough of Ossett Council Minutes, 14 February 1916, WMT/5/2/1/1/3, Wakefield Archives; OO, 19 February 1916, p. 3.

<sup>62</sup> BC, 19 February 1916, p. 3.

Even when the councils managed to reach some agreement on the proportion of labour representatives, there were differences in how they went about selecting them. The New Mill body asked the local branch of the Independent Labour Party (ILP) to choose its own delegate and even afforded an extension of several weeks when it initially proved unable to do so.<sup>63</sup> In contrast, there was a sharp exchange at Huddersfield when the Council's choice, Alderman Wheatley, refused to take a position on the Tribunal in light of the Trades and Labour Council's decision to nominate Joseph Pickles.<sup>64</sup> In an effort to avoid acrimony, the Mayor and others argued that Pickles should be accepted, but other councillors who objected to being 'dictated to' opposed them. Only after a heated discussion was Pickles' appointment finally carried.<sup>65</sup>

The selection of the New Zealand Boards initially shared some similarities with the process in Britain. From the first reading of the Military Service Bill until the point that the Boards were finally established, MPs and Ministers were deluged with over 150 nominations for prospective members.<sup>66</sup> The sources of these proposals were extremely diverse. A majority were names put forward by organisations such as councils, trades and labour councils, branches of the Farmers' Union, or local recruiting committees, but there were also numerous personal applications from barristers, mayors, retired gentlemen, and William Lane, editor of the *New Zealand Herald*.<sup>67</sup> When advancing a nominee's credentials, the emphasis was usually placed on his involvement with local organisations and prominent standing in community affairs. The Waitomo County Council's proposal of Thomas Pine was based on his 'splendid' voluntary efforts to advance recruiting in the area, while the Mayor of Onehunga asserted that his own popularity in the district would guarantee widespread acceptance of his selection.<sup>68</sup> Conversely, a handful of applicants stressed the benefits of their being detached from local concerns and

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<sup>63</sup> *HE*, 19 February 1916, p. 6 and 4 March 1916, p. 6.

<sup>64</sup> Huddersfield and District Associated Trades and Labour Council Minutes, 9 February 1916, S/HTC/1/4, KA.

<sup>65</sup> Huddersfield Borough Council Minutes, 16 February 1916, KMT 18/12/1/35, KA; *Huddersfield Examiner (HEX)*, 19 February 1916, p. 7.

<sup>66</sup> *Press*, 16 September 1916, p. 7.

<sup>67</sup> See correspondence in AD 1 Box 769 22/117, Archives New Zealand (ANZ).

<sup>68</sup> Scholes to Jennings, 20 June 1916 and Robb to Allen, 14 June 1916, both in AD 1 Box 769 22/117, ANZ.

prejudices.<sup>69</sup> Whatever the position on this issue, the motivation expressed for all of these claims to membership was a desire to do something for the war effort, and to render important assistance to the Government.<sup>70</sup>

However, in New Zealand, a highly centralised process quickly overtook these devolved beginnings. On 10 September 1916, the Recruiting Board convened to discuss the formation of four initial appeal bodies, one for each of the military districts: Auckland, Wellington, Canterbury, and Otago. Given that he was the senior figure in the absence of Prime Minister William Massey and Deputy Prime Minister Sir Joseph Ward, and that the temporary members had no direct connection with recruiting, it is safe to assume that Allen took the lead.<sup>71</sup>

Two crucial decisions were made at this meeting, the first being that a selection criterion would be used to screen the nominees for the Boards. Of course, the regulations and Long's instructions acted as criteria in Britain, but the difference there was that the local councils were able to pick which directions to follow, whereas the Recruiting Board naturally applied all of its own policies. Elements of the Recruiting Board's schema were similar to that urged by Long, namely that members should be beyond the eligible military age, and should not have any sons who had failed to enlist when they might reasonably have been expected to do so.<sup>72</sup> On the other hand, Allen believed that placing men hostile to conscription on the appeal bodies would 'wreck the whole system', whereas Long had explicitly refused to countenance their exclusion.<sup>73</sup> The most significant disparity in the two approaches was the Recruiting Board's decision to, wherever possible, avoid the appointment of elected members, as their impartiality might be undermined by a desire to secure local favour and votes.<sup>74</sup> Although Long had suggested that the

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<sup>69</sup> Haslem to Gray, 25 May 1916 and Stilling to Allen, 22 June 1916, both in AD 1 Box 769 22/117, ANZ.

<sup>70</sup> Gray to Gibbon, 22 June 1916 and Carter to Allen, 8 July 1916, both in AD 1 Box 769 22/117, ANZ.

<sup>71</sup> Massey's and Ward's temporary replacements on the Recruiting Board were the Minister of Railways, William Herries, and the Minister of Justice, Dr Robert McNab (Gray to Fraser, 11 September 1916, AD 82 Box 2 1/11/1, ANZ).

<sup>72</sup> Gray to Fraser, 11 September 1916, AD 82 Box 2 1/11/1, ANZ; *Evening Post (EP)*, 14 September 1916, p. 8 and 27 September 1916, p. 3; LGB Circular R. 36, 3 February 1916, MH 47/142, TNA.

<sup>73</sup> *EP*, 14 September 1916, p. 8; Long, *Official Report: House of Commons (Fifth Series)*, vol. 78, col. 741.

<sup>74</sup> *EP*, 27 September 1916, p. 3.

local authorities should look beyond their own ranks, his instructions allowed for any proportion of a Tribunal's personnel, or all of it, to be made up of elected members.<sup>75</sup>

The Recruiting Board's second decision was even further removed from the British approach. Whereas Long had strongly asserted that a Tribunal should represent the various interests in its particular district, it was determined that the personnel of the Boards should follow a uniform pattern. Their three members would, therefore, consist of a stipendiary magistrate as chairman, accompanied by one member who lived in a rural area, and one member who was from a city or was connected with city life. Allen claimed that 'No man has been selected because he represents any particular section of the community'.<sup>76</sup> Yet the adoption of a balanced membership formula, and his subsequent statement that it was designed 'to represent as far as possible the feeling of the people in the district', strongly contradicts this assertion.<sup>77</sup> What the Recruiting Board actually appeared to do was to utilise the constitution of the Arbitration Court, established by the Industrial Conciliation and Arbitration Act, 1894, as a template. That Court was designed to equitably represent 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>78</sup> Before the introduction of conscription, there had been a growing dispute in New Zealand between the rural and urban communities over their respective contributions to the war effort.<sup>79</sup> The Recruiting Board seems to have recognised that the awarding of exemptions could exacerbate this conflict and configured the Boards in a similar manner to the Arbitration Court to try to ensure

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<sup>75</sup> LGB Circular R. 36, 3 February 1916, MH 47/142, TNA.

<sup>76</sup> *EP*, 27 September 1916, p. 3; See also *Auckland Star (AS)*, 18 September 1916, p. 7.

<sup>77</sup> *EP*, 27 September 1916, p. 3.

<sup>78</sup> James Holt, *Compulsory Arbitration in New Zealand: The First Forty Years*, Auckland: Auckland University Press, 1986, p. 28.

<sup>79</sup> A particular point of controversy was an analysis of the Fourth Reinforcements produced by Labour MP James McCombs, which suggested that 68% of these volunteers were 'workers', 19% were rural workers, and 16% were white-collar workers or professionals. These figures indicated a substantial over-representation of urban dwellers and appeared to suggest that the rural community was 'shirking' its duty (Baker, *King and Country Call*, pp. 54-6; 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. 535-6).

they could not be seen as biased.<sup>80</sup> However, while a principle of representative Board members does seem to have been adopted, it was representation on the broadest possible level, and certainly on a much higher plane than in Britain. New Zealand's four military districts were far from the same, just as the 2,000 British local authorities were far from the same. Yet the method of appointing the Tribunals allowed these differences to have an effect, whereas the criteria for the Boards' membership took no account of local circumstances.

As with the drawing up of the selection policy, the appointment of men to the Boards was carried out in a highly centralised manner. The Minister of Justice chose the four stipendiary magistrates.<sup>81</sup> For the lay members, a significant development came when a deputation of 14 Labour leaders met Allen in Auckland to press for the inclusion of a representative of the working classes on each Board.<sup>82</sup> In response, Allen adopted a somewhat accommodating attitude by writing to the main Trades and Labour Council for each Military District, asking them to suggest suitable candidates.<sup>83</sup> However, he demonstrated an unwillingness to surrender his control of the appointments by stressing that the Trades Councils would only be submitting names rather than having guaranteed representation, and that anti-conscriptionists would be vetoed automatically.<sup>84</sup> Being placed in this ambiguous position proved intolerable for a majority on the Auckland and Canterbury Labour Representation Committees, both of which objected that representation with stipulations attached was scarcely worth having, resolved not to submit any nominations, and passed additional resolutions condemning the introduction of conscription.<sup>85</sup> To the press, Allen stated that these attitudes were hardly fair, as he had promised to consider any suggestions made.<sup>86</sup> He decided

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<sup>80</sup> *Manawatu Evening Standard (MES)*, 5 March 1917, p. 2; 'Recruiting 1916-1918: Report by Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ.

<sup>81</sup> *EP*, 27 September 1916, p. 3.

<sup>82</sup> The deputation was led by J.T. Paul, a Labour member of the Legislative Council (*AS*, 13 September 1916, p. 6).

<sup>83</sup> *AS*, 11 September 1916, p. 4.

<sup>84</sup> *Ibid.*, 13 September 1916, p. 6.

<sup>85</sup> There was some disagreement regarding the attendance at the Auckland meeting. One favourable source described it as a 'fairly representative' 50-60 individuals. However, Arthur Rosser, who was hostile to the stance taken, argued that the meeting was not representative, as it was called before many delegates could be instructed by their unions. He put the attendance at only 33 (*AS*, 13 September 1916, p. 6 and 14 September 1916, p. 8).

<sup>86</sup> *AS*, 18 September 1916, p. 7.

that, rather than try to find working-class men for the Auckland and Canterbury Boards by another means, the matter would simply be dropped and employers appointed instead. Furthermore, even when prospective labour representatives were submitted at Wellington and Otago, the individuals appointed to the Boards were actually those who had been recommended to Allen by the Secretary of Labour, rather than those suggested by the Trades Councils.<sup>87</sup> So whereas Long had endeavoured to ensure that there would be working-class representation on each Tribunal, Allen himself decided that it was not required on two Boards, and refused to accept the nominations of local organisations for the other two.

The appointment of the other members was relatively unproblematic. A provisional list was drawn up by the Recruiting Board, which was then sent to the Government Statistician and Military Group Commanders for reports on whether each candidate satisfied the age and no-eligible-sons criteria.<sup>88</sup> This task being completed, the Recruiting Board made its final selections and then secured the formal approval of the Cabinet.<sup>89</sup>

It is possible to identify four characteristics of the 'typical' East Central Division Tribunal member. Firstly, he was a male, given that women made up only a very small proportion of the overall appointees. Secondly, he was a civilian, with only one member across the whole Division being recorded as holding a military commission.<sup>90</sup> Thirdly, he took an active role in community affairs. This trait is particularly apparent in the prominence of local government members. Of the 353 Tribunal personnel for whom the relevant information is available, a total of 252 (71.39%) were either local aldermen or councillors, or represented their district on the West Riding County Council. The chairmen of the Tribunals, elected by the members themselves, were nearly always aldermen or councillors and, in many cases, including at Barnsley, Batley, Huddersfield, and Ossett, the Mayor occupied

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<sup>87</sup> Fraser to Gray, undated, AD 82 Box 2 1/11/1, ANZ.

<sup>88</sup> Gray to Northcote, 16 September 1916 and Allen to Giles, 18 September 1916, both in AD 1 Box 769 22/117, ANZ.

<sup>89</sup> 'Recruiting 1916-1918: Report by Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ.

<sup>90</sup> This military member was Lieutenant-Colonel William Raley of the Barnsley Borough Tribunal (*BI*, 1 January 1916, p. 5).

that crucial position. Furthermore, it was rare for a Tribunal not to include at least one Justice of the Peace, with 58 of the 353 members (16.43%) being so designated. Tribunal members also tended to hold prominent positions in local organisations and political clubs. A particularly strong credential was involvement in the local war effort through patriotic and charitable bodies or through membership of the local recruiting committee.<sup>91</sup> Emblematic of such public servants were: Cooper Firth, who was at the forefront of every Marsden effort for 'the welfare of the men in the forces, their relatives and dependents at home, and the success of the allied cause'; and Alfred Flynn, who was simultaneously Chairman of the Birstall Council's Sanitary Sub-Committee, and associated with the Old Age Pensions Committee, Distress Committee, and the Oakwell Joint Hospital Board.<sup>92</sup>

The dominance of local government representatives is also reflected in the final 'typical' trait of being middle class. Tradesmen and manufacturers were in the ascendancy on most of the appeal bodies and many were influential figures in one of their district's largest or most reputable businesses.<sup>93</sup> Arthur Lockwood of the Linthwaite Tribunal had joined his father's company, Charles Lockwood and Sons, textile mill owners, at the age of 16, then become a partner at 21, and a director at 35.<sup>94</sup> Similarly, John Furniss was the long-serving manager of the Slaithwaite Gas Works, and William Kingswell was a partner in W.H. Kingswell & Sons, furriers, silk mercers, and carpet warehousemen of Wakefield.<sup>95</sup> Although professional men featured somewhat less, there was often one solicitor, registrar, or accountant. Indeed the Barnsley Borough Tribunal contained William Raley, solicitor and partner at Raley & Sons, and Edmund Rideal, solicitor and partner at E.J.F. Rideal and Son.<sup>96</sup>

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<sup>91</sup> The Huddersfield Tribunal comprised the five members of the local Recruiting Committee, and Joseph Pickles as labour representative (*W*, 25 March 1916, p. 5).

<sup>92</sup> Ernest Lockwood, *Colne Valley Folk*, London: Heath Cranton, 1936, p. 29; *Batley News (BN)*, 26 August 1916, p. 6; Malcolm Clegg, *A History of Birstall: The Last 200 Years*, Batley: Malcolm Clegg, 1994, pp. 149-54.

<sup>93</sup> For example, the Birstall Tribunal consisted of two master joiners, a woollen manufacturer, an oil merchant, and an engineer (Return of Members, 17 June 1918, BLTF, RD 21/6/2, KA).

<sup>94</sup> Lockwood, *Colne Valley Folk*, pp. 44-7.

<sup>95</sup> *W*, 4 May 1918, p. 2; Kelly's, *Kelly's Directory of the West Riding of Yorkshire, 1917*, Kelly's Directories, 1917.

<sup>96</sup> Kelly's, *Kelly's Directory of the West Riding, 1917*.

There were appointees who did not possess these 'typical' attributes. The Division's Tribunal members included three women: Miss Hannah Baines at Ardsley East and West; Mrs E. Walker, a Quaker and President of the Nursing Association, at Holmfirth; and Mrs C. Tinker at New Mill.<sup>97</sup> Although many members were aldermen or councillors, nearly a third of them were outside of local government at the time of their selection, while Justices of the Peace were a decided minority. Taking an active role in local affairs was also not strictly necessary, given that John Crowther was appointed to the Marsden Tribunal despite being notorious for his previous insistence on anonymity.<sup>98</sup> Furthermore, the dominance of long-standing middle-class individuals was far from absolute. On the one hand, there were the stipulated working-class representatives on most of the Division's appeal bodies. It is also apparent that some members had joined the middle class from more humble beginnings. Now Mayor of Barnsley and the owner of a printing business, Alderman Henry Holden had started his working life as a pit boy.<sup>99</sup> Likewise, Owen Balmforth was the son of a Chartist, and had risen from being an office and errand boy to his position as paid Secretary of the Huddersfield Education Committee.<sup>100</sup> Finally, while such categories do not necessarily equate to class, and indeed might have altered in the intervening years, there were a sizeable number of Tribunal members who described themselves in the *1911 Census* as being a 'worker', rather than an 'employer'.

Although they were mostly manufacturers, tradesmen, and professionals, the products that the Tribunal members were making, or the tasks they were engaged in, varied considerably across the Division. This resulted from the fact that the composition of local government bodies, on which the Tribunals drew so heavily,

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<sup>97</sup> *WE*, 12 February 1916, p. 6; Holmfirth Urban District Council Minutes, 7 February 1916, KMT 16/6/1/20, KA; *HE*, 11 March 1916, p. 8; New Mill Urban District Council Minutes, 11 February 1916, KMT 29/4/1/8, KA.

<sup>98</sup> Lockwood, *Colne Valley Folk*, p. 25.

<sup>99</sup> *BI*, 13 November 1915, p. 8.

<sup>100</sup> E.A. Hilary Haigh (ed.), *Huddersfield, A Most Handsome Town: Aspects of the History and Culture of a West Yorkshire Town*, Huddersfield: Kirklees Cultural Services, 1992, p. 541; D.F.E. Sykes, *The History of Huddersfield and the Valleys of the Colne, the Holme, and the Dearne*, Huddersfield: The Worker Press, 1898, p. 472.

tended to reflect a district's major industries.<sup>101</sup> In 1916, the West Riding of Yorkshire was one of the world's leading centres of woollen textile production, making it inevitable that textiles would provide the primary source of Tribunal members.<sup>102</sup> Indeed, textiles accounted for the Division's closest thing to a 'single industry' Tribunal, with the membership of the Marsden body consisting of: four woollen mill proprietors; the owner of a firm of flock, worsted, and woollen warehousemen; a textile workers' trade union secretary; and an engineer's pattern maker.<sup>103</sup> In areas where textiles were not the primary industry, other sectors predominated. Coal mining had a particularly strong presence in the districts surrounding Wakefield and Barnsley. At Castleford, the membership reflected the importance of glass bottle manufacturing to the local economy, while Goole's status as a port accounts for the appointment of a stevedore, a ship repairer, and a timber merchant amongst its Urban Tribunal personnel.<sup>104</sup> In the small number of Rural Districts, most of the members were connected with working the land and selling its produce.

Yet beyond this overall preponderance of the Division's main industries were members drawn from a plethora of other walks of life. Presumably these individuals were chosen because they represented an influential sector in the local economy, because they were respected in local affairs, or simply because there was no one else who would take on the role. Whatever the reasoning, the end result was the inclusion of veterinary surgeons, doctors, rent collectors, council employees, innkeepers, bankers, architects, upholsters, merchants, insurance agents, blacksmiths, salesmen, and many others. Eight councils even decided to appoint a local clergyman to their Tribunals, one of whom, the Reverend William Barker, was elected chairman of the Dodworth body.<sup>105</sup>

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<sup>101</sup> Brad Beaven, *Visions of Empire: Patriotism, Popular Culture and the City, 1870-1939*, Manchester: Manchester University Press, 2012, pp. 7-8.

<sup>102</sup> Kelly's, *Kelly's Directory of the West Riding, 1917*.

<sup>103</sup> Lockwood, *Colne Valley Folk*, pp. 19, 21-2, 27, 61; Kelly's, *Kelly's Directory of the West Riding, 1917*; *CVG*, 29 September 1916, p. 2; *W*, 6 November 1915, p. 5.

<sup>104</sup> *PCE*, 31 May 1918, p. 2; Kelly's, *Kelly's Directory of the West Riding, 1917*; *1911 Census of Great Britain*.

<sup>105</sup> *BC*, 4 December 1915, p. 8.

Substantial disparities also existed between the Tribunals' labour representatives. While the majority of other members were councillors or aldermen, the split amongst these individuals between those inside and outside the local authorities was far more even. Most were trade union officials and usually represented men employed in the largest sector of the local economy. John Gartside, Secretary of the Weavers' Association, was a member of the Saddleworth Tribunal, Harris Hoyle, Secretary of the Colne Valley District of the General Union of Textile Workers, was appointed at Marsden, and William Proctor of the local miners' union took a position on the Royston appeal body.<sup>106</sup> Many of these officials sat on their district's Trades and Labour Council, and Andrew Stott at Heckmondwike, Secretary of the Boot and Shoe Operatives Union, was far from the only Council President to be appointed.<sup>107</sup>

In terms of their attitudes, most of the labour representatives were either members of the local recruiting committee or at least were not pronounced anti-conscriptionists. One of the few Tribunals to start out with two trade unionists was that for Ossett, but William France supported the 'general desire to beat the Germans' and Ernest Sowden insisted that Britain's central war aim should be to 'break and put an end to German culture for all time'.<sup>108</sup> However, there were a handful of exceptions amongst this pro-conscription majority. The most prominent was Ben Turner, Chairman of the Batley Tribunal, Mayor of Batley, Secretary of the Heavy Woollen District branch of the General Union of Textile Workers, and a member of the Labour Party National Executive.<sup>109</sup> Despite publicly arguing that recruits must be obtained in order to win the war, Turner was a committed pacifist and stated in January 1916 that 'I am as strongly opposed to conscription as I ever was'.<sup>110</sup> Similarly, Joseph Pickles had been a pre-war member of the Huddersfield

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<sup>106</sup> K.W. Mitchinson, *Saddleworth, 1914-1919: The Experience of a Pennine Community during the Great War*, Saddleworth: Saddleworth Historical Society, 1995, p. 58; Ben Turner, *Short History of the General Union of Textile Workers*, Heckmondwike: Labour Pioneer & Factory Times Printing Department, 1920, p. 160; Piercy to Hoyle, 30 October 1915, Papers of Mr Harris Hoyle Concerning his Membership of the Marsden Military Service Tribunal, S/NUDBTW/34, KA.

<sup>107</sup> Andrew Bannister, *One Valley's War: Voices from a Yorkshire Community in the Great War and its Aftermath, 1914-1919*, Pudsey: Outremer, 1994, p. 77.

<sup>108</sup> *OO*, 26 August 1916, p. 3 and 26 May 1917, p. 7.

<sup>109</sup> *The Times*, 2 October 1942, p. 7.

<sup>110</sup> *Dewsbury District News (DDN)*, 22 January 1916, p. 3; See also Ben Turner, *About Myself, 1863-1930*, London: Humphrey Toulmin, 1930.

Committee Against Compulsory Military Service and, when nominated for the Local Tribunal by the Huddersfield Trades and Labour Council, was instructed that he would be failing in his duty if he did not press for the exemption of any man who was reluctant to go to the front.<sup>111</sup>

In common with the Local Tribunals, the membership of East Central Division Appeal Tribunal (ECAT) contained both 'typical' and 'atypical' features. Long's guidance over the constitution of this higher authority largely resembled that for the lower Tribunals, in that he advocated a 'fair proportion' of labour representatives and the appointment of women. However, Long also described it as 'expedient' for at least one member to have legal experience, and specifically cited representatives of chambers of commerce for consideration.<sup>112</sup> Most of the selection process was not committed to record, although it definitely began with a gathering of the Lord Mayors and Mayors of County Boroughs, who recommended that each of the West Riding's Divisions should appoint an Appeal Tribunal consisting of nine individuals.<sup>113</sup> In the event, the ECAT was established with only eight members. An effort was made to ensure that each of the Division's main centres was represented, and to cover most of its geographical extent. Long's instructions were adopted with the selection of two chamber of commerce members and emphatically endorsed in that all eight appointees were Justices of the Peace. The founders of the ECAT were also prepared to include two labour men, the first of whom was Ben Turner, who had to resign his chairmanship of the Batley Tribunal to take up this higher position. He was joined by one of the nominees put forward by the Huddersfield Trades and Labour Council, Ben Littlewood, Secretary of the Huddersfield Branch of the General Union of Textile Workers, a member of the ILP, and, like Turner, a strong opponent of conscription.<sup>114</sup> Despite the willingness to follow Long's instructions in these areas, the common aversion to women members held sway.

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<sup>111</sup> Pearce, *Comrades in Conscience*, p. 300; *W*, 26 February 1916, p. 5.

<sup>112</sup> Long to Chairmen of County Councils, Lord Mayors, and Mayors, 31 January 1916, MH 10/80, TNA.

<sup>113</sup> *Doncaster Gazette*, 18 February 1916, p. 2.

<sup>114</sup> Huddersfield Branch of the General Union of Textile Workers: Minutes of Committee Meetings, 3 July 1914, S/NUDBTW/1, KA; Turner, *Short History*, p. 77; Pearce, *Comrades in Conscience*, pp. 298-9.

In terms of its occupational profile, the ECAT largely mirrored the Division's Local Tribunals. There was one professional man in the form of Edward Lancaster, a Barnsley auctioneer and land agent.<sup>115</sup> The typical dominance of the textile industry was also present, with five current or retired manufacturers constituting the remaining members: the Chairman, Thomas Norton, a former partner in Norton Brothers fancy cloth milling firm, who was now Chairman of the Barnsley (Staincross) Petty Sessions and a Deputy Lieutenant of the County; Edward Bruce, President of the Huddersfield Chamber of Commerce and a director of Crowther, Bruce and Co. Ltd., woollen manufacturers; Joe Haley of Dewsbury, a partner in Messrs. Hepworth and Haley, blanket and rug manufacturers; Frederick Mallalieu, cloth mill owner of Delph; and Edmund Stonehouse, Mayor of Wakefield and the owner of M.P. Stonehouse Ltd., woollen cloth spinners.<sup>116</sup> Nevertheless, the ECAT differed from many of the Local Tribunals in that no tradesmen or representatives of agriculture were appointed.<sup>117</sup>

In sharp contrast to this diversity, there was only one major difference between the memberships of the New Zealand Boards. Each of these bodies followed the occupational formula laid down by the Recruiting Board, beginning with the appointment of a stipendiary magistrate as chairman. The choice for the Auckland Board fell on Frederick Burgess, who was magistrate for the Thames district in 1916.<sup>118</sup> His counterpart on the Wellington Board was Daniel Cooper, a former Deputy Registrar of the Supreme Court.<sup>119</sup> James Evans, a magistrate at Nelson, was appointed to preside in Canterbury, while Howell Widdowson, the principal magistrate at Dunedin, chaired the Otago appeal body.<sup>120</sup> The Recruiting Board's formula was also met by the appointment of a city man to each Board, but the difficulties over obtaining nominees for labour representatives made this the

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<sup>115</sup> *BN*, 2 September 1916, p. 8.

<sup>116</sup> *W*, 3 February 1917, p. 2; Lockwood, *Colne Valley Folk*, pp. 21-2; *BN*, 19 May 1917, p. 2; J.P.W. Mallalieu, *On Larkhill*, London: Allison & Busby, 1983, pp. 3-8, 44; *WE*, 5 January 1918, p. 5.

<sup>117</sup> However, R.S. Balden J.P. was assigned by the West Riding County Agricultural Committee to attend the ECATs sittings as a non-voting representative of the Division's food producing interests (*DDN*, 25 March 1916, p. 8).

<sup>118</sup> *AS*, 17 July 1918, p. 7.

<sup>119</sup> G.H. Scholefield, *Who's Who in New Zealand and the Western Pacific, 1925*, Napier: Venables & Company, 1924, p. 51.

<sup>120</sup> *New Zealand Gazette (NZG)*, 1916, p. 3125; Scholefield, *Who's Who*, pp. 232-3.

single point of disparity between the appeal bodies' memberships. The second individuals on the Auckland and Canterbury Boards were both employers, George Elliott, a company director of Auckland, and James Milton, a retired run-holder of Christchurch.<sup>121</sup> These were very different backgrounds to those of the Wellington and Otago Boards' urban members. As secretary to a number of trade unions, including the Wellington Waterside Workers' Federation, David McLaren had previously represented Labour as Mayor of Wellington and as MP for Wellington East, while Edward Kellett was President of the Otago Carpenters' Union.<sup>122</sup>

There was no such divergence when it came to the final appointment to each appeal body, that of a country resident. Filling this role on the Auckland Board was John McCaw, a Government Valuer who had recently started farming on his own account at Matamata.<sup>123</sup> William Perry, a leading member of the Farmers' Union and a sheep farmer at Masterton, represented the Wellington District's rural areas.<sup>124</sup> The Canterbury Board included Edgar Channon Studholme of Waimate, a son of one of the earliest sheep farming families in New Zealand.<sup>125</sup> Lastly, Otago's country member was Alfred Dillon Bell, one of his district's largest sheep farmers, a member of the Farmers' Union, and the brother of Francis Henry Dillon Bell, the Leader of New Zealand's Legislative Council.<sup>126</sup>

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<sup>121</sup> Scholefield, *Who's Who*, p. 67.

<sup>122</sup> Kerry Taylor, 'McLaren, David', from the Dictionary of New Zealand Biography, Te Ara – The Encyclopedia of New Zealand, Updated 30 October 2012, <http://www.TeAra.govt.nz/en/biographies/3m22/mclaren-david>; Barry Gustafson, *Labour's Path to Political Independence: The Origins and Establishment of the New Zealand Labour Party 1900-19*, Auckland: University of Auckland Press, 1980, p. 161; Erik Olssen, *The Red Feds: Revolutionary Industrial Unionism and the New Zealand Federation of Labour 1908-1914*, Auckland: Oxford University Press, 1988, pp. 77-81; Massey, *NZPD*, 195, p. 8; 'Edward Kellett', Herbert Otto Roth Papers (Biographical Notes) (HORP), MS Papers 6164-046, Alexander Turnbull Library (ATL).

<sup>123</sup> Joan C. Stanley, 'McCaw, John', from the Dictionary of New Zealand Biography, Te Ara – The Encyclopedia of New Zealand, Updated 30 October 2012, <http://www.TeAra.govt.nz/en/biographies/3m2/mccaw-john>; John McCaw, 'Biography of My Life for the Benefit of My Children', 1929, MS 1164, ATL.

<sup>124</sup> Farmers' Union: Wellington Branch Executive Minutes, 3 February 1916, MSY 0296, ATL; Scholefield, *Who's Who*, p. 176.

<sup>125</sup> E.C. Studholme, *Te Waimate: Early Station Life in New Zealand*, Wellington: A.H. & A.W. Reed, 1940; Oliver A. Gillespie, *South Canterbury: A Record of Settlement*, 2<sup>nd</sup> edition, Timaru: Timaru Herald Company, 1971, pp. 83, 118.

<sup>126</sup> W.J. Gardner, 'Bell, Francis Henry Dillon', from the Dictionary of New Zealand Biography, Te Ara – The Encyclopedia of New Zealand, Updated 5 June 2013, <http://www.TeAra.govt.nz/en/biographies/2b16/bell-francis-henry-dillon>; Scholefield, *Who's Who*, p. 19.

The Board members were similar in other ways. Due to the Recruiting Boards' careful vetting process, they were all above the military age, and none had sons who had failed to join the colours when they might have been expected to do so. Furthermore, the desire to avoid elected personnel was very nearly achieved, with only McCaw breaching this stipulation by being a member of the Matamata County Council.<sup>127</sup> The final common attribute was a strong belief in the war effort. Some of the members' '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>128</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>129</sup> The vast majority had sent at least one son to the front and several had lost family members killed in action.<sup>130</sup> Moreover, Milton was the officer in charge of the Christchurch Citizens' Defence Corps, while the Government had personally supplied McCaw with a car and a Sergeant-Major in both 1914 and 1916 so that he could 'go round the District and try to recruit as many [men] as possible'.<sup>131</sup> As for the two labour representatives, they were far from the anti-conscriptionists that Allen so feared. Although McLaren had started out as a militant unionist who had opposed the introduction of Compulsory Military Training in 1909, he had since broken away from radical Labour and spent the early years of the war touring the country urging workers to enlist.<sup>132</sup> Kellett was also an active recruiter, had sent two volunteer sons to the front, and, upon his election as Vice-President of the Dunedin Labour Representation Committee in November 1916, promptly resigned the next

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<sup>127</sup> *Waikato Times (WT)*, 10 April 1938, p. 8.

<sup>128</sup> Keith Sinclair, *A Destiny Apart: New Zealand's Search for National Identity*, Wellington: Allen & Unwin, 1986, p. 173; See for example *WT*, 15 February 1917, p. 4; *New Zealand Herald*, 23 February 1917, p. 8; *EP*, 14 June 1917, p. 2; *MES*, 9 August 1917, p. 6; *Wairarapa Daily Times (WDT)*, 22 December 1917, p. 4; *Feilding Star*, 17 July 1918, p. 2; Burgess to Gray, 5 December 1918, AD 82 Box 2 1/11/2, ANZ.

<sup>129</sup> *WDT*, 13 December 1916, p. 2 and 17 September 1918, p. 4; *Timaru Herald*, 6 February 1917, p. 5; *Dannevirke Evening News*, 20 March 1917, p. 3; *EP*, 12 October 1917, p. 6.

<sup>130</sup> *Ohinemuri Gazette*, 29 September 1916, p. 2 and 2 February 1917, p. 2; *Ashburton Guardian (AG)*, 13 May 1918, p. 4 and 10 July 1918, p. 4; *Otago Daily Times (ODT)*, 19 September 1918, p. 5.

<sup>131</sup> Gray to Fraser, 11 September 1916, AD 82 Box 2 1/11/1, ANZ; John McCaw, 'Biography of My Life for the Benefit of My Children', 1929, MS 1164, ATL.

<sup>132</sup> Gustafson, *Labour's Path*, p. 161; *EP*, 14 June 1916, p. 2.

day, stating that holding such a position was incompatible with his conscriptionist sentiments.<sup>133</sup>

The initial appointments to the Tribunals provoked a considerable amount of local criticism, some of which was brushed aside. In the Division, these unsuccessful protestations concerned a perceived lack of 'adequate' labour representation. Councillor Jackson raised this complaint at Mirfield, arguing that a current Tribunal member, Councillor Platt, could not be regarded as speaking for the working class. Yet this claim was swiftly undermined by reference to Platt's 48 years of trade union service and it was further pointed out that Mr Jenkins also represented labour on the appeal body.<sup>134</sup> A similar rejection occurred at Huddersfield, when the Trades and Labour Council, angered by the course that the Tribunal's early operations were taking, sent a deputation to the local authority to press for the appointment of two additional labour men.<sup>135</sup> Upon receiving this remonstrance, the Huddersfield Council resolved that it had great confidence in the Tribunal's membership, and saw 'no necessity for adding to its number'.<sup>136</sup> The issue proved rather more contentious at Saddleworth. Here the resignation of one member prompted the Trades Council to argue that they no longer had a representative and to nominate Albert Hewkin as a replacement. When this proposal was seconded at the local authority, several other councillors objected on the basis that John Gartside, Secretary of the Weavers' Association, was already providing sufficient labour representation. Hewkin's supporters countered that Gartside's union was not a member of the Trades Council, that the engineering unions should be represented, and that two labour men on a Tribunal of five was not unreasonable, given that the majority of appeals came from the working class. Unconvinced by these arguments, Hewkin's opponents attempted to block his

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<sup>133</sup> 'Edward Kellett', HORP, MS Papers 6164-046, ATL; *Maoriland Worker (MW)*, 29 November 1916, p. 3.

<sup>134</sup> Mirfield Urban District Council Minutes, 29 March 1916, KMT 27/2/1/8, KA; *BN*, 1 April 1916, p. 8.

<sup>135</sup> *W*, 25 March 1916, p. 5; Huddersfield and District Associated Trades and Labour Council Minutes, 22 March 1916, S/HTC/1/4, KA.

<sup>136</sup> Huddersfield Borough Council – General Purposes Committee Minutes, 11 April 1916, KMT 18/12/2/37/17-18, KA.

appointment by moving John Edwards instead. On the matter being put to the vote, Edwards was added to the Tribunal ahead of Hewkin by seven votes to three.<sup>137</sup>

Although these efforts to enhance the position of labour were rebuffed, other remonstrances managed to effect significant changes. The Spenn Valley Trades and Labour Council, displeased that only one labour man had been appointed to both the Spennborough and the Heckmondwike Tribunals, decided to write to the respective authorities asking for those numbers to be doubled.<sup>138</sup> Although this request was declined at Heckmondwike, a majority of the Spennborough Council voted to appoint Councillor Firth as an additional labour representative. Similar success was achieved at Dewsbury, where the Heavy Woollen District Trades and Labour Council petitioned the local authority over the fact that its Tribunal contained no spokesmen of the working class. In response, the Dewsbury Council obligingly appointed two of the Trades Council's nominees, Councillor Halstead and Benjamin Turner.<sup>139</sup> A considerably more protracted affair was that concerning the Goole Urban Tribunal. This began when the sole labour representative was forced to resign from the Derby Scheme appeal body and no replacement was appointed on the Tribunal's subsequent reconstitution. The resulting protest from the Trades and Labour Council initially proved fruitless, as the local authority narrowly rejected a motion to appoint two working-class men.<sup>140</sup> Yet the matter did not close there. A complaint over the lack of labour representation on the Goole Tribunal was raised in Parliament, to which Long replied that he would look into the matter.<sup>141</sup> A month later, the Goole Council asked its Finance Committee to reconsider the appointment of working-class representatives. When that body recommended the preservation of the status quo, it provoked a stormy session of the full Council, which eventually decided to refer the question back to the Finance Committee.<sup>142</sup> Eventually, over two months after

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<sup>137</sup> Mitchinson, *Saddleworth*, pp. 62-3.

<sup>138</sup> *Cleckheaton & Spennborough Guardian (CSG)*, 10 March 1916, p. 2; Heckmondwike Urban District Council Minutes, 13 March 1916, KMT 14/2/1/12, KA; Spennborough Urban District Council Minutes, 20 March 1916, KMT 39/1/1/1, KA.

<sup>139</sup> *DR*, 19 February 1916, pp. 1, 8; Dewsbury County Borough Council & Committees Minutes, 17 February 1916, KMT 8/3/2/1/3-4, KA.

<sup>140</sup> *GT*, 10 March 1916, p. 5.

<sup>141</sup> Thomas, *H of C*, 5:80, col. 2229; Long, *H of C*, 5:80, cols. 2229-30.

<sup>142</sup> *GT*, 14 April 1916, p. 6.

the issue was first broached, J. Cone of the Sailors' and Firemen's Union and Percy Colbridge of the Engineers' Society were both added to the Goole Urban Tribunal.<sup>143</sup>

Such personnel changes did not occur in New Zealand, where Allen proved unresponsive to local disquiet. The most serious challenge to the initial appointments came from the Auckland City Recruiting Committee. In late August 1916, the Commander of Home Forces, General Robin, met with that body on his own initiative, and asked them to submit nominations for the Auckland Military District's Appeal Board. Keen to oblige, the Committee suggested three well-known candidates, including the Mayor of Auckland.<sup>144</sup> Having been approached by such a high-ranking military figure, the Recruiting Committee clearly believed that these recommendations would carry considerable weight. Unsurprisingly, therefore, its members were outraged that all of their nominees were overlooked when the appointments were made, with Allen being informed that this snub could 'only be taken as a practical indication that [the Committee's] services [were] no longer required'.<sup>145</sup> Taken completely unawares, a discomfited Minister of Defence travelled to Auckland for a consultation.<sup>146</sup> After a rather heated discussion, the Committee, although privately re-affirming its dissatisfaction with the appointments, was persuaded to maintain public silence, and to recommence its recruiting activities.<sup>147</sup>

Other local organisations lodged their own protests against the initial appointments. The Southland War Funds Committee complained that no representative from their region had been placed on the Otago Board and expressed its 'fears that agricultural and pastoral interests will therefore suffer, the conditions in this province requiring special local knowledge'.<sup>148</sup> In addition,

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<sup>143</sup> Ibid., 19 May 1916, p. 6.

<sup>144</sup> Hogan to Robin, 24 August 1916, AD 1 Box 769 22/117, ANZ.

<sup>145</sup> Hogan to Allen, 5 October 1916, AD 1 Box 769 22/117, ANZ.

<sup>146</sup> Robin to Allen, 9 October 1916, AD 1 Box 769 22/117, ANZ; AS, 27 September 1916, p. 7; Allen to Massey, 11 October 1916, Sir James Allen Papers (AP), ALLEN 1 Box 9, ANZ.

<sup>147</sup> 'Record of Meeting in Auckland Mayor's Room between Allen, O.C. Auckland District, the Group Commander and the Full Sub-committee of the Recruiting Committee', 13 October 1916, AD 1 Box 769 22/117, ANZ.

<sup>148</sup> *Southland Times*, 26 January 1917, p. 5.

bodies representing the West Coast of the South Island and the Nelson region advanced much the same argument.<sup>149</sup> Yet none of these remonstrances was able to persuade Allen to make any changes.

Beyond this locally based criticism, opposition to the initial appointments came from organised labour. There were objections from various quarters about the lack of a working-class representative on the Auckland and Canterbury Boards, with particular resentment being expressed over the relative prominence of farmers.<sup>150</sup> Even where a labour man had been selected in Wellington and Otago, the Trades Councils complained that the chosen individuals did not represent as many workers as the nominees they had submitted.<sup>151</sup> These protests had no direct impact on the Boards' membership for two reasons. Firstly, a great deal of opinion, including within 'moderate' labour circles, blamed the lack of an Auckland and Canterbury working-class representative on the failure of the Labour Representation Committees to make nominations, rather than on Allen's imposition of a selection criterion.<sup>152</sup> Secondly, the outspoken groups in these districts were more concerned with contesting the legitimacy of conscription than with debating specifics like the membership of the appeal bodies.<sup>153</sup> In terms of the Wellington and Otago complaints, Allen argued that he had only ever promised to consider the names put forward, and that he had explicitly stated that individuals would not be appointed to represent particular interests.<sup>154</sup> This stance certainly did not appease everyone. However, whereas an opposition group in Britain only needed to influence a majority on the local council, it would have taken something far more widespread to cause the Minister of Defence to make changes that would have been reported nationally in New Zealand. Ultimately this eventuality never came close to occurring. Allen felt able to inform Massey that 'very little criticism'

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<sup>149</sup> Evans to Gray, 29 January 1917, AD 1 769 22/117/1, ANZ.

<sup>150</sup> AS, 27 September 1916, pp. 4, 7.

<sup>151</sup> The Otago Labour Council based its complaint on the fact that Kellett's Otago Carpenters' Union represented only 486 men, whereas the Council itself spoke for 25 unions with a combined membership exceeding 3,000 (Jones to Allen, 12 October 1916, AD 1 Box 769 22/117, ANZ).

<sup>152</sup> AS, 27 September 1916, p. 7 and 3 October 1916, p. 7.

<sup>153</sup> *Ibid.*, 13 September 1916, p. 6 and 21 September 1916, p. 2.

<sup>154</sup> Allen to Jones, 19 October 1916, AD 1 Box 769 22/117, ANZ.

had been received and there is no hint that any alterations to the Boards' original constitutions were ever contemplated.<sup>155</sup>

Nevertheless, these events do appear to have influenced Allen's decisions when it became necessary to establish six additional Boards in January 1917.<sup>156</sup> The selection process for this second round of appointments remained highly centralised. Nominations were again received from a range of sources, but Allen continued to place more reliance on the recommendations of Government Ministers, and further solicited the views of MPs and the current Board members.<sup>157</sup> The previously agreed screening criteria remained in force, with there being only one elected member among the new appointments, and it was also decided to retain the standard selection formula.<sup>158</sup> This meant that each of the additional Boards contained one member from the country, who was always a prominent or retired farmer. Although the inability of the Ministry of Justice to release more than three magistrates did necessitate the appointment of a King's Counsel and two barristers, the policy of having legal professionals as chairmen was maintained.<sup>159</sup>

The most significant development concerned the urban members. Here the regret expressed over the lack of labour representatives on the First Auckland and Canterbury Boards seems to have motivated Allen's decision to place a working-class man on all of the new appeal bodies. Nevertheless, there was no change in the type of individual selected, as moderate views and a support for the war effort

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<sup>155</sup> Allen to Massey, 29 September 1916, AP, ALLEN 1 Box 9, ANZ.

<sup>156</sup> This expansion allowed the Boards to divide their labours geographically, with the chosen boundaries being those of the Military Groups used for recruiting. Generally the Boards worked as follows: First Auckland in Groups 1 (Auckland) and 3 (Northland); Second Auckland in Groups 2 (Hauraki), 4 (Waikato), and 17 (Bay of Plenty); First Wellington in Groups 6 (Manawatu), 8 (Taranaki), and 20 (Wanganui); Second Wellington in Groups 7 (Hawke's Bay), 18 (Wairarapa), and 19 (Poverty Bay); Third Wellington in Group 5 (Wellington); First Canterbury in Groups 11 (North Canterbury), 12 (Nelson), and 21 (West Coast); Second Canterbury in Groups 9 (Christchurch) and 10 (South Canterbury); First Otago in Groups 13 (Dunedin) and 15 (North Otago); Second Otago in Groups 14 (Southland) and 16 (Clutha).

<sup>157</sup> Allen to Barr, 18 January 1917, Allen to McLaren, 19 January 1917 and McLaren to Allen, 20 January 1917, all in AD 1 Box 769 22/117, ANZ.

<sup>158</sup> *EP*, 19 January 1917, p. 3; Thomas Bamber, rural member of the Second Wellington Board, was Chairman of the Wanganui County Council (McNab to Gray, 15 November 1916, AD 1 Box 769 22/117, ANZ).

<sup>159</sup> *NZG*, 1917, pp. 343-4.

were still essential prerequisites. Labour's representative on the Second Auckland Board was Arthur Rosser, the Secretary of at least nine trade unions.<sup>160</sup> His role as an active recruiter, member of the National Reserve, and supporter of conscription had made him very unpopular in radical labour circles, but he chose to regard this criticism 'as a compliment to me as a Britisher'.<sup>161</sup> The labour members of the Second and Third Wellington Boards had also distanced themselves from militancy: Frederick Curtice briefly resigned his presidency of the Wellington Waterside Workers Union in protest at its affiliation to the New Zealand Federation of Labour, while Matthew Mack had refused to associate the Amalgamated Society of Railway Servants with the 1913 waterfront strike.<sup>162</sup> Rather less can be discerned about the two Canterbury labour members, Frederick Eldridge, foreman carpenter for the Christchurch City Council, and Henry Robbins, an agricultural implement worker, as even contemporary labour men were said to be not conversant with their views.<sup>163</sup> Nevertheless, it is certain that they were amenable to the provisions of the Act. So was Robert Breen of the Second Otago Board, the Secretary of the Otago Trades and Labour Council, who had attacked members of the New Zealand Labour Party over their encouragement of Australian workers to vote against the introduction of conscription.<sup>164</sup>

Criticism of these new appointments was virtually non-existent. By placing a working-class representative on each of the Boards, Allen had effectively nullified the claim that there were not enough labour members. Certainly the Auckland Labour Representation Committee repudiated the idea that Rosser stood for labour's interests, while the *NZ Truth* maintained that the Government's attempt to divide the working class by giving it a semblance of representation, 'a double-distilled dose of Seddonian seduction', would not succeed, as the new appointees

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<sup>160</sup> 'Arthur Rosser', HORP, MS Papers 6164-086, ATL.

<sup>161</sup> Rosser to Allen, 12 September 1916, AD 1 Box 769 22/117, ANZ; See also Paul Husbands, 'Rosser, Arthur', from the Dictionary of New Zealand Biography, Te Ara - The Encyclopedia of New Zealand, Updated 28 January 2014, <http://www.TeAra.govt.nz/en/biographies/3r30/rosser-arthur>; Gustafson, *Labour's Path*, p. 166.

<sup>162</sup> 'Fred Curtice', HORP, MS Papers 6164-017, ATL; 'Matthew Joseph Mack', HORP, MS Papers 6164-060, ATL.

<sup>163</sup> *AG*, 24 January 1917, p. 5; *AS*, 1 February 1917, p. 8; The *New Zealand Herald* described the pair as 'unknown workers' (25 January 1917, p. 9).

<sup>164</sup> 'Robert Breen', HORP, MS Papers 6164-012, ATL; *MW*, 15 November 1916, p. 6; Gustafson, *Labour's Path*, pp. 154-5.

were widely regarded as having turned their backs on the labour movement.<sup>165</sup> Yet these appear to be the only instances of dissent. J.T. Paul, a Labour member of the Legislative Council, endorsed all of the new appointments and there is no evidence of dissatisfaction at the Wellington, Canterbury, or Otago Trades Councils.<sup>166</sup> It seems, therefore, that the establishment of the new Boards passed largely without incident.

Like the Tribunal members, the men appointed as Military Representatives in the Division were a diverse and locally prominent group. Under authority delegated to him by the War Office, the choices were made by the General Officer Commanding-in-Chief Northern Command, and included a number of retired officers.<sup>167</sup> One of these was Lieutenant-Colonel James Hewitt, attached to the Barnsley Borough and Barnsley Rural Tribunals, who had raised and then commanded the 13<sup>th</sup> (Service) Battalion York and Lancaster Regiment, until he was forced to resign his post due to ill health.<sup>168</sup> Other Representatives were serving territorial officers, like Captain George Greenwood of the Whitwood and Castleford Tribunals, who had been a member of 1/4<sup>th</sup> Battalion King's Own Yorkshire Light Infantry until July 1915 when he was transferred to the depot of the York and Lancaster Regiment at Pontefract.<sup>169</sup> Yet there were also many appointees who did not hold army commissions and who were simply prominent citizens whose standing in the community would, it was believed, entitle them to respect.<sup>170</sup> The chosen individuals not only differed by their level of involvement with the military, but also by their occupations. Hewitt was President of the Barnsley and District Colliery Owners' Association, H.D. Leather, responsible for the Spen Valley

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<sup>165</sup> *AS*, 9 February 1917, p. 4; *NZ Truth*, 3 February 1917, p. 7; By way of response, Rosser sarcastically thanked the Auckland Committee for their 'timely vindication of my character as a patriotic Britisher' and, in regards to the attendance at such meetings, compared the resolution of repudiation to 'the famous document issued by the "three tailors of Tooley Street," who started a remonstrance with "We, the people of England"' (*AS*, 16 February 1917, p. 2).

<sup>166</sup> *AS*, 1 February 1917, p. 8.

<sup>167</sup> *HE*, 1 January 1916, p. 8.

<sup>168</sup> *BI*, 20 November 1915, p. 5; Ellsworth-Jones, *We Will Not Fight*, p. 36.

<sup>169</sup> *WE*, 6 October 1917, p. 2.

<sup>170</sup> *HEX*, 19 November 1915, p. 2; Ministry of National Service, *The Recruiting Code*, 1 January 1918, p. 63, NATS 1/95, TNA.

Tribunals, was a chartered accountant, while Arthur Crosland at Huddersfield combined the callings of solicitor, wine merchant, and manufacturer.<sup>171</sup>

The members of the Division's Advisory Committees also possessed differing backgrounds, but considerable local stature. Like the Military Representatives, these bodies often served more than one Tribunal. However, the nature of their brief, that of determining which men were entitled to exemption based on the local economic conditions, led to the establishment of Advisory Committees that reflected the major commercial and industrial interests in their area of operations. This produced substantial variations between them.<sup>172</sup> A further point of difference was the position of organised labour, with the Committees not being subject to the same regulation requiring working-class representation that was supposed to govern the constitution of the Tribunals. Although trade union members were selected for a few of the Division's advisory bodies, there were also protests from several trade councils over a lack of labour men in their district.<sup>173</sup>

Unlike these War Office appointees, New Zealand's Military Representatives were chosen primarily on the basis of their shared traits. Having decided to avoid serving or retired regular army officers in favour of legal professionals, the Defence Department proved unwilling to entirely forgo military men, and instead limited its selections to solicitors who were also serving Territorial officers.<sup>174</sup> On the other hand, the Department did adhere to the concept of posting its Representatives away from their district of residence. A typical appointee was C.W. Free, practising in Christchurch, who had suffered an accident that prevented him going to the front. He was raised to the temporary rank of Captain in the Canterbury Yeomanry Cavalry upon taking up his position as Military Representative to the First Otago Board.<sup>175</sup> Similarly, Captain John Conlan of the

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<sup>171</sup> *BC*, 22 January 1916, p. 8; Leather to Gray, 10 January 1916, BLTF, RD 21/6/2, KA; *HEx*, 24 February 1948, p. 5.

<sup>172</sup> *CSG*, 24 December 1915, p. 2.

<sup>173</sup> *OO*, 22 January 1916, p. 2; *GT*, 14 April 1916, p. 6; William Herbert Scott, *Leeds in the Great War, 1914-1918: A Book of Remembrance*, Leeds: Leeds Libraries and Arts Committee, 1923, p. 314.

<sup>174</sup> Tate to Board Chairmen, 15 March 1918, AD 1 Box 769 22/140, ANZ.

<sup>175</sup> Free to Massey, 13 June 1916, AD 1 Box 769 22/117, ANZ; *ODT*, 8 November 1916, p. 8.

13<sup>th</sup> Territorial Regiment was promoted Major on leaving his Kaiapoi practice to become Military Representative to the First Auckland Board.<sup>176</sup>

This rigid and centralised New Zealand appointments process stands in sharp contrast to the locally driven methodology practised in Britain. A crucial variable was that the Division's local authorities had almost total discretion to select whom they wished to sit on their Tribunals. With there being 63 district councils in the area, each with its own internal dynamics and each presiding over a different set of local circumstances, it was inevitable that there would be considerable disparities in the way these bodies went about their task. Although there were commonalities in the resulting memberships, not all of the Division's Tribunal personnel were middle-class local government members, and there were additional variations in occupations and in attitudes towards conscription. When local labour organisations protested over the initial appointments, some were rebuffed, whereas others were able to secure the appointment of additional working-class men. As for the Military Representatives and Advisory Committee members, these individuals too were chosen primarily for their knowledge of, and standing within, the local community. On the other hand, the system that operated in New Zealand hinged on centralised decision-making. Allen imposed detailed selection criteria for prospective members and determined that the constitution of the Boards would follow a set pattern. This led to appeal bodies that were nearly identical in terms of the occupations and attitudes of their members. The initial appointments to the Boards did attract some criticism, but this dissent never came close to forcing any deviation from the desired formula. Likewise, the Defence Department first established the exact type of individuals it wanted as its Military Representatives, and then went about securing men who met this prescription.

Such findings largely correspond to those put forward in the existing historiographies. British historians have tended to identify the importance of local factors in determining who was selected, although some studies portray the appointees as being a rather more homogenous group than appears to have been

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<sup>176</sup> 'Defence' to Adjutant-General, 8 October 1916 and Cosgrove to Quarter-Master General, 23 March 1917, both in AD 1 769 22/140, ANZ.

the case. In terms of New Zealand, Baker's assertion of a centrally directed process that produced almost uniform results is one that matches very closely the conclusion advanced here.

## Chapter Three: Independence or Compliance?

### The Autonomy of the Appeal Bodies

During their operations, Britain's Tribunals and New Zealand's Boards faced potential interference in, or limitations to, their autonomy from a number of different agencies. Both were subject to official direction and had attached Military Representatives. In addition, the British system contained local Advisory Committees and higher appeal bodies, and afforded government departments the power to grant exemptions, while New Zealand witnessed the establishment of a National Efficiency Board and large numbers of local Trustee Boards in early 1917.

When considering the impact of outside agencies on the Tribunals' autonomy, the British historiography points to extensive but ambiguous government instructions, and appeal bodies that varied considerably in their willingness to share the responsibility for determining cases. Most studies that analyse the evolution of official manpower policy have argued that constant pressure was placed on the Tribunals to send more men to the front. However, several of these works then go on to assert that inter-departmental strife and shifting imperatives meant that this overall philosophy rarely led to clear and consistent guidance on specific cases.<sup>1</sup> As for the appeal bodies' response, Adrian Gregory, Keith Grieves, James McDermott, and K.W. Mitchinson each claim that a general receptiveness to government demands did not prevent individual Tribunals from contesting its initiatives when they were perceived to menace local interests.<sup>2</sup> Furthermore, both Mitchinson and A.J. Peacock state that some Local Tribunals protested when government

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<sup>1</sup> R.J.Q. Adams and Philip P. Poirier, *The Conscription Controversy in Great Britain, 1900-18*, Columbus: Ohio State University Press, 1987, pp. 144-244; Ian F.W. Beckett, *Home Front, 1914-1918: How Britain Survived the Great War*, Kew: National Archives, 2006, pp. 34-9; David Bilton, *The Home Front in the Great War: Aspects of the Conflict, 1914-1918*, Barnsley: Leo Cooper, 2003, pp. 54-62, 75-6, 100-2; J.M. Bourne, *Britain and the Great War, 1914-1918*, London: Edward Arnold, 1989, pp. 184-7; Gerard J. DeGroot, *Blighty: British Society in the Era of the Great War*, London: Longman, 1996, pp. 95-106; Keith Grieves, *The Politics of Manpower, 1914-18*, Manchester: Manchester University Press, 1988, pp. 19-201.

<sup>2</sup> Adrian Gregory, 'Military Service Tribunals: Civil Society in Action, 1916-1918' in Jose Harris (ed.), *Civil Society in British History: Ideas, Identities, Institutions*, Oxford: Oxford University Press, 2003, pp. 188-90; Keith Grieves, 'Mobilising Manpower: The Audenshaw Tribunal in the First World War', *Manchester Region History Review*, 3:2 (1989), pp. 24-7; James McDermott, *British Military Service Tribunals, 1916-1918: 'A Very Much Abused Body of Men'*, Manchester: Manchester University Press, 2011, pp. 5-8; K.W. Mitchinson, *Saddleworth, 1914-1919: The Experience of a Pennine Community during the Great War*, Saddleworth: Saddleworth Historical Society, 1995, pp. 63-5.

departments annulled their dismissal of cases, and McDermott has noted similar complaints made against the Northamptonshire Appeal Tribunal.<sup>3</sup> Although most historians have concluded that the Tribunals allowed the Military Representatives and Advisory Committees to wield a great deal of influence over their decisions, others have found evidence of a less hospitable relationship.<sup>4</sup>

In contrast, the New Zealand historiography has tended to identify strong executive direction, allied with passive and accommodating appeal bodies. James Belich claims that the Government persisted in its efforts to guarantee the exemption of the 'strategic unions' and 'most farmers' and Stevan Eldred-Grigg cites efforts to ensure that 'Coalminers, seamen, freezing workers and wharf workers' would be allowed to 'stay out of the army'.<sup>5</sup> For John Martin and Gwen Parsons, the Executive's initially 'ad hoc' approach towards essential workers changed with the approval of a classification of industries.<sup>6</sup> Nevertheless, Paul Baker and Lisa James both claim that the Government was always unwilling to direct the Boards, and offered them relatively little guidance.<sup>7</sup> In terms of the appeal bodies' pliability, Martin and Parsons concur that they adhered to the

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<sup>3</sup> Mitchinson, *Saddleworth*, pp. 129-30; A.J. Peacock, *York in the Great War: 1914 to 1918*, York: York Settlement Trust, 1993, pp. 529-30; McDermott, *British Military Service Tribunals*, pp. 164-8.

<sup>4</sup> The former view is advanced in Lois S. Bibbings, *Telling Tales About Men: Conceptions of Conscientious Objectors to Military Service during the First World War*, Manchester: Manchester University Press, 2009, pp. 30-1; D. Boulton, *Objection Overruled*, London: MacGibbon & Kee, 1967, p. 134; Peter Brock and Nigel Young, *Pacifism in the Twentieth Century*, Syracuse: Syracuse University Press, 1999, p. 43; John W. Graham, *Conscription and Conscience: A History, 1916-1919*, London: George Allen & Unwin, 1922, p. 66; Mitchinson, *Saddleworth*, p. 61; Cyril Pearce, *Comrades in Conscience: The Story of an English Community's Opposition to the Great War*, London: Francis Boutle, 2001, p. 161; John Rae, *Conscience and Politics: The British Government and the Conscientious Objector to Military Service, 1916-1919*, London: Oxford University Press, 1970, pp. 17-18; Adrian Stephen, 'The Tribunals' in Julian Bell (ed.), *We Did Not Fight: 1914-18 Experiences of War Resisters*, London: Cobden-Sanderson, 1935, p. 379; The latter contention is made by Grieves, 'Mobilising Manpower', p. 24; McDermott, *British Military Service Tribunals*, pp. 86-7; Ivor Slocombe, *First World War Tribunals in Swindon*, Devizes: Wiltshire Family History Society, 1997, p. 5.

<sup>5</sup> James Belich, *Paradise Reforged: A History of the New Zealanders from the 1880s to the Year 2000*, Auckland: Penguin, 2001, p. 101; Stevan Eldred-Grigg, *The Great Wrong War: New Zealand Society in WWI*, Auckland: Random House, 2010, p. 323.

<sup>6</sup> 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, pp. 520-3; 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. 43-4.

<sup>7</sup> Paul Baker, *King and Country Call: New Zealanders, Conscription and the Great War*, Auckland: Auckland University Press, 1988, pp. 122-3; Lisa James, 'Doing Their Duty: The Impact of Conscription on Farming Families in New Zealand during the Great War', Research Essay in History, Victoria University of Wellington, 2006, p. 52.

classification of industries when making their decisions.<sup>8</sup> Similarly, Belich maintains that their exemption of the 'strategic unions' and 'most farmers' was 'virtually automatic', and Len Richardson implies minimal resistance to Minister of Defence James Allen's attempts to manage the outcome of appeals during the 1917 coal strikes.<sup>9</sup> On the other hand, Baker suggests that although 'most Boards generally welcomed' guidance, this was partly mitigated by one body's reluctance to use exemptions to pacify militant miners, and by the refusal of some 'maverick Boards' to work with the local Trustees and to grant the appeals of farmers and Catholic seminarians.<sup>10</sup> The only comment regarding the Military Representatives is Baker's suggestion that most Boards valued their 'services and counsel' and often permitted them to 'join the decision-making'.<sup>11</sup>

A comparison between the East Central Division and New Zealand indicates not only that the autonomy of the Tribunals came under the greater challenge, but also that they were more likely to resist interference or limitations than the Boards. The reasons for these differences appear to be the more consistent pressure to obtain men in Britain, the stronger outside checks placed on the Tribunals' powers, and the greater sensitivity of the British appeal bodies to perceived local interests. During their operations, the Tribunals were subject to a vast amount of official instruction, mostly aimed at satisfying the army's requirements. With few exceptions, the Division's appeal bodies agreed with the spirit of initiatives that asked them to adopt stricter standards. However, the growing demands they came under, combined with both the fundamental tensions in the exemption system and a desire to defend, and to be seen to defend, local interests, led certain Tribunal members to protest when their decisions were overturned and to publicly criticise the Government's failure to take young single men from protected industries. In addition, while some appeal bodies co-operated with their attached Military Representatives and Advisory Committees, others came to resent the actions of

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<sup>8</sup> Martin, 'Blueprint for the Future', pp. 522-3; Parsons, 'The Many Derelicts of the War', p. 44.

<sup>9</sup> Belich, *Paradise Reforged*, p. 101; Len Richardson, *Coal, Class and Community: The United Mineworkers of New Zealand, 1880-1960*, Auckland: Auckland University Press, 1995, pp. 171-3 and '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. 140-5.

<sup>10</sup> Baker, *King and Country Call*, pp. 122-9, 162-4.

<sup>11</sup> *Ibid.*, p. 116.

these War Office appointees and viewed them as an impediment to striking a balance between the needs of the army and the needs of the local community.

The position in New Zealand was very different. Here a declining rate of reinforcement meant there were no measures to limit the grounds of appeal and very few directives to tighten the exemption criteria. Instead, government involvement mostly consisted of politically motivated efforts to secure the exemption of certain occupational groups. The fact that they were under less pressure to get men, were always the final arbiters of appeals, and were less concerned with local interests, meant that the Boards proved far more co-operative than the Tribunals. They accepted nearly every government policy and enjoyed a relatively harmonious relationship with the Efficiency Board, Boards of Trustees, and Military Representatives.

The British exemption system was subject to considerable outside pressure from an early stage. Although some within the Government believed that the passage of the Military Service Act would instantly provide enough men to meet the army's demands, it actually served to hinder that aim. Compulsory service brought voluntary recruitment automatically to an end, while the availability of single attestees and conscripts failed to make up for the fact that married men were not yet being summoned.<sup>12</sup> The immediate shortfall was further enhanced by exemptions. Under the Derby Scheme, men in reserved or starred occupations had been immune from service, whereas the provisions of the Act and the instructions relating to attested men meant that individuals without badging certificates were not protected until they made a successful appeal.<sup>13</sup> Moreover, the strains placed on domestic and business arrangements by the rapid call up of all single groups

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<sup>12</sup> A.J.P. Taylor, *English History, 1914-1945*, Oxford: Clarendon Press, 1965, pp. 55-6.

<sup>13</sup> Local Government Board (LGB) Circular R. 36: 'Circular Relating to the Constitution, Functions and Procedure of Local Tribunals', 3 February 1916 and LGB Circular R. 48: 'Instructions to Tribunals as to Voluntarily Attested Men', 10 February 1916, both in MH 47/142, the National Archives (TNA).

and classes within two months prompted a vast number of hardship claims.<sup>14</sup> The net result was that of the first 1.2 million single eligibles, fully 750,000 appealed.<sup>15</sup>

The fact most of these cases concerned men who were entitled to relief meant the initial rates of successful appeals were extremely high. Between January and March 1916, only 189,918 attested men were obtained for the army, against 829,667 who were postponed, badged, or found to be in certified occupations.<sup>16</sup> The situation concerning their unattested counterparts was no better: during April, 25,941 of them joined the forces, but another 158,338 received exemptions.<sup>17</sup> In desperation, the Government rushed through the calling of all the attested married groups between 7 April and 13 June, only to be confronted with yet more appeals and exemptions, along with the anger of men who argued it was palpably unfair for them to be summoned before those who had refused to signify their willingness to serve.<sup>18</sup> A sense of betrayal was also evident amongst the army's generals, who maintained that the Government's half-hearted introduction of conscription, and the over-sensitivity of the Tribunals, was holding back the men necessary to staff the sixty-seven-division force they had been promised.<sup>19</sup>

These complaints had significant consequences for the exemption system. The most important was the passage of the Military Service Act (Session 2) in May 1916, which extended conscription to all married men aged between 18 and 41. Under its provisions, the two months 'grace period' after the expiry or withdrawal of an exemption was reduced to two weeks except for individuals employed in a certified occupation.<sup>20</sup> In addition, the Tribunals were permitted to stipulate that

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<sup>14</sup> 'Notes on Calling Up of Groups and Classes', 2 February 1916, Asquith Papers (AsqP), MSS. Asquith 29, Bodleian Library (BodL); Parliamentary Papers Cd. 8149: *Earl of Derby, K.G., Director General of Recruiting, Report on Recruiting*, London: HMSO, 1916, p. 4, the British Library (TBL).

<sup>15</sup> Brigadier-General Sir James E. Edmonds, *Military Operations: France and Belgium, 1916: Sir Douglas Haig's Command to the 1<sup>st</sup> July: Battle of the Somme*, London: Macmillan and Co., 1932, p. 152; A.J.P. Taylor, *Politics in Wartime and Other Essays*, London: Hamilton, 1964, p. 24.

<sup>16</sup> 'Cabinet Committee on the Co-Ordination of Military and Financial Effort: Second Report', 13 April 1916, CAB 27/4, TNA.

<sup>17</sup> *Ibid.*

<sup>18</sup> N.B. Dearle, *An Economic Chronicle of the Great War for Great Britain & Ireland, 1914-1919*, London: Humphrey Milford, 1929, pp. 76, 83; 'Memorandum', 5 April 1916, AsqP 30, BodL.

<sup>19</sup> 'Cabinet Committee on the Co-Ordination of Military and Financial Effort in the Present War: Proceedings of a Meeting held at 10 Downing Street on Wednesday, April 12<sup>th</sup>, 1916, at 11:30 a.m.', CAB 27/4, TNA; Adams and Poirier, *The Conscription Controversy*, p. 151.

<sup>20</sup> UK, Military Service Act, 1916 (Session 2), Section 5.

any period of relief would be 'final', i.e. that there could be no application for renewal.<sup>21</sup> Long used the issuing of this new legislation as an opportunity to provide the appeal bodies with some further guidance. He insisted that food supplies should be preserved by retaining crucial agricultural workers, that other essential home industries 'should not be materially impaired', and that sole heads of business should be not taken if it would lead to their concern being closed down, with adverse effects on a wife and children.<sup>22</sup> Nevertheless, as with most of the Government's instructions concerning exemptions, the import of these statements was reduced by several qualifiers indicating that they should not be regarded as set rules.

Changes to the List of Certified Occupations were also made at this time. In April and May 1916 a number of callings were removed entirely, while the protection afforded by employment in many of those that remained became subject to age limits. Moreover, it was stipulated that men should only be regarded as being in a certified occupation if they had been so engaged before the date of the National Register. Upon losing certified status, a man's occupational exemption was automatically cancelled, although his employers could lodge a further claim on the grounds of indispensability.<sup>23</sup>

When these measures failed to solve the army's recruitment shortage, further pressure was brought to bear on the Tribunals. All of the married classes were called up in June 1916, but any manpower gains were more than offset by the disastrous losses sustained at the Battle of the Somme.<sup>24</sup> With another major offensive planned, the Army Council determined that it would require 940,000 recruits for the first nine months of 1917, at a time when the British Army on the Western Front numbered around 1.5 million men, and its overall strength was

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<sup>21</sup> Ibid., Section 4(1); LGB Circular R. 85: 'Military Service Regulations (Amendment) Order, 1916', 1 June 1916, MH 47/142, TNA.

<sup>22</sup> LGB Circular R. 84, 1 June 1916, MH 47/142, TNA.

<sup>23</sup> LGB Circular R. 71, 4 April 1916, JB 51, Calderdale Archives (CA); LGB Circular R. 74: 'Certified Occupations', 4 April 1916 and LGB Circular R. 75: 'Comparison of Previous List of Certified Exemptions with List of 4 April 1916, Showing the Material Alterations Apart from Age Limits', 10 April 1916, both in MH 47/142, TNA.

<sup>24</sup> Dearle, *An Economic Chronicle*, p. 83.

around 3.3 million.<sup>25</sup> Meeting this reinforcement target would require a significant improvement on the present situation, as only 809,272 recruits had been obtained in the previous 12 months.<sup>26</sup> In an effort to co-ordinate labour allocation so that more men could be released, the Government first established a Man-Power Distribution Board and then a Department of National Service.<sup>27</sup> Neither of these measures proved particularly successful, but they did have some important ramifications for the exemption system.<sup>28</sup> The first was the introduction of the Trade Card Scheme, intended to halt a groundswell of industrial unrest, which empowered certain trade unions to grant exemption certificates to their members.<sup>29</sup> A second was the issuing of several instructions that more closely defined the certified occupations and urged the refusal of appeals from younger men in the higher medical categories, subject to their being replaced by older or lower category 'substitutes'.<sup>30</sup> On 1 December 1916, the Local Government Board informed the Tribunals that all Category A ('general service') men under 26 years of age would be 'of more value to the country with the Forces than ... in civil employment' unless they were covered by the List of Certified Occupations or were 'manifestly irreplaceable' to other work of national importance.<sup>31</sup> This direction was extended a month later to include Category A and B1 men up to the age of

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<sup>25</sup> 'Supply of Men for the Army: Memorandum by the Military Members of the Army Council to the Secretary of State for War', 28 November 1916, CAB 37/160/25, TNA; 'Memorandum by the Adjutant General on Recruiting Prospects So Far as they Can Be Foreseen', 10 January 1917, CAB 17/158, TNA; Charles Messenger, *Call-To-Arms: The British Army, 1914-18*, London: Cassell, 2005, p. 277; The strength of the British Army on the Western Front peaked at 1,721,056 on 1 August 1917 (Richard Holmes, *Tommy: The British Soldier on the Western Front, 1914-1918*, London: Harper Perennial, 2005, p. 13).

<sup>26</sup> HMSO, *Statistics of the Military Effort of the British Empire during the Great War, 1914-1920*, London: HMSO, 1922, pp. 83-4.

<sup>27</sup> 'Man-Power Distribution Board: Terms of Reference', 22 August 1916, CAB 17/156, TNA; Parliamentary Papers Cd. 9005: *The War Cabinet: Report for the Year 1917*, London, HMSO, 1918, pp. 84-5, TBL.

<sup>28</sup> Keith Grieves, 'Total War? The Quest for a British Manpower Policy, 1917-18', *Journal of Strategic Studies*, 9:1 (1986), p. 80.

<sup>29</sup> LGB Circular R. 112, 22 December 1916, G3 226/8, Wiltshire & Swindon History Centre.

<sup>30</sup> LGB Circular R. 97, 26 August 1916, LGB Circular R. 102, 29 September 1916, LGB Circular R. 105: 'List of Certified Occupations', 20 November 1916 and LGB Circular R. 117: 'List of Certified Occupations', 1 February 1917, all in MH 47/142, TNA; LGB Circular R. 108: 'Distribution of Man-Power', 1 December 1916, JB 51, CA; Introduced by the Man-Power Distribution Board, the substitution scheme was designed to rationalise the use of manpower. Under its provisions, Category A men below 30 years of age had their appeals refused 'subject to a substitute being obtained'. They then continued in their occupation until replaced by an older, lower medical category, 'substitute', who was granted conditional exemption as long as he made himself available for work (*Huddersfield Examiner (HEX)*, 30 October 1916, p. 2).

<sup>31</sup> LGB Circular R. 107: 'Men under 26 Years of Age', 1 December 1916, MH 47/142, TNA.

31.<sup>32</sup> Finally, in March 1917, the Tribunals were told to review the certificates of all men under 31 who were employed outside of the certified trades, and not to grant a renewal unless there were 'specially strong reasons which make the case clearly exceptional'.<sup>33</sup>

The only industry that was totally excluded from these directives was agriculture. Here concerns over the nation's ability to feed itself in the face of shipping losses caused by German submarine action led to a virtual moratorium on recruitment between October 1916 and 1 January 1917, extended to 1 April for those engaged entirely in milk production. However, the Tribunals were still permitted to dismiss the appeals of young men for whom there were substitutes available, and in late January 1917 the War Cabinet determined that thirty thousand general service eligibles should be taken from the land.<sup>34</sup>

This 'combing-out' of the available manpower supplies also underpinned most government initiatives for the remainder of 1917. The only major exception was agriculture, which was again afforded special treatment. From 24 July, County Agricultural Executive Committee's were permitted to issue protection vouchers to any man who had been working the land since 31 March. These documents automatically made their recipients immune from being called up, with the Tribunals' jurisdiction being limited to those few individuals whose retention the Committees deemed to not be in the national interest.<sup>35</sup> Elsewhere the emphasis remained on getting as many recruits as possible. In April, the Military Service (Review of Exceptions) Act, allowed the Army Council to order men who had previously been rejected or discharged on medical grounds to attend a re-examination. If passed for some form of service, they became eligible for call up,

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<sup>32</sup> LGB Circular R. 113, 20 January 1917 and LGB Circular R. 114: 'Men under 31 Years of Age', 20 January 1917, both in MH 47/142, TNA; Parliamentary Papers Cd. 8697: *Forty-Sixth Annual Report of the Local Government Board, 1916-1917*, London: HMSO, 1917, pp. 20-1, TBL.

<sup>33</sup> LGB Circular R. 122, 1 March 1917, MH 47/142, TNA.

<sup>34</sup> LGB Circular R. 102, 29 September 1916 and LGB Circular R. 119: 'Agriculture (England and Wales)', 30 January 1917, both in MH 47/142, TNA.

<sup>35</sup> LGB Circular R. 144: 'Agriculture (England and Wales)', 24 July 1917, MH 47/142, TNA; J.K. Montgomery, *The Maintenance of the Agricultural Labour Supply in England and Wales during the War*, Rome: International Institute of Agriculture, 1922, pp. 16-17; John Sheail, 'Land Improvement and Reclamation: The Experiences of the First World War in England and Wales', *Agricultural History Review*, 24:2 (1976), p. 112.

but with a full right of appeal to the Tribunals.<sup>36</sup> The following month, the Military Service (Convention with Allied States) Act allowed for the conscription of Allied citizens living in Britain.<sup>37</sup> Beyond these legislative enactments, the Government continued to target men who had previously been granted exemption.<sup>38</sup> To rationalise the use of labour in essential war work, the system of badging was abolished and replaced by a Schedule of Protected Occupations.<sup>39</sup> Under this scheme, only those individuals fulfilling vital munitions requirements, or who were engaged in shipping or on the railways, would be eligible for new scheduled occupations certificates or protection certificates issued by Munitions Area Recruiting Officers (MAROs).<sup>40</sup> There were also further significant cuts to the List of Certified Occupations in June and September and continued requests for the Tribunals to adopt a 'strict standard' when reviewing exemptions.<sup>41</sup>

These initiatives proved no more successful than their predecessors and the following months witnessed a significant shift in the Government's policy. Whereas the army had demanded 940,000 soldiers for 1917, the majority of whom were to be Category A, the repeated comb-outs and deluge of instructions to the Tribunals only obtained 820,646 men of all medical classifications.<sup>42</sup> Even more alarming was the fact that recruitment reached a record low of 25,000 in December.<sup>43</sup> Angered by these statistics, the generals again put forward heavy demands for the

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<sup>36</sup> LGB Circular R. 127: 'Military Service (Review of Exceptions) Act, 1917', 28 March 1917, MH 10/81, TNA.

<sup>37</sup> For an analysis of one particularly fraught effort to apply the provisions of this Act, see Sascha Auerbach, 'Negotiating Nationalism: Jewish Conscription and Russian Repatriation in London's East End, 1916-1918', *Journal of British Studies*, 46:3 (2007), pp. 594-620.

<sup>38</sup> As part of the administration of the Military Service (Conventions with Allied States) Act, the Local Government Board established a dedicated Local Tribunal to determine claims from Allied subjects living in the County of London. In addition, the Board directed that special committees of the respective Local Tribunals, which included members who were representative of the men concerned, should hear the claims of Russian subjects living in the northern English cities of Liverpool, Manchester, and Leeds. Elsewhere, the number of appeals from Allied subjects was too few to require any extra provisions and the existing Tribunals were left to deal with them in the usual manner (Parliamentary Papers Cd. 8697, p. 48, TBL).

<sup>39</sup> Alan G.V. Simmonds, *Britain and World War One*, Abingdon: Routledge, 2012, p. 114.

<sup>40</sup> LGB Circular R. 133, 8 June 1917, MH 47/142, TNA; J.H. Worrall, *The Tribunal Hand-Book*, London: W.H. Smith & Son, 1917, pp. 103-4.

<sup>41</sup> LGB Circular R. 136: 'List of Certified Occupations', 23 June 1917, LGB Circular R. 136 (Revised): 'List of Certified Occupations', 8 September 1917 and LGB Circular R. 133, 8 June 1917, all in MH 47/142, TNA.

<sup>42</sup> Parliamentary Papers Cd. 9005, p. viii, TBL.

<sup>43</sup> Keith Grieves, 'The "Recruiting Margin" in Britain: Debates on Manpower during the Third Battle of Ypres' in P. Liddle (ed.), *Passchendaele in Perspective*, Barnsley: Leo Cooper, 1997, pp. 396-7.

coming year.<sup>44</sup> However, the Government, its faith shaken by the losses at Passchendaele and having in its possession a manpower survey that suggested the nation's reserves had reached critical levels, determined that military needs should no longer take precedence.<sup>45</sup> In November 1917, control over recruitment passed from the War Office to the new Ministry of National Service under Sir Auckland Geddes.<sup>46</sup> Tasked with reviewing and controlling manpower allocation in its entirety, Geddes concluded that the army should have no greater priority than food production, ship-building, or munitions, and that the haphazard comb-out strategy should be replaced by a more systematic 'clean-cut' method.<sup>47</sup> To this end, the Military Service Act, 1918, passed in February, provided for the cancellation of any exemption granted on occupational grounds without reference to the Tribunals.<sup>48</sup> This would allow military exigencies to be met by the automatic release to the army of all fit men below a certain age.<sup>49</sup> As a necessary corollary, the Act also abolished the former two months grace period for all occupational exemptions.<sup>50</sup> Despite having secured access to these new powers, the Government chose not to use them at first. Instead, sufficient levels of recruitment were achieved by making more sweeping cuts to the List of Certified Occupations and by placing tighter age limits on the Schedule of Protected Occupations.<sup>51</sup>

This promising situation was undone by the initial success of the German March 1918 Offensive. As repeated blows threatened a total collapse of the British Front, a number of emergency measures brought the army firmly back to the top of the manpower agenda. On 20 April, a Royal Proclamation used the 'clean-cut' provision to cancel all the occupational and hardship certificates held by men under 23 years of age who were in medical Grades I and II, or Categories A, B1 and C1, except in agriculture, where only general service men were included.<sup>52</sup> A few

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<sup>44</sup> Messenger, *Call-To-Arms*, p. 274.

<sup>45</sup> Adams and Poirier, *The Conscription Controversy*, pp. 212-6.

<sup>46</sup> Parliamentary Papers Cd. 9005, pp. 85-7, TBL.

<sup>47</sup> Geddes, *Official Report: House of Commons (Fifth Series)*, vol. 101, cols. 72-4.

<sup>48</sup> UK, Military Service Act, 1918, Section 2.

<sup>49</sup> LGB Circular R. 173: 'Regulations and Instructions', 4 March 1918, MH 47/142.

<sup>50</sup> UK, Military Service Act, 1918, Section 1.

<sup>51</sup> DeGroot, *Blighty*, p. 103; Dearle, *An Economic Chronicle*, p. 180.

<sup>52</sup> 'Statutory Rules and Orders, 1918, No. 459: Military Service: Proclamation, dated April 20, 1918, under Section 3 of the Military Service (No. 2) Act, 1918 (8 Geo. 5, c. 5) Withdrawing Certain Certificates of Exemption from Military Service', 20 April 1918, MH 47/142, TNA.

days later, a Ministry of National Service de-certification order withdrew the right to occupational exemption from all fit individuals in certain industries, and general service men below specified ages in others.<sup>53</sup> Believing that even such a strong use of its existing powers was insufficient, the Government also secured the passage of the Military Service (No. 2) Act, 1918, which increased the military age to 51 and, subject to additional measures being taken, allowed a further extension to 56 years and for the use of conscription in Ireland.<sup>54</sup> Local Government Board instructions accompanying the new legislation stipulated that occupational or hardship exemptions could no longer be granted for more than six months and implored the Tribunals to recognise that 'The need for men ... is now greater than ever, and the standard must therefore be stricter than ever.'<sup>55</sup> This flurry of activity was brought to a close on 22 June, after a second Royal Proclamation had withdrawn all the certificates held by Grade I and II 18-year-olds outside of coal miners or port workers, and a second de-certification order the occupational exemptions of men below certain ages in a further set of callings that were deemed not to be essential.<sup>56</sup>

The final stages of the war witnessed only a partial reduction in the pressure placed on the Tribunals to get recruits. Certainly there was no more legislation passed or clean-cuts made, while in September the List of Certified Occupations was largely restored to its January 1918 extent.<sup>57</sup> Government instructions to the appeal bodies reduced in number and those that were issued often encouraged a slight relaxation of standards.<sup>58</sup> From 11 June the power to exempt many classes of farm workers on occupational grounds was transferred from the Tribunals to the County Executive Committees, with this being extended to the consideration of all

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<sup>53</sup> 'Order under the Military Service Act, 1918: Section 2', 9 April 1918, MH 47/142, TNA.

<sup>54</sup> Military Service (No. 2) Act, 1918, Section 1(1).

<sup>55</sup> LGB Circular R. 184: 'Military Service (No. 2) Act, 1918', 25 April 1918, MH 47/142, TNA.

<sup>56</sup> LGB Circular R. 208: 'Proclamation Withdrawing Certificates of Exemption', 4 June 1918, MH 10/82, TNA; Ministry of National Service Circular R. 53: 'Military Service (Withdrawal of Exemptions) Order (No.2), 1918', 10 June 1918, MH 47/142, TNA; Dearle, *An Economic Chronicle*, p. 201.

<sup>57</sup> LGB Circular R. 136 (Revised): 'List of Certified Occupations', 26 September 1918, MH 47/142, TNA.

<sup>58</sup> LGB Circular R. 238: 'Leave to Apply for the Renewal or Variation of a Certificate of Exemption', 14 October 1918, MH 47/142, TNA.

agricultural cases in September.<sup>59</sup> Nevertheless, right up to the close of hostilities the appeal bodies were still being asked to review the exemptions of non-essential men, to process claims as rapidly as possible, and to secure for the army any individual who failed to make a strong case for his retention.<sup>60</sup>

In contrast, reinforcement of the New Zealand Expeditionary Force declined during the conscription period. After June 1917, when the rate peaked at 15 per cent, or approximately 2,200 men per month, several factors prompted a reassessment of the Dominion's commitments.<sup>61</sup> First was the imminent balloting of the married men of the Second Division, an event that would increase expenditure on separation allowances, disrupt family units, and potentially cause unrest amongst men who were asked to leave their wives and children.<sup>62</sup> A second cause was the growing 'reductionist' movement. Although divided over its precise aims, this body of opinion argued that the costs of the war effort had become unjustified. Not only was New Zealand reinforcing at a relatively high rate, but also the entry of the United States into the conflict meant the Allies could call on millions of additional troops.<sup>63</sup> The final issue was a fear that current obligations would see the country run out of men before the end of the war, forcing it into the embarrassing position of having to break up the New Zealand Division.<sup>64</sup>

These considerations acted as a strong incentive to reduce reinforcement. Allen approached the Army Council in July and negotiated a decrease to 12%.<sup>65</sup> Yet this proved insufficient to halt the rising tide of reductionism, particularly when news

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<sup>59</sup> LGB Circular R. 207: 'Agricultural Exemptions', 3 June 1918 and LGB Circular R. 139 (Revised), 24 September 1918, both in MH 47/142, TNA.

<sup>60</sup> LGB Circular R. 220: 'Directing Heads of Businesses', 13 July 1918, MH 47/142, TNA.

<sup>61</sup> Allen to Godley, 6 February 1917, Sir James Allen Papers (AP), ALLEN 1 Box 2 M1/15 (part 4), Archives New Zealand (ANZ).

<sup>62</sup> Baker, *King and Country Call*, p. 142; John Crawford, "'New Zealand is Being Bled to Death": The Formation, Operations and Disbandment of the Fourth Brigade' 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. 263.

<sup>63</sup> Allen to Godley, 7 August 1917, AP, ALLEN 1 Box 2 M1/15 (part 4), ANZ; *New Zealand Herald (NZH)*, 6 June 1917, p. 8 and 22 September 1917, p. 1 (supplement); *Otago Daily Times (ODT)*, 10 July 1917, p. 6 and 22 August 1917, p. 5.

<sup>64</sup> Allen to Godley, 23 July 1917, AP, ALLEN 1 Box 2 M1/15 (part 4), ANZ.

<sup>65</sup> Liverpool to Bonar Law, 17 July 1917 and 17 August 1917, AP, ALLEN 1 Box M1/57, ANZ.

of the Passchendaele losses arrived.<sup>66</sup> In December, further pressure led to the rate being slashed to only 6.5%, or 1,000 men per month.<sup>67</sup> While the defeats suffered by the British forces in March and April 1918 prompted a reluctant decision to raise reinforcement back to 13% for five months, and to ballot Class B of the Second Division in April rather than June, the rate was quickly scaled back to 6.5% as soon as the German offensive petered out.<sup>68</sup> These various reductions had a significant impact. New Zealand sent 12,995 men in 1918, compared to 26,022 the previous year.<sup>69</sup> Moreover, by the end of the war the conscription of the Second Division, which was carried out in sequence according to number of children, had only reached Class C (married men with two children). While every British group and class had been called up and then combed out on numerous occasions, approximately 16.7% of all eligible New Zealanders were never balloted.<sup>70</sup>

These reductions in the rate of reinforcement meant the Boards came under far less pressure to obtain recruits than the Tribunals. In New Zealand, not a single piece of legislation or regulation extended the scope of conscription, or reduced the grounds for, or the validity of, certain appeals. Indeed, the only substantive change of any kind to the Military Service Act was an effort to make the conditions of exemption more acceptable to eligible conscientious objectors.<sup>71</sup> Of greater significance is the fact that the Boards received very few instructions urging them to get more soldiers. During the early months of sittings, their activities were subject to an ambiguous and rarely stated intimation that men were more

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<sup>66</sup> Allen to Godley, 5 October 1917, AP, ALLEN 1 Box 2 M1/15 (part 4), ANZ; Allen to Russell, 29 January 1918, AP, ALLEN 1 Box 9, ANZ.

<sup>67</sup> Allen to Birdwood, 10 April 1918, AP, ALLEN 1 Box 9, ANZ.

<sup>68</sup> Ibid.; Massey, *New Zealand Parliamentary Debates (NZPD)*, vol. 182, p. 65.

<sup>69</sup> Steve Butler, 'Embarkation of Reinforcements from New Zealand, 1914-1918', from New Zealand Mounted Rifles, Updated 2009, <http://www.nzmr.org/lists/reinforce.html>; Lieut.-Colonel J.L. Sleeman, 'The Supply of Reinforcements during the War' in H.T.B. Drew (ed.), *The War Effort of New Zealand*, Auckland: Whitcombe & Tombs, 1923, pp. 1-22; Lt.-Colonel John Studholme, *New Zealand Expeditionary Force: Record of Personal Services during the War of Officers, Nurses, and First-Class Warrant Officers; and other Facts Relating to the N.Z.E.F.: Unofficial, but based on Official Records*, Wellington: Government Printer, 1928, pp. 373-6.

<sup>70</sup> Paul Baker, 'New Zealanders, the Great War, and Conscription', PhD Thesis in History, University of Auckland, 1986, Appendix 25.

<sup>71</sup> *New Zealand Gazette*, 1917, p. 1399; See Chapter Six for further details on this measure.

important than production.<sup>72</sup> However, this philosophy was swiftly contradicted by a number of directives that called for more exemptions to be granted.<sup>73</sup>

Thereafter, the Boards were told to adopt strict standards on only two occasions. The first came in July 1917, in the form of instructions to review all the *sine die* (indefinite) adjournments that had been granted to First Division reservists in essential industries, and to award further time only where an individual was irreplaceable.<sup>74</sup> Although this measure was clearly designed to reduce the number of exemptions, its import was mitigated by the fact that Boards would have been unlikely to grant relief in the first place if a man could be spared. The other instance of pressure was during the 1918 March Offensive. Here the Boards were asked to reconsider all *sine die* exemptions and to re-hear cases where men had been given substantial periods of leave before they were required in camp. This was the one point during the appeal bodies' operations when they were definitely told that the needs of the army should override all other considerations.<sup>75</sup> Nonetheless, by early May the Government was stating that no more *sine die* men could be taken without significant dislocation to essential industries, and in June the Boards were informed that their new priority was to ensure that production was maintained 'as near as possible at present standard' to enable the Dominion to meet its growing war expenditure.<sup>76</sup>

Although the Boards were subject to fewer demands for men, this did not mean that the Government was prepared to grant them a free hand in determining appeals. Instead, the New Zealand Executive took numerous politically motivated steps to try and guarantee the exemption of certain occupational groups. Allen had gained the Catholic Church's acquiescence to conscription by promising that its priests, teachers, and theological students would receive ministerial certificates

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<sup>72</sup> *Akaroa Mail and Banks Peninsula Advertiser*, 14 April 1917, p. 2; M.J. Kelly, *Military Board Appeals: Otago Witness, March 1917 to July 1917*, Auckland: Old News Publications, 1994, pp. 27-8.

<sup>73</sup> Gray to Military Representatives, 16 March 1917, AD 82 Box 2 1/11/1, ANZ; Allen to Massey, 17 March 1917, AP, ALLEN 1 Box 9, ANZ.

<sup>74</sup> Gray to Board Chairmen, 10 July 1917, AD 82 Box 2 1/11/1, ANZ.

<sup>75</sup> Cosgrove to Cooper, 19 April 1918, AD 82 Box 1 1/5, ANZ; Gray to Board Chairmen, 17 April 1918, AD 82 Box 2 1/11/1, ANZ; *Hawke's Bay Tribune*, 22 April 1918, p. 4; *Ashburton Guardian (AG)*, 22 April 1918, p. 5.

<sup>76</sup> *Evening Post (EP)*, 3 May 1918, p. 8; Gray to Allen, 20 May 1918, AD 1 Box 736 10/512, ANZ; Gray to Board Chairmen, 12 June 1918, AD 82 Box 2 1/11/1, ANZ.

recommending their exemption and a misunderstanding had given the impression that the Boards were obligated to accept these documents.<sup>77</sup> This prompted fury amongst the Catholic hierarchy when the Third Wellington Board dismissed the appeals of two theological students on 16 February 1917.<sup>78</sup> Accused of deception, Allen publicly insisted that the qualifier in the regulation, to grant exemption unless they saw 'good reason to the contrary', permitted the Boards to reject a certificate.<sup>79</sup> Rather than accepting this explanation, the Bishops viewed it as an incitement for other bodies to follow suit, a charge that appeared to be borne out by the subsequent dismissal of two more students' appeals by the First Otago Board in March.<sup>80</sup>

Allen was now caught at a crossroads. Had he been committed to preserving the Boards' discretion he would have continued to defend their right to overrule the certificates. Instead, he endeavoured to have the decisions reversed. Mobilisation of the students was postponed so that the Solicitor-General could draft regulations for a Final Appeal Board that would enable it to overturn verdicts retrospectively.<sup>81</sup> The Recruiting Board then approached the Cabinet for approval to proceed with this step, only to be rebuffed.<sup>82</sup> Allen next looked to act upon the assertion of the Chairman of the First Canterbury Board that the regulation compelled acceptance of the certificates unless there was definite contrary evidence.<sup>83</sup> However, when canvassed on the legality of this contention, Attorney-General Herdman sided with the Wellington and Otago Boards in arguing that they must consider all of the available testimony.<sup>84</sup> Prevented from overturning the verdicts, Allen's final move was to arrange a conference with the Board Chairmen

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<sup>77</sup> Baker, *King and Country Call*, pp. 125-6; Allen to Massey, 19 December 1916, AP, ALLEN 1 Box 9, ANZ; Allen to Coffey, 21 March 1917, AD 82 Box 4 5/1, ANZ.

<sup>78</sup> *EP*, 17 February 1917, pp. 5, 9; O'Shea to Allen, 17 February and 7 March 1917, AD 82 Box 4 5/1, ANZ.

<sup>79</sup> Allen to O'Shea, 26 February 1917, AD 82 Box 4 5/1, ANZ.

<sup>80</sup> Coffey to Allen, 16 March 1917, AD 82 Box 4 5/1, ANZ; Kelly, *Military Board Appeals: March 1917 to July 1917*, p. 8; *ODT*, 16 March 1917, p. 2.

<sup>81</sup> Gray to Allen, 30 March 1917, AD 82 Box 4 5/1, ANZ; The Final Appeal Board would have consisted 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 to the Crown acting through the Military Representative (Salmond to Gray, 15 March 1917, AD 82 Box 2 1/11/5, ANZ).

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

<sup>83</sup> Evans to Allen, 26 March 1917, AD 82 Box 4 5/1, ANZ.

<sup>84</sup> Allen to Herdman, 28 March 1917, AD 82 Box 4 5/1, ANZ.

in order to bring their 'decisions into line'.<sup>85</sup> On 27 April 1917, it was agreed that future procedure would be to grant *sine die* adjournments to all clergymen, all religious teachers whose schools would close in their absence, and all theological students who were in the final four years of training and had taken their vows.<sup>86</sup>

Yet the crisis did not end here. When awarding *sine die* exemptions, several Boards indicated their intention to review these decisions before the calling of the Second Division. By June 1917, the imminence of this reassessment raised government fears that more Catholic appeals might be dismissed, a concern that was given added impetus when another conference, including all of the appeal bodies' members rather than just their Chairmen, failed to ratify the April agreement, resulting in further theological students' appeals being turned down.<sup>87</sup> Although the Recruiting Board deferred the calling of these individuals to camp, the Cabinet now decided that more definite measures were required.<sup>88</sup> The Expeditionary Forces Amendment Bill, introduced to Parliament on 11 September, would have provided for the statutory exemption of ministers, men in holy orders, and all teachers, both religious and state employed, but was rejected by the Legislative Council.<sup>89</sup> With this failure, the Government reverted to directing the Boards.<sup>90</sup> In November 1917, a conference with the Chairmen resulted in an agreement to 'co-ordinate New Zealand with Imperial practice' by granting *sine die* adjournments to all ministers and the members of holy or religious orders.<sup>91</sup> While this meeting was again unable to define a policy over theological students, the Chairmen did consent to suspend the hearings of these individuals after being informed that not one of their number had yet been required to mobilise.<sup>92</sup> The final significant acts in the Catholic exemption question came in May and August 1918, when the First and Second Wellington Boards between them dismissed appeals from six more

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<sup>85</sup> Allen to Massey, 28 April 1917, AP, ALLEN 1 Box 9, ANZ.

<sup>86</sup> 'Conference of Chairmen of Military Service Boards: Friday, 27<sup>th</sup> April, 1917', AD 1 Box 765 20/43, ANZ.

<sup>87</sup> Baker, *King and Country Call*, p. 129; P.S. O'Connor, 'Storm Over the Clergy - New Zealand, 1917', *Journal of Religious History*, 4:2 (1966), p. 140; 'Conference of Military Service Boards: Thursday, 2<sup>nd</sup> August 1917', AD 82 Box 7 46/7, ANZ; *EP*, 27 September 1917, p. 8.

<sup>88</sup> 'Conference of Military Service Boards: Thursday, 29<sup>th</sup> November, 1917', AD 82 Box 7 46/1, ANZ; Gray to Allen, 27 June 1917, AD 82 Box 4 5/1, ANZ; Baker, *King and Country Call*, p. 129.

<sup>89</sup> Allen, *NZPD*, 180, p. 23; Ward, *NZPD*, 181, pp. 46-8; *NZPD*, 181, pp. 496-7, 652.

<sup>90</sup> Gray to Allen, 9 November 1917, AD 82 Box 4 5/1, ANZ.

<sup>91</sup> 'Conference of Military Service Boards: Thursday, 29<sup>th</sup> November, 1917', AD 82 Box 7 46/1, ANZ.

<sup>92</sup> *Ibid.*; Gray to Cosgrove, 10 June 1918, AD 82 Box 4 5/1, ANZ.

theological students.<sup>93</sup> In response, the Recruiting Board once more simply determined that the men would not be taken into camp.<sup>94</sup>

Alongside the Government's attempts to enforce the exemption of Catholics were its continued instructions to the appeal bodies regarding essential industries. A crucial move came in February 1917, when a National Efficiency Board was constituted to help develop policies for labour allocation and the maintenance of production.<sup>95</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 document indicated that the callings in each category would require fewer exemptions than those deemed more important.<sup>96</sup> The Efficiency Board went a step further in September by grading the significance of different positions within each occupation.<sup>97</sup> Both these classifications were sent onto the Boards for their 'guidance'.<sup>98</sup> Nevertheless, in practice, the Government insisted that 'appeals should be considered strictly in accordance' with them in order to preserve the country's economic capacity.<sup>99</sup> The Efficiency Board also conducted a constant review of the ability of industries to release men. Its findings were submitted to the Government, which in turn forwarded them on to the appeal bodies along with instructions to implement any necessary changes in their approach.<sup>100</sup>

As well as promoting the exemption of essential workers, the Executive made special provisions to safeguard the smooth running of the railways. In May 1917, it was arranged that any employees drawn in the ballot would not be called up in the usual way, but would instead remain in their occupation while the Railway

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<sup>93</sup> *Dominion*, 17 May 1918, p. 7; *EP*, 7 August 1918, p. 3.

<sup>94</sup> Gray to Cosgrove, 10 June 1918, AD 82 Box 4 5/1, ANZ.

<sup>95</sup> 'Proposals for the Organization of Industries in New Zealand, during the War and Afterwards', *Appendices to the Journal of the House of Representatives (AJHR)*, 1917, H-34.

<sup>96</sup> 'Classification of Industries, Professions, and Occupations, as Approved by Government', *AJHR*, 1917, H43-B; A draft classification was forwarded to the Boards a month earlier (Gray to Board Chairmen, 4 May 1917, AD 82 Box 2 1/11/1, ANZ).

<sup>97</sup> Allen to Massey, 18 September 1917, AP, ALLEN 1 Box 11, ANZ; *Feilding Star*, 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>98</sup> Gray to Board Chairmen, 30 July 1917, AD 82 Box 2 1/11/1, ANZ.

<sup>99</sup> Gray to Board Chairmen, 5 March 1918, AD 82 Box 2 1/11/2, ANZ.

<sup>100</sup> See correspondence in AD 82 Box 2 1/11/1 and AD 82 Box 2 1/11/2, ANZ.

Department itself arranged for the periodic release of a set number of men. When this took place, the Boards were instructed to accept the withdrawal of the relevant appeals, and grant those individuals who were to be retained a *sine die* adjournment.<sup>101</sup>

The Government also persisted in its efforts to protect the strategic unions. Having initially directed the Boards to exempt any seaman with twelve months experience and all *bona fide* slaughtermen, the Executive left these instructions in place for the duration of conscription. Its only intervention on the subject came in January 1918, after the Second Wellington Board had dismissed the appeals of several slaughtermen.<sup>102</sup> This action prompted Allen to dispatch a letter outlining that official policy had not changed and that the men's union had been promised that its members would always be exempted. The Board was ordered to re-hear the appeals forthwith, with a firm intimation that it was expected to 'give effect to the Government's policy in this matter'.<sup>103</sup>

Official direction over coal miners was more pro-active. During February 1917, Allen was placed in a quandary by the receipt of evidence showing that a recent downturn in output was part of a co-ordinated 'go-slow' action.<sup>104</sup> He wanted miners exempted to ensure adequate coal supplies and avoid trouble, but could hardly justify their retention if they were not working to capacity.<sup>105</sup> Proceeding with caution, Allen instructed the Boards to avoid dismissing any appeals, but instead to warn the men that a failure to increase output would forfeit their right to exemption.<sup>106</sup> This game of brinkmanship continued until 24 April, when the crisis was apparently ended by an agreement with several employers that saw all of the unions end their go-slow.<sup>107</sup> However, two days later, miners at Runanga

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<sup>101</sup> Gray to Board Chairmen, 30 April 1917, AD 82 Box 2 1/11/1, ANZ; *EP*, 10 May 1917, p. 8.

<sup>102</sup> Poynton to Moss, 28 November 1917, AD 82 Box 8 74, ANZ; *Wairarapa Daily Times (WDT)*, 22 December 1917, p. 4.

<sup>103</sup> Gray to Poynton, 15 January 1918, AD 82 Box 1 1/4, ANZ.

<sup>104</sup> Evans to Gray, 16 February 1917, AD 82 Box 7 28/1, ANZ; Richardson argues that the primary motivation behind the go-slow was to pressure employers over wage negotiations, rather than to oppose the introduction of conscription (*Coal, Class and Community*, pp. 170-1).

<sup>105</sup> Richardson, 'Politics and War', p. 140.

<sup>106</sup> Gray to Evans, 17 February 1917, AD 82 Box 7 28/1, ANZ.

<sup>107</sup> Herdman to Allen, 15 March 1917 and Allen to Evans 16 March 1917, both in AD 82 Box 7 28/1, ANZ; Allen to Massey, 17 March 1917, AP, ALLEN 1 Box 9, ANZ.

and Paparoa struck again over local economic issues. Feeling that he had been duped, Allen directed the First Canterbury Board to dismiss the appeals of all the men involved.<sup>108</sup> While this was a decisive action, it was one that the Minister, fearing a renewed coal shortage and further trouble, quickly regretted.<sup>109</sup> On 14 May, the Board was told to halt the dismissal of men who had not been balloted at the time of the second strikes and then, in June, to stop refusing cases altogether. In addition, the appeal body was informed that those men who had already had their claims turned down would be allowed to return to their occupation as 'soldier-miners'.<sup>110</sup> Here the Government's active involvement in coal-mining appeals largely ended. The only notable exception was an extension of the soldier-miner provision to reservists whose cases were dismissed for low productivity or because they had only recently taken up work in the pits.<sup>111</sup> By September 1918 there were around 100 soldier-miners, a situation the Recruiting Board justified by stating that 'the Government does not want to precipitate a coal crisis and would prefer to wink at evasions within limits'.<sup>112</sup>

The greatest extent of government direction in New Zealand concerned men engaged in working the land. During the early months of sittings, the Executive came under heavy reproach over the Boards' allegedly harsh treatment of these cases, with several organisations even demanding the automatic exemption of all farmers.<sup>113</sup> To try and stave off this criticism, Allen began to press the Boards to act 'much more circumspectly'.<sup>114</sup> On 16 March 1917, the appeal bodies were informed that it was no part of the Government's policy to force men to give up their holdings; if there was any question over an individual's ability to obtain

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<sup>108</sup> Gray to Evans, 30 April 1917 and 1 May 1917, AD 82 Box 7 28/1, ANZ.

<sup>109</sup> 'Notes Taken at Deputation from Coalminers which Waited Upon the Hon. Sir James Allen, at Wellington, on 10<sup>th</sup> May 1917', AD 82 Box 7 28/1, ANZ.

<sup>110</sup> Gray to Evans, 14 May 1917 and 25 June 1917, AD 82 Box 7 28/1, ANZ; Gray to Commandant, 6 July 1917, AD 1 Box 736 10/483, ANZ.

<sup>111</sup> Milton to Gray, 22 May 1918, AD 82 Box 7 28/1, ANZ.

<sup>112</sup> Tate to General Officer Commanding, 2 September 1918, AD 1 Box 736 10/483, ANZ; Gray to Milton, 6 June 1918, AD 82 Box 7 28/1, ANZ.

<sup>113</sup> *Auckland Star (AS)*, 12 January 1917, p. 4 and 7 March 1917, p. 8; *Farmers' Union Advocate (FUA)*, 9 December 1916, p. 5; Wellington Branch Farmers' Union Minutes, 29 March 1917, MSY 0296, Alexander Turnbull Library; *Waikato Times (WT)*, 23 March 1917, p. 4; *NZH*, 1 February 1917, p. 6.

<sup>114</sup> Allen to Massey, 17 March 1917, AP, ALLEN 1 Box 9, ANZ; Allen to Godley, 27 March 1917, ALLEN 1 Box 2 M1/15 (part 3), ANZ.

labour or a manager then he should be exempted.<sup>115</sup> The Government also gave its sanction to the establishment of local Trustee Boards consisting of three farmers or businessmen, which were placed under the control of the Efficiency Board. Over the next few months, the appeal bodies were repeatedly told that all doubtful farming cases, particularly those concerning 'last men' and high-country shepherds and musterers, should be referred to the Trustees for a report on the appellant's position.<sup>116</sup>

Although these actions appeased some rural critics, they did not prevent the Government coming under fire over the supposed willingness of several Boards to flout its directives.<sup>117</sup> After considering and rejecting the statutory exemption of farmers, Allen dispatched a new memorandum on 12 October outlining that 'in no case should the man who is doing the whole of the work on his own farm, or the last son on the farm of parents who are unable ... to do the work themselves, or skilled agricultural labourers, be taken for military service, unless, with respect to the last named, efficient labour is available to replace them'.<sup>118</sup> A literal reading of this instruction would have required the exemption of the first two categories of men regardless of the circumstances. However, the Government quickly distanced itself from this interpretation by stating that, while the imperative need to retain the 'last man' and keep up production should always be adhered to, the Boards could still investigate each case in order to prevent deliberate 'shirking' via the subdivision of properties.<sup>119</sup> Excepting the brief change in priorities during the March 1918 Offensive, this was the approach advocated in all future instructions concerning farming appeals.<sup>120</sup>

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<sup>115</sup> Gray to Military Representatives, 16 March 1917, AD 82 Box 2 1/11/1, ANZ.

<sup>116</sup> Gray to Board Chairmen, 23 March 1917, 31 March 1917 and 5 May 1917 and Gray to South Island Board Chairmen, 25 June 1917, all in AD 82 Box 2 1/11/1.

<sup>117</sup> Anstey, *NZPD*, 178, p. 480; W.H. Field, pp. 480, 482; Wilkinson, *NZPD*, 179, p. 614.

<sup>118</sup> Gray to Board Chairmen, 12 October 1917, AD 82 Box 2 1/11/1, ANZ; Gray to Cooper, 26 October 1917, AD 82 Box 1 1/3, ANZ.

<sup>119</sup> Gray to Walker, 26 October 1917, AD 82 Box 1/3/7, ANZ; Gray to Cooper, 26 October 1917, AD 82 Box 1 1/3, ANZ; 'Conference of Military Service Boards: Thursday, 29<sup>th</sup> November, 1917', AD 82 Box 7 46/1, ANZ.

<sup>120</sup> Gray to Board Chairmen, 12 June 1918, AD 82 Box 2 1/11/2, ANZ; *WDT*, 22 June 1918, p. 6 and 5 July 1918, p. 5.

The East Central Division's Tribunals largely proved receptive to government directions that urged them to get more soldiers for the army, particularly in regard to young single men who had been placed in the higher medical categories. Near to the end of the conscription period, the Local Government Board reported that, nationally, the appeal bodies had 'grown increasingly strict in the standards they have applied; and in the case of fit men a very strong case has generally been required to justify exemption'.<sup>121</sup> There is a great deal of evidence that supports this claim. As early as April 1916, the Spenborough Tribunal required an employer to release one of his two coal carters, both of whom were under 30, on the basis that 'We keep getting instructions to tighten up with regard to the single men'.<sup>122</sup> A few months later, the Heckmondwike body maintained that the military's pressing need for unmarried individuals meant it had no option but to refuse the plea of a fruit-and-fish salesman, even if it meant the probable closure of his business.<sup>123</sup>

Once government pressure increased, so did the number of cases in which its instructions were cited as the justification for a dismissal. In March 1917, the Batley Tribunal refused to renew the certificate of the only man capable of driving a company's lorry, after being directed not to exempt 25 year olds, and then rejected a plea for two electrical engineers, due to the 'urgent demand for men under 31'.<sup>124</sup> When the manager of a local Co-operative Society came before the East Central Division Appeal Tribunal (ECAT) to argue that 67 out of his 118 eligible employees had already gone to the front, all five of his appeals were rejected upon the Chairman stating that 'We are asked to send all men under 31 years of age'.<sup>125</sup> A similarly definitive acceptance of the Government's policy came at Wakefield, where the Chairman flatly stated that 'all "A" men must serve and ... there was no way of any of them getting off'.<sup>126</sup>

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<sup>121</sup> Parliamentary Papers Cd. 9157: *Forty-Seventh Annual Report of the Local Government Board, 1917-1918*, London: HMSO, 1918, p. 51, TBL.

<sup>122</sup> *Cleckheaton & Spenborough Guardian (CSG)*, 14 April 1916, p. 2.

<sup>123</sup> *Ibid.*, 23 June 1916, p. 3.

<sup>124</sup> *Batley News (BN)*, 24 March 1917, p. 1; See also *BN*, 28 October 1916, p. 1, 7 July 1917, p. 2 and 8 September 1917, p. 5.

<sup>125</sup> *CSG*, 4 May 1917, p. 3.

<sup>126</sup> *Wakefield Express (WE)*, 9 December 1916, p. 5.

If official directives had the greatest impact on the chances of successful appeals by younger high-category men, most of the Division's Tribunals were willing to adopt more rigorous criteria generally. After two occasions when they were called together by the local War Office hierarchy to be informed of the army's urgent requirements, many of the appeal bodies used their next sitting to publicly advertise an intention to tighten up. Typical in this regard was the wording of the Birstall Chairman, who affirmed that 'everything possible should be done to assist the military in obtaining sufficient men'.<sup>127</sup> The Tribunals also showed little resistance to reviewing previously awarded certificates, with this often being carried out as soon as the instructions were received.<sup>128</sup> Indeed, many of the statements referring to the need to grant fewer exemptions were made while these re-appraisals were taking place.<sup>129</sup> The strongest evidence of the appeal bodies' willingness to meet the Government's wishes is in the attitudes of the Military Representatives. Had there been any perceived laxity, these individuals would surely have protested during sittings and referred many decisions to the Appeal Tribunal. However, the evidence suggests that the Division's Representatives were generally satisfied.<sup>130</sup> Some verdicts were subjected to question and criticism, but there were few instances of a more general discontent. Similarly, while cases were taken to the ECAT individually or in small groups, there were none of the mass appeals against locally awarded exemptions that have been identified elsewhere in Britain.<sup>131</sup>

Despite this widespread responsiveness, some of the Division's appeal bodies did resist government directives when they were perceived as threatening local interests. While never questioning the need for soldiers, here the Tribunal members made their community sympathies obvious by arguing that the needs of a district required certain individuals to be kept back regardless of official policy.

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<sup>127</sup> *BN*, 21 October 1916, p. 2; See also *HEx*, 17 October 1916, p. 4; *BN*, 21 October 1916, p. 5; *Holmfirth Express (HE)*, 28 October 1916, p. 6; *CSG*, 6 June 1917, p. 3.

<sup>128</sup> *Goole Times (GT)*, 23 March 1917, p. 4; *WE*, 24 March 1917, p. 1; *BN*, 21 July 1917, pp. 1-3.

<sup>129</sup> *HEx*, 17 October 1916, p. 4; *CSG*, 8 June 1917, p. 3.

<sup>130</sup> *Ossett Observer (OO)*, 14 October 1916, p. 3; *WE*, 14 April 1917, p. 7 and 21 April 1917, p. 2.

<sup>131</sup> McDermott, *British Military Service Tribunals*, p. 75; During 1917, the Marsden Local Tribunal delivered a total of 338 verdicts, of which only 10 were appealed to the ECAT by the Military Representative ('Summary of the Work of the Marsden Tribunal under the Military Service Acts, From January to December, 1917', undated, Papers of Mr Harris Hoyle Concerning his Membership of the Marsden Military Service Tribunal (HHP), S/NUDBTW/34, Kirklees Archives (KA)).

One such instance concerned the removal of fettlers from the List of Certified Occupations. Compelled now to regard these men as being less entitled to relief, the Tribunals operating in the Division's textile-dominated districts asserted that fettling work was too heavy for women and claimed that the efficient running of the mills required the retention of trained individuals. Rather than carrying out their instructions, the appeal bodies played for time by granting adjournments or temporary exemptions so that a deputation, including several Tribunal members, could visit the Reserved Occupations Committee in London to request that fettling be re-certified.<sup>132</sup> While it is unclear exactly how much influence these approaches had, the occupation was restored to the protected list the following month.<sup>133</sup> A more prolonged opposition to government policy came from the farmers sitting on the Barnsley Rural body. When the Military Representative first read instructions stating that single reservists under 25 should not be granted exemption, one of these Tribunal members promptly moved that the needs of the district required all farmers and farm labourers to be retained during the harvest. Although this proposal was narrowly defeated, the objections revolved around its likely ineffectiveness rather than its justification and in the very next case an 18-year-old farmer's son was exempted for three months.<sup>134</sup> Thereafter, the Barnsley Rural Tribunal continued to grant the appeals of single agricultural workers under 25 whenever they thought that the productivity of a holding required it.<sup>135</sup> A further occurrence of dissent was that involving the Goole Urban and Rural Tribunals. In late 1916, the Military Representative criticised these bodies for not carrying out the Government's wishes, declaring that their respective exemption rates were double that of any other appeal body in the region. This intervention failed to achieve the desired results. At Goole Urban, it was rebuffed when one member stated that his 'conscience did not prick him' as 'He only voted for exemption where he considered it was deserved.'<sup>136</sup> In a more detailed defence of their record, the members of the Rural Tribunal noted that theirs was an entirely agricultural district and one that required an unusually large labour force, given the prevalence of potato growing. Contending that taking more men would doom

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<sup>132</sup> *HEx*, 18 April 1916, p. 2; *BN*, 22 April 1916, pp. 1, 3.

<sup>133</sup> *BN*, 6 May 1916, p. 8.

<sup>134</sup> *Barnsley Chronicle (BC)*, 22 July 1916, p. 7.

<sup>135</sup> See for example *BC*, 23 September 1916, p. 3 and 10 February 1917, p. 3.

<sup>136</sup> *GT*, 29 September 1916, p. 6.

the harvest and necessitate a complete change in their policies, the Goole Rural Tribunal resolved to 'abide by their previous decisions'.<sup>137</sup>

If such direct resistance to government instructions was the exception rather than the rule, the Division's Tribunals were inclined to protest about the impact of three other limitations on their autonomy. The first was the fact that many eligibles were placed outside the appeal bodies' jurisdiction by virtue of being badged or otherwise protected by government departments.<sup>138</sup> This was a major issue, given that, nationally, the number of exemptions granted by these other means exceeded those awarded by the Tribunals.<sup>139</sup> A second source of unrest was the manner in which the appeal bodies' dismissal of certain cases was subsequently annulled. This occurred when government departments awarded exemption to keep workers in their present employment, when individuals obtained work in protected occupations after their cases had been rejected, or when the military authorities failed to call up refused men. The final subject of resentment was the ability of an Appeal Tribunal to overturn any verdict reached by a local body. In the Division, this sometimes concerned the exemption of men whose cases had initially been dismissed, but more commonly resulted from the ECAT's acceptance of a Military Representative's request for a certificate to be revoked. Although comprehensive figures regarding the number of such reversals are no longer extant, the Appeal Tribunal was quite prepared to exercise its amending powers. There were 56 appeals against decisions reached by the Marsden Tribunal during the conscription period, with the ECAT deciding to overturn 19 (33.93%) of these local verdicts.<sup>140</sup> Moreover, the ECAT's Chairman responded to another Local Tribunal's displeasure at having a decision varied by arguing that it would be

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<sup>137</sup> Ibid., 6 October 1916, p. 8.

<sup>138</sup> Grieves, *The Politics of Manpower*, p. 46.

<sup>139</sup> 'Statement for the War Committee, Showing the Numbers of Men due to the Army and the Number of those Remaining in Civil Life. Also the Requirements of the Army on 1<sup>st</sup> October 1916', 24 October 1916, CAB 17/158; 'Third Report of the Man-Power Distribution Board to the War Committee', 9 November 1916, CAB 17/156, TNA; 'Memorandum on the Existing Supply of Men Available for the Army and Navy, and on the Means of Increasing It', 20 November 1916, CAB 37/160/24.

<sup>140</sup> 'General Statistics Relating to the Work of the Tribunal', 17 December 1918, HHP, S/NUDBTW/34, KA; Of the 5,944 claims received by the Warwickshire Appeal Tribunal against the verdicts delivered at Birmingham, the higher appeal body confirmed 3,945 decisions, but also overturned 1,999 or 33.63% (Reginald H. Brazier and Ernest Sandford, *Birmingham and the Great War, 1914-1919*, Birmingham: Cornish Brothers, 1921, p. 30).

‘completely ridiculous’ for his body to render itself nothing more than an ‘automaton or a registering machine’ by confirming every verdict, as its role was to ‘rectify mistakes’ made at a local level.<sup>141</sup>

Some of the unrest arising from these three practices stemmed from the restrictions they placed on the Local Tribunals’ power to determine cases finally. Although the exemption system clearly allowed for decisions to be overturned, certain appeal bodies perceived this as a challenge to their position as judicial authorities. Upon learning that a young eligible whose claim they had dismissed was still at large in civilian life, the Holmfirth Tribunal wrote a strong letter of protest to the Recruiting Officer, with one member stating that if the man was not called up within a fortnight ‘he would move that the Tribunal go on strike’.<sup>142</sup> A similar impasse occurred at Horbury, after it was discovered that the local Munitions Area Recruitment Officer had awarded protection certificates to three men whose exemption certificates had recently been withdrawn. Expressing their ‘indignation’ at being over-ruled, the Horbury members resolved that until a reasonable justification came to hand they would not adjudicate on any further cases, an ultimatum that led to a month of inactivity.<sup>143</sup> Certain Local Tribunals also criticised the ‘autocratic’ attitude of the ECAT and the manner in which their verdicts were ‘constantly rudely over-ridden’ by that body.<sup>144</sup> Being undermined was galling enough in itself, but the Local Tribunal members also pointed out that attending seemingly fruitless sittings required the neglect of their own businesses and occupations. When the Birkenshaw Tribunal was informed that their dismissal of two appeals had been nullified by the Ministry of Munitions, the members remarked that their efforts were being turned into a ‘waste of time’ and that they

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<sup>141</sup> *WE*, 13 January 1917, p. 2; For its part, the ECAT permitted only 53 cases to be taken to the Central Tribunal in London. In this regard, it was considerably more hesitant than the Gloucestershire Appeal Tribunal, which sent forward 266 claims, and the Lancashire body, which sent forward 219. For the West Riding, the ECAT’s 53 referrals placed it behind the Southern Division Appeal Tribunal (96) and the Northern Division Appeal Tribunal (55), but ahead of the West Central body (41) (Central Tribunal, *Report of the Central Tribunal*, pp. 15-18).

<sup>142</sup> *HEx*, 12 October 1916, p. 3.

<sup>143</sup> *WE*, 9 June 1917, p. 6 and 28 July 1917, p. 6; In June 1917, the Leeds Tribunal (Northern Division of the West Riding) protested to the Local Government Board about the increasing number of instances where MAROs were issuing certificates to men ‘whose exemption from Military Service is no longer justifiable’ (Minutes of the Local Tribunal for Leeds City, 22 June 1917, LC/TC, Leeds Archives (LA)).

<sup>144</sup> *GT*, 15 June 1917, p. 5.

could better spend their energies elsewhere. After resolving to adjourn until a 'satisfactory' justification was received, no more cases were heard at Birkenshaw for fully six months, the longest period of strike action undertaken by any Tribunal in the Division.<sup>145</sup> The Tribunal members' outside responsibilities also seem to have increased their sensitivity in another way. Being community leaders, employers and union secretaries, these were individuals who were used to having their decisions respected. When verdicts were upset, therefore, the reaction was frequently one of bewilderment: members were variously 'staggered', 'disbelieving', and 'disgusted' that their intentions had not been carried through, a 'humiliating' feeling of novelty that must surely have contributed to their discontent.<sup>146</sup>

Yet the Local Tribunals' protests usually cited more than just the question of authority. Had this been the only issue, strong resistance would surely have greeted their loss of jurisdiction over agricultural cases, and the automatic cancellation of large numbers of exemption certificates by the 'clean cuts' of 1918. That these occurrences passed virtually without comment suggests that the willingness of the Division's Local Tribunals to criticise the other actors in the exemption system cannot be explained simply by reference to the checks placed on their powers. Of greater importance was a conviction amongst the Tribunal members that, as integral parts of the community in which they were sitting, only they had the necessary 'local knowledge' and sympathy to apply government instructions to get more men in a way that was both fair and that would protect the interests of the district. Most complaints resulted from a belief that their deliberations were being undercut by the actions of 'outsiders' who did not understand, or did not care about, the local consequences.

These perceptions are manifest in the Local Tribunals' protests over the seemingly inequitable protection of certain men by government departments.<sup>147</sup> Members argued that it was palpably wrong for them to be instructed to send eligibles who

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<sup>145</sup> *CSG*, 9 November 1917, p. 5 and 31 May 1918, p. 1; See also *HE*, 27 July 1918, p. 3.

<sup>146</sup> *Pontefract & Castleford Express (PCE)*, 24 May 1918, p. 2; *GT*, 22 April 1917, p. 4; *CSG*, 12 June 1918, p. 2.

<sup>147</sup> *PCE*, 6 October 1916, p. 6 and 13 October 1916, p. 6; *GT*, 28 September 1917, p. 4; *HE*, 29 September 1917, p. 6.

had heavy domestic or financial responsibilities while others who were much better able to go were being deliberately held back. The Goole Urban Tribunal objected when a local shipyard replaced some of its overage staff with workers brought down from Scotland, who then received badges from the Admiralty so that they could not be removed. Councillor Hill argued that this measure was doubly unfair. Long-serving locals were being thrown out of employment and the Scottish men who were 'coming in and escaping' were young and single at a time when the Tribunal was being urged to send married business owners.<sup>148</sup> More direct action was taken by the Heckmondwike body, which granted exemption to a 40-year-old weft scourer with four children specifically to register a protest at being required to take individuals such as him while youths of 18, including one of the appellant's own sons, were being issued with protection certificates.<sup>149</sup>

Being local men, the Tribunal members' anger was often stoked by witnessing some of the more flagrant injustices at first hand. When lambasting the undue protection of munitions workers, a member of the Wakefield Tribunal recounted having 'four fine young fellows sitting in front of me in church', while Sir William Raynor of the Huddersfield body was motivated by seeing young men from a chemical works 'walking about the town'.<sup>150</sup> Perhaps the most vigorous dissent was that from Councillor Haigh of the New Mill Tribunal. In January 1917, he determined that the holding back of single men had become so inequitable that he had no choice but to vote for the exemption of every married appellant.<sup>151</sup> After consistently carrying out this policy, Haigh brought matters to a head in July 1918 by moving that sittings be adjourned until several refused individuals who had 'walked past him' in the street were called up. Failing to gain the support of his colleagues, who felt he had gone too far, Haigh informed the Clerk 'that he had no need to summon him to any further meeting' and promptly stormed out of the building.<sup>152</sup> Although this outburst was certainly one of the more extreme expressions of disapproval, there was a Division-wide increase in the number of

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<sup>148</sup> *GT*, 29 September 1916, p. 6.

<sup>149</sup> *CSG*, 6 July 1917, p. 3.

<sup>150</sup> *WE*, 30 September 1916, p. 6; *Worker (W)*, 16 June 1917, p. 3.

<sup>151</sup> *HE*, 13 January 1917, p. 6; See for example *HE*, 10 February 1917, p. 5, 10 March 1917, p. 6 and 31 March 1917, p. 6.

<sup>152</sup> *HE*, 27 July 1918, p. 3.

protests against the protection of young single men after the military age was raised to 50.<sup>153</sup>

The Division's Local Tribunals were also quick to baulk when actions taken by the other actors in the exemption system appeared to threaten the local economy. Members often remonstrated at being required to take the best workers from those industries that came under their jurisdiction, when at the same time firms that enjoyed official protection were creating shortages at the front by keeping whomever they pleased. In June 1917, the Whitwood Tribunal strongly protested over having to strip all but the older and less able men from local farms while thousands of fit individuals were carrying out menial jobs in mines or 'making "Johnny Walker" whisky bottles'.<sup>154</sup> Correspondingly, several New Mill members argued that the retention of single young men in government offices was forcing them to jeopardise the production of local holdings by leaving only the 'riff-raff' behind.<sup>155</sup> At Castleford, the complaint was that the Tribunal's necessarily stricter policies were crippling long-established businesses, and yet vast numbers of non-essential individuals were still at large simply because the Government did not want to antagonise their trade unions.<sup>156</sup>

Despite being residents of the Division, the members of the ECAT could also be branded as dangerously ignorant and unsympathetic 'outsiders'. After learning that the Appeal Tribunal had overturned a number of their decisions, the Hemsworth body claimed they 'knew the local circumstances better than any other' and passed a resolution urging that only a Local Tribunal should deal with local cases.<sup>157</sup> At Marsden, the ECAT was attacked for cancelling the certificate of a beamer whom the local body considered absolutely essential to the woollen trade. Here the members argued that they were trying to protect what they knew to be the requirements of the district only to have these efforts repeatedly set at naught by men who did not understand the circumstances.<sup>158</sup>

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<sup>153</sup> See for example *CSG*, 14 June 1918, p. 2 and 21 June 1918, p. 2.

<sup>154</sup> *PCE*, 15 June 1917, p. 3.

<sup>155</sup> *HE*, 13 January 1917, p. 6.

<sup>156</sup> *PCE*, 24 May 1918, p. 2; See also *CSG*, 18 May 1917, p. 7.

<sup>157</sup> *PCE*, 16 June 1916, p. 3.

<sup>158</sup> *HEx*, 27 March 1917, p. 4.

A further motivation for the Local Tribunals' protests was the positions that their members held in the community. Being mostly elected members, these were individuals who would have been particularly concerned with public perceptions regarding the fairness of the exemption system. From statements made during sittings, it is evident that the Division's Local Tribunal personnel quickly came to believe that the injustices done to local eligibles, and the threats posed to the local economy, by government departments, the military authorities, and the ECAT could adversely affect their own standing by association.<sup>159</sup> Some members bemoaned that having decisions over-turned was making them look 'rather ridiculous' or 'foolish', or even turning them into a 'laughing stock'.<sup>160</sup> Yet a more regularly expressed fear was the level of discontent that certain actions generated. The Chairman of the Spenborough body asserted that the failure to call up refused single men had caused 'great dissatisfaction locally, and does not tend to make any easier the work of the Tribunal,' with another member lamenting that 'The public judged them' when they saw young eligibles remaining at home at the expense of married men over 40.<sup>161</sup> Equally, the appointment of a refused individual as Substitution Officer was said by the Knottingley Tribunal to have prompted 'indignation in the town' against all those involved in the appeals process.<sup>162</sup> Sometimes the odium directed at the Tribunal members could be an even more immediate problem. The Chairman of the Marsden body recounted that the ECATs decision to rescind the exemption of a 'pivot man' employed at his own firm had led to him being personally 'blamed by the applicants'.<sup>163</sup>

This apparent concern with local sentiment is further borne out by the methodology of the Local Tribunals' protests, which appears to have been designed to shield them from unrest. Firstly, criticism of the other actors in the exemption system was usually made as publicly as possible. Grievances that could

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<sup>159</sup> The apparent sensitivity of the Tribunal members to local feeling has been remarked on elsewhere (Gregory, 'Military Service Tribunals', p. 186; McDermott, *British Military Service Tribunals*, pp. 171-2).

<sup>160</sup> *GT*, 1 September 1916, p. 4; *OO*, 13 July 1918, p. 4; *PCE*, 14 December 1917, p. 2.

<sup>161</sup> *CSG*, 18 August 1916, p. 2 and 21 June 1918, p. 2.

<sup>162</sup> *PCE*, 24 August 1917, p. 3.

<sup>163</sup> *HEX*, 17 April 1917, p. 2; See also Firth to Hoyle, 6 April 1917, HHP, S/NUDBTW/34, KA.

have been ventilated in correspondence were instead raised during formal statements at the start of sittings or in comments made while cases were being determined. By adopting this approach, the members ensured that their views would reach a wide local audience through being reported in the newspapers, thereby allowing any blame to be appropriately allocated. Secondly, the Local Tribunals tended to draw a clear distinction between their own approach and that of the subjects of their censure. The Heckmondwike body wanted to make it 'well known' that the retention of some refused single men in the district was 'not the fault' of the Tribunal, but was a matter that 'rested entirely with the military authorities at Bradford'.<sup>164</sup> Analogous wording was used at Birstall when complaining that the ECAT had released a Co-operative Society butcher from doing 30 hours munitions work each week. Here Alderman Flynn argued that his body had 'treated all alike' by applying the same stipulation to every butcher's certificate and had always tried to be 'fair and honest both towards the military and civilians'. However, any equitable arrangement had now been upset by the ECAT, which had unilaterally placed the Co-op in a 'preferential position'.<sup>165</sup> The last facet of the Local Tribunals' protests attempted to reinforce this 'us and them' dichotomy. In consistently referring to their own 'local knowledge' and understanding of local needs, the members situated themselves as part of the community and as being uniquely sensitive to its concerns. The logical inference, sometimes explicitly stated, was that leaving matters to the Local Tribunals would have prevented injustices from occurring. By targeting often anonymous outsiders 'at Bradford', 'at Wakefield' or 'in London', members emphasised that any problems were being caused by the appeal mechanism and the way it was being administered at a higher level, not by the earnest efforts of local men.

Like the Division's Tribunals, the New Zealand Military Service Boards were prepared to contest some government instructions. Although most clergymen, religious teachers, and theological students were issued with certificates that strongly advocated their exemption, the appeal bodies did not usually accept these claims out of hand. The Chairman of the Third Wellington Board defined the

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<sup>164</sup> *CSG*, 9 March 1917, p. 7.

<sup>165</sup> *BN*, 11 November 1916, p. 7.

common attitude by asserting that it was his body's duty to 'investigate every case which comes before us irrespective of the Minister's certificate', as this was the only way they could satisfy themselves that exemption was actually justified.<sup>166</sup> Appeals from both Catholic seminarians and teaching brothers were dismissed, and the Board Chairmen consistently refused to agree to the blanket exemption of theological students even after coming under intense pressure at various conferences.<sup>167</sup> A second point of resistance was the claims of certain men employed in essential industries. After beginning to act on Allen's directive to refuse the appeals of all miners who had struck after the April 1917 agreement, the First Canterbury Board was dismayed by his subsequent *volte-face* on the issue.<sup>168</sup> Despite repeated requests to halt the dismissals, and Allen's communication of a promise from the miners' unions that there would be no further trouble, the Board persisted in rejecting the appeals of 'second-strikers' over the following months.<sup>169</sup> Further discord occurred over the October 1917 memorandum regarding farming appeals, which appeared to indicate that the Boards should exempt all 'last men', regardless of the circumstances. On receiving this document, the Chairman of the First Wellington Board lamented that it 'wholly stultified' his body's judicial independence, and would leave them unable to distinguish between genuine 'last men' and individuals who had only achieved this status by not employing managers or by deliberately sub-dividing farms.<sup>170</sup> Over the next week his fellow members wrote in a similar vein to both Allen and Massey, while the Board as a whole used their next sitting to argue that the memorandum had given rise to a most 'extraordinary position'.<sup>171</sup>

The appeal bodies also occasionally objected to having to work with the other actors in the exemption system. In March 1918, the Recruiting Board felt moved to remind the Boards that it was crucial 'to the welfare of the Dominion that appeals

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<sup>166</sup> *EP*, 20 March 1917, p. 7; See also *Colonist (C)*, 27 February 1917, p. 5; *Press*, 16 April 1917, p. 3.

<sup>167</sup> 'Conference of Military Service Boards: Thursday, 2<sup>nd</sup> August, 1917', AD 82 Box 7 46/7, ANZ; 'Conference of Military Service Boards: Thursday, 29<sup>th</sup> November, 1917', AD 82 Box 7 46/1, ANZ.

<sup>168</sup> Evans to Gray, 2 May 1917, AD 82 Box 7 28/1; *Grey River Argus (GRA)*, 3 May 1917, p. 4.

<sup>169</sup> Gray to Evans, 14 May 1917, 25 June 1917 and 4 July 1917 and Evans to Gray, 24 October 1918, all in AD 82 Box 7 28/1, ANZ; *GRA*, 19 June 1917, p. 3, 18 July 1917, p. 3 and 15 August 1917, p. 4.

<sup>170</sup> Cooper to Gray, 15 October 1917, AD 82 Box 1 1/3, ANZ; See also Cooper to Gray, 20 October 1917, AD 82 Box 1 1/3, ANZ.

<sup>171</sup> Herdman to Massey, 23 October 1917, AD 82 Box 1 1/3, ANZ; *Poverty Bay Herald*, 15 October 1917, p. 3.

should be considered strictly in accordance' with the classification of industries.<sup>172</sup> A few months later, after complaints from the Efficiency Board that its scheme was still not being followed, Allen stated that 'he would see that the Military Service Boards were again warned upon that point'.<sup>173</sup> A more widespread friction occurred between the Boards and the Farmers' Trustees. One of the main criticisms that farming organisations and MPs made of the appeal bodies was that they 'studiously disregarded' the expert counsel the Trustees were willing to provide.<sup>174</sup> Dissent occurred in Otago when the Second Board refused to allow a Trustee to speak on behalf of an appellant.<sup>175</sup> Then, in July 1917, the First Wellington Board twice took umbrage when a Trustee Board gave it a recommendation on how to determine an appeal. Here the Board members argued that the Trustees' role was to ensure they were correctly informed of a man's circumstances, not to advise them whether he should be exempted.<sup>176</sup> Likewise, the Chairman of the First Canterbury Board complained when the Marlborough Trustees undertook to investigate claims on their own initiative, rather than waiting for the appeal body to refer cases to them.<sup>177</sup> Canterbury seems to have been a particularly fractious province in this regard, as the Military Representative of the Second Board recorded that there was 'hardly any co-operation' between the Boards and the Trustees, and 'sometimes there was hostility'.<sup>178</sup>

Yet in contrast to the strong and frequent protests made by the Division's Tribunals, the opposition of the New Zealand Boards to the Government's role in the exemption system was limited in both scope and extent. While the Boards fully investigated all the Catholic appeals that came before them despite the granting of certificates, most of these cases were ultimately successful. Outside of theological students, no clergyman and only one Marist Brother was refused exemption, with the latter decision being reached after the Bishop making the appeal admitted the

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<sup>172</sup> Gray to Board Chairmen, 5 March 1918, AD 82 Box 2 1/11/2, ANZ.

<sup>173</sup> Ferguson to Gray, 4 August 1918, NEB 1 Box 16 703, ANZ.

<sup>174</sup> W.H. Field, *NZPD*, 178, p. 480; See also Wilkinson, *NZPD*, 179, p. 745; Anstey, *NZPD*, 180, p. 314; *ODT*, 24 May 1917, p. 4; *AG*, 19 January 1918, p. 4; *FUA*, 2 February 1918, p. 5.

<sup>175</sup> *ODT*, 19 April 1917, p. 4.

<sup>176</sup> *Manawatu Evening Standard (MES)*, 2 July 1917, p. 5, 23 July 1917, p. 5 and 24 July 1917, p. 2.

<sup>177</sup> *Marlborough Express (ME)*, 14 December 1917, p. 2 and 28 March 1918, p. 2.

<sup>178</sup> Gresson to Gray, 19 March 1919, AD 1 Box 1046 66/57, ANZ.

man's school would not close if he were sent.<sup>179</sup> Excepting a handful of coal truckers and ship's pursers whose indispensability was in question at the outset of conscription, these are the only reported instances of ministerial certificates being unilaterally rejected.<sup>180</sup>

Such responsiveness to government directions is even more evident over the appeals of seafarers. During their early sittings, several Boards gave detailed consideration to these cases in order to satisfy themselves of the requirements of the mercantile marine.<sup>181</sup> However, once this inquiry was complete they quickly fell into line with the Executive's desire for all seamen with twelve months' experience to be exempted.<sup>182</sup> Typical was the wording of Chairman Moorhouse, who indicated that his Third Wellington Board would 'take notice' of the directive 'except in case of special circumstances', with this proviso being applied only to men who were no longer serving on ships or who could not be traced.<sup>183</sup>

A similar compliance is apparent in the Boards' attitude to slaughtermen's appeals. Here an initial review was again conducted into the industry's requirements, while regular consultations were carried out with freezing works employers to see if any of their men could be spared.<sup>184</sup> However, the Boards were careful to state that these appraisals were not a rejection of the Government's directive; 'We only want to know whether these men are bona fide slaughtermen.'<sup>185</sup> That the Executive was so quick to admonish the Second Wellington Board for dismissing a small number of appeals in early 1918 indicates just how sensitive it was to the potential for industrial unrest if slaughtermen were taken. Yet this criticism was seemingly

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<sup>179</sup> Gray to Tate, 7 March 1918, AD 1 Box 736 10/477, ANZ; *EP*, 27 July 1917, p. 7; Gray to Allen, 9 November 1917, AD 82 Box 4 5/1, ANZ.

<sup>180</sup> Myers to Cabinet, 11 January 1917, AD 82 Box 7 28/1; Baker, *King and Country Call*, p. 119.

<sup>181</sup> *EP*, 30 December 1916, p. 6, 31 January 1917, p. 7 and 18 April 1917, p. 8.

<sup>182</sup> In May 1917, the Secretary of the Seamen's Union reported that of the 128 men he had appealed for, 110 had been granted *sine die* adjournments and three had already enlisted. While 15 cases had been dismissed, these all concerned individuals whose location he had been unable to trace (*AS*, 2 May 1917, p. 4).

<sup>183</sup> *EP*, 14 February 1917, p. 8; See also Walsh to Gray, 27 June 1917, AD 82 Box 1 1/3, ANZ.

<sup>184</sup> *New Zealand Times*, 20 April 1917, p. 7; 'Recruiting 1916-1918: Report by Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ; 'Conference re Freezing Industry Employees and Military Service', 6 October 1917, AD 82 Box 8 74, ANZ.

<sup>185</sup> *EP*, 20 April 1917, p. 7.

both the first and last of its kind, suggesting that the Boards' approach was otherwise in accordance with official policy.<sup>186</sup>

There is also evidence against the claim that certain 'maverick Boards' refused to follow the Government's directives regarding farmers.<sup>187</sup> 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 'last men' to be exempted if they could not be replaced. He also maintained that the supposedly renegade bodies were justified in refusing to exempt some who claimed to be 'last men', as the testimony given in the case showed that assistance was available or that they had only become the 'last man' by dividing a farm.<sup>188</sup> Of course, Allen might have felt compelled to reassure farmers that they were not being victimised. Yet his assertions are probably genuine, as he repeated them in private correspondence with Prime Minister William Massey, Deputy Prime Minister Sir Joseph Ward, and General Godley, where such circumspection was not required.<sup>189</sup> The appeal bodies certainly put forward no stated resistance to the Government's policies prior to the October memorandum. In regard to that document, the First Wellington Board was alone in criticising the implications of its literal interpretation. The other Boards either signalled their willingness to comply, or remained silent until the Government clarified that the intention was for only irreplaceable farmers and farm workers to be exempted.<sup>190</sup> With this guarantee of continued discretion, the First Wellington Board dropped its opposition, and there were very few protests over 'last man' instructions for the remainder of appeal bodies' operations.

Rather than resisting the Government's involvement in their operations, the New Zealand appeal bodies regularly approached it for additional guidance. When they were unsure of the attitude to adopt towards cases, the Boards postponed a

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<sup>186</sup> Allen to MacDonald, 22 November 1917, AD 82 Box 8 74, ANZ.

<sup>187</sup> Baker, 'New Zealanders', pp. 258-62.

<sup>188</sup> AS, 7 March 1917, p. 8; Allen, *NZPD*, 178, pp. 480, 482, 824, 833; Allen, *NZPD*, 180, p. 314; *AG*, 13 February 1918, p. 5.

<sup>189</sup> Allen to Massey, 17 March 1917, AP, ALLEN 1 Box 9; Allen to Ward, 21 August 1917, AD 82 Box 2 1/11/1; Allen to Godley, 27 March 1917, AP, ALLEN 1 Box 2 M1/15 (part 4).

<sup>190</sup> *Hawera & Normanby Star (HNS)*, 23 October 1917, p. 4; *ODT*, 31 October 1917, pp. 2-3; *C*, 6 November 1917, p. 2; *Southland Times (ST)*, 7 December 1917, p. 4; *AS*, 7 December 1917, p. 2.

verdict until they had received an official steer. In the early months, the Third Wellington Board adjourned many appeals from the Railway Department to wait for a government policy on reducing services.<sup>191</sup> Similarly, the Chairman of the First Otago Board requested the Executive's views on how to deal with the numerous claims that came before his body from medical students.<sup>192</sup> When the go-slow crisis was in progress, the First Canterbury Board was in nearly constant communication with Allen over how to handle the appeals of striking miners.<sup>193</sup> Here Chairman Evans emphasised his Board's desire to know the 'mind and opinion of the Government' on the question and stressed that they did not wish to act 'except in full concurrence with yourself'.<sup>194</sup> These three bodies also joined the others in requesting general advice on the approach they should adopt. During the March 1918 Offensive, the First Otago Board and both Auckland Boards petitioned the Government over how its directive that soldiers were now more important than production should affect the appeals of 'last men'.<sup>195</sup> Then, in May, Allen divulged that all of the appeal bodies had asked for 'a declaration of policy in regard to essential industries and exemptions'.<sup>196</sup>

Another significant difference between the attitude of the Boards' and that of the Division's Tribunals was that the New Zealand bodies made very few complaints when men whose appeals they had dismissed were subsequently held back. The only exception concerned the First Canterbury Board. In November 1917, Chairman Evans wrote to Allen to protest at the decision to retain Arthur Sparrow as a soldier-miner. He explained that the appeal had been dismissed after Sparrow admitted leaving his farm for work as a coal trucker in a deliberate effort to avoid military service. Unhappy that such a man was to be protected, Evans pointedly asked whether it was now the Government's policy to retain all men who entered the mines 'ipso facto'.<sup>197</sup> In May 1918, another member of the Board, James Milton,

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<sup>191</sup> *EP*, 17 February 1917, p. 5 and 17 March 1917, p. 6.

<sup>192</sup> M.J. Kelly, *Military Board Appeals: Otago Witness, Dec 1916 to Feb 1917*, Auckland: Old News Publications, 1993, pp. 47-8.

<sup>193</sup> Evans to Gray, 16 February 1917 and 28 April 1917, AD 82 Box 7 28/1, ANZ.

<sup>194</sup> Evans to Allen, 13 March 1917, AD 82 Box 7 28/1, ANZ.

<sup>195</sup> Gray to Allen, 20 May 1918 and Burgess and Earl to Gray, 27 May 1918, both in AD 1 Box 736 10/512, ANZ.

<sup>196</sup> *EP*, 23 May 1918, p. 8.

<sup>197</sup> Evans to Gray, 16 November 1917, AD 82 Box 7 28/1, ANZ.

wrote to further call into question the Executive's willingness to allow all dismissed men to become soldier-miners. Citing individuals who had stopped work or taken unauthorised absences, he cautioned that his other colleague, Edgar Studholme, had threatened to resign unless defaulters were set to rights.<sup>198</sup> Although there is a lack of definite confirmation that the two events are linked, it is surely not a coincidence that Studholme left his position three weeks later.<sup>199</sup> These actions were certainly notable protests. Yet their apparent strength was greatly mitigated by a number of factors. No member of the Board ever challenged the validity or justification of the soldier-miner policy itself, only the way it was being applied.<sup>200</sup> Moreover, Studholme's threatened resignation was not designed to force a major change in the Government's methodology. Instead, he simply asked that 'a few of the glaring cases shall be taken out of the mines'.<sup>201</sup> When Allen rather brazenly replied that the Executive preferred to allow recalcitrant men to evade their duties rather than running the risk of industrial unrest, Studholme was the only one who gave up his post, while his former colleagues promptly halted their criticism.

Elsewhere, the Boards proved considerably more acquiescent when their verdicts were nullified. No complaints followed the revelation that the military authorities had been directed to keep back all theological students and Marist Brothers, while the Government's instruction to re-hear the appeals of dismissed slaughtermen resulted in those individuals being granted exemption.<sup>202</sup> None of the New Zealand appeal bodies ever refused to hold sittings or went on strike, while Studholme was the only Board member who resigned for anything other than personal reasons.<sup>203</sup>

In addition to being more accepting of government involvement than the Tribunals, the Boards also enjoyed a better relationship with the other actors in the exemption system. Certainly the Executive criticised the appeal bodies over

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<sup>198</sup> Milton to Gray, 28 May 1918 and 4 June 1918, AD 82 Box 7 28/1, ANZ.

<sup>199</sup> 'Return of Military Service Boards', undated, AD 82 Box 2 1/11/1, ANZ.

<sup>200</sup> Evans to Gray, 2 July 1917, AD 82 Box 7 28/1, ANZ.

<sup>201</sup> Milton to Gray, 4 June 1918, AD 82 Box 7 28/1, ANZ.

<sup>202</sup> 'Conference of Military Service Boards: Thursday, 29<sup>th</sup> November, 1917', AD 82 Box 7 46/1, ANZ; Gray to Cosgrove, 10 June 1918, AD 82 Box 4 5/1, ANZ; *WDT*, 7 June 1918, p. 6.

<sup>203</sup> 'Return of Military Service Boards', undated, AD 82 Box 2 1/11/1, ANZ.

their perceived failure to make full use of the Efficiency Board's classification of industries. Yet this appears to have resulted from differing perceptions. The classification was never designed to be prescriptive: it explicitly stated that 'each and every man' employed in the 'most essential' occupations should not automatically be regarded as entitled to exemption, but rather that relief should only be given to individuals who could not be replaced.<sup>204</sup> While the Boards adopted this philosophy, there were inevitably occasions when their notion of what amounted to irreplaceable differed from the Government's.<sup>205</sup> However, the fact that the Executive admonished the Boards very infrequently suggests that they followed the classification and reached acceptable decisions most of the time.<sup>206</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>207</sup>

Moreover, the appeal bodies frequently 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>208</sup> In most instances where a new type of claim came forward, or where the ability of an industry to withstand further depletion was in question, the appeal bodies either adjourned cases to give the Efficiency Board time to investigate or arranged for a conference with its members.<sup>209</sup> These deliberations were then used as a guide for any future appeals, most notably when the Chairman of the Second Canterbury body stated that 'In no case will this board go behind the Efficiency Board'.<sup>210</sup> During their valedictory

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<sup>204</sup> 'Classification of Industries, Professions, and Occupations, as Approved by Government', *AJHR*, 1917, H43-B.

<sup>205</sup> *EP*, 11 May 1917, p. 2; Gray to Ferguson, 8 August 1917, NEB 1 Box 16 703, ANZ; Kelly, *Military Board Appeals: Dec 1916 to Feb 1917*, p. 22.

<sup>206</sup> 'Recruiting 1916-1918: Report by Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ.

<sup>207</sup> Allen to Birdwood, 17 June 1918, AP, ALLEN 1 Box 9, ANZ.

<sup>208</sup> Allen, *NZPD*, 178, pp. 833-4.

<sup>209</sup> *ODT*, 9 June 1917, p. 11 and 28 June 1917, p. 2; *GRA*, 6 December 1917, p. 4 and 20 March 1918, p. 4; *EP*, 2 May 1918, p. 8.

<sup>210</sup> *AG*, 8 October 1918, p. 4.

reports, nearly all of the Board Chairmen praised the Efficiency Board's efforts and commented on how essential its guidance had been to informing their decisions.<sup>211</sup>

While there was undoubtedly friction between some Boards and the Farmers' Trustees, there are several reasons for qualifying both its severity and extent. Firstly, several appeal bodies maintained a very harmonious relationship with the organisations working in their district. The Second Auckland Board in particular was singled out for praise over the level of its co-operation, which even extended to permitting Trustee members to give testimony during sittings.<sup>212</sup> Despite being accorded a high profile when they did occur, instances of appeal bodies publicly criticising Trustees or coming into dispute with them were infrequent. Secondly, those Boards that did raise complaints were quite correct to maintain that the Trustees' proper function was to report on an appellant's circumstances, not to provide a recommendation on whether he should be granted exemption. This division of powers was not only stated in the official documents that sanctioned the Trustees' formation, but was also accepted by the Efficiency Board and even by many of the Trustees themselves.<sup>213</sup> The third point is that all of the Boards, even those who most jealously guarded their position, were quite prepared to utilise the Trustees' services. As early as the middle of April 1917, the First Auckland Board had referred 43 claims for investigation, while the two Otago bodies had sent fully 117 between them.<sup>214</sup> In June, the Efficiency Board reported that most appeal bodies were automatically adjourning nearly every farmer's claim so that a report could be obtained, and in April 1918 Allen asserted that all cases were being directed to the Trustees unless the correct determination was immediately obvious.<sup>215</sup> A final consideration is that, when the Trustees did adhere to their mandated role of reporting on the facts, most of the Boards gave fulsome praise to

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<sup>211</sup> Cooper to Gray, 10 December 1918, AD 82 Box 3 1/22, ANZ; Day to Ferguson, 29 August 1917, NEB 1 Box 16 703, ANZ; Widdowson to Allen, 13 December 1918 and Burgess to Gray, 5 December 1918, both in AD 82 Box 2 1/11/2, ANZ.

<sup>212</sup> *WT*, 16 March 1917, p. 2; *AS*, 23 May 1917, p. 6.

<sup>213</sup> *ODT*, 13 April 1917, p. 2; *WT*, 8 June 1917, p. 5; *MES*, 29 June 1917, p. 6.

<sup>214</sup> *NZH*, 20 April 1917, p. 6; *ST*, 14 April 1917, p. 2.

<sup>215</sup> *AS*, 13 June 1917, p. 10; Gray to Allen, 11 April 1918, AD 82 Box 7 18/1, ANZ.

their work. Indeed, the farmers' organisations were variously described as 'helpful', 'valuable', and 'of immense assistance'.<sup>216</sup>

The fact that the New Zealand Boards were more passive than the Division's Tribunals was partly a result of the differing exemption systems under which they operated. Government departments and the ECAT could always overturn the Local Tribunals' verdicts, while both the latter's jurisdiction and discretionary powers were progressively reduced by statute, regulation, instruction, and Royal Proclamation. In contrast, the final decision on whether or not a man would be eligible for military service was always the sole prerogative of the Boards, with the Government, the Efficiency Board, and the Boards of Trustees all lacking the power to award or revoke an exemption. Certainly around 140 refused miners and theological students were held back in New Zealand, but these men constituted only a tiny fraction of the total number of appellants and all of them were technically soldiers and subject to military discipline by virtue of having their appeals dismissed.<sup>217</sup> This greater degree of Board autonomy seems to have been an important factor. When considering his response to the initial rejection of appeals from Catholic theological students, Allen prophesied that altering the regulation to make the ministerial certificates binding would 'lead to the resignation' of the Boards concerned.<sup>218</sup> If this forecast is combined with the actual resignation of a member of the First Canterbury Board over the automatic use of the soldier-miner provision, and the First Wellington Board's categorical opposition to any blanket exemption of 'last men', it is probable that there would have been more protests on the part of the Boards had their powers been subject to the same restrictions as those of the Tribunals.

A second likely reason for the Boards' greater responsiveness is that they came under far less pressure to get soldiers. Whereas the Tribunals were constantly being urged to get more men and to comb out those they had previously deemed worthy of exemption, the main thrust of the Boards' instructions was to accept the

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<sup>216</sup> Cooper to Gray, 10 December 1918, AD 82 Box 3 1/22, ANZ; Burgess to Gray, 5 December 1918 and Hockley to Allen, 9 January 1919, both in AD 82 Box 2 1/11/2, ANZ.

<sup>217</sup> Tate to General Officer Commanding, 2 September 1918, AD 1 Box 736 10/483, ANZ; 'Recruiting 1916-1918: Report by Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ.

<sup>218</sup> Allen to Massey, 27 February 1917, AP, ALLEN 1 Box 9, ANZ.

appeals of certain occupational groups. On a human level, it must surely have been more palatable to be asked to let men stay at home rather than being instructed to send ever increasing numbers of them off to face the prospect of death or injury. Furthermore, the individuals the Boards were being told to exempt were, largely, those whose occupation was of clear importance to the home front and the wider war effort. New Zealand needed coal, food, and an efficient rail network, while sailors were required to transport soldiers and goods, and farm produce was helping to supply Britain. Whether such considerations made up the Government's entire motive for desiring the retention of certain men or not, the Boards could rationalise most of their instructions, and the need to work with the Efficiency Board and Trustees, within the framework of protecting vital industries.<sup>219</sup> When the appeal bodies did mount significant resistance, it was over the relief of miners who were not producing to capacity, farmers who were not essential to production, and Catholic students whose indispensability was at least questionable. The situation facing the Tribunals was very different. They found it relatively easy to send fit young single men, but the need for the Government's repeated directions to take married men with children and businesses was much less clear cut, especially given the inequities created by the exemption system.

The Boards' acquiescent attitude also seems to have developed from a lesser sensitivity to perceived local interests. Appointed by the local council, often holding elected local office, and as members of the community in which they were sitting, the logic of the Tribunal members' position naturally led them to regard the circumstances, and the current of feeling, within their district as an important factor when determining appeals. In contrast, the New Zealand Government officially constituted the Boards, and the Military Service Act made it clear that they sat at the Executive's 'pleasure'.<sup>220</sup> Moreover, the New Zealand members generally operated away from their places of residence and occupied positions that did not require them to retain an electorate's favour. Especially in the case of the stipendiary magistrate Chairmen, they worked in occupations that would have

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<sup>219</sup> *GRA*, 16 January 1917, p. 3.

<sup>220</sup> *New Zealand Statutes (NZS)*, Military Service Act, 1916, Section 19(3).

made them well used to receiving official instructions and sometimes public criticism.

Given this background, it was inevitable that the Boards would be more inclined to view the issue of exemptions from a national rather than a local perspective, an approach that in turn made them much more accepting and encouraging of central guidance. In writing to Allen to request a steer over the appeals of 'last men', the Chairmen of the two Auckland bodies stated that 'the Military Service Boards are bound ... to make their determinations harmonise with the policy of the country, for which the Government and not the Boards are responsible'.<sup>221</sup> This sentiment was shared by the Chairman of the First Otago Board, who described the declaration of official instructions as 'necessary and proper'.<sup>222</sup> Even while protesting against the Executive's actions, the New Zealand appeal bodies did not question its right to issue instructions. When arguing that the October 1917 memorandum placed too great a limit on his Board's discretion, the Chairman of the First Wellington Board stated that it would be 'absurd' for his body to take 'exception to the Government declaring a national policy'.<sup>223</sup> Equally, after previously refusing to cease the dismissal of 'second strikers', the prospect of further industrial unrest on the West Coast prompted the First Canterbury Board to adjourn temporarily all miners' cases and state that the question of how to deal with them was 'one of Government policy'.<sup>224</sup>

This more centralist attitude also contributed to the differing ways in which the Boards and Tribunals regarded the other actors in their respective exemption systems. According to the Division's Local Tribunals, the injustices caused by government departments and the ECAT resulted from their lack of local knowledge and understanding. Conversely, the willingness of certain Boards to criticise the Farmers' Trustees was often explicitly motivated by a feeling that those bodies were too concerned with protecting local interests. Challenging the practice of offering unsolicited recommendations on cases, Chairman Evans asserted that the

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<sup>221</sup> Burgess and Earl to Gray, 27 May 1918, AD 1 736 10/512, ANZ.

<sup>222</sup> Widdowson to Allen, 13 December 1918, AD 82 2 1/11/2, ANZ.

<sup>223</sup> *EP*, 20 October 1917, p. 4; See also *EP*, 17 October 1917, p. 4; *HNS*, 23 October 1917, p. 4.

<sup>224</sup> *GRA*, 4 September 1918, p. 4; Evans to Gray, 24 October 1918, AD 82 Box 7 28/1, ANZ.

Marlborough Trustees 'were only human', which made it 'quite natural to suppose that they would be subjected to local sympathies'.<sup>225</sup> In an analogous piece of reasoning, the Second Otago Board became unwilling to allow the Trustees to testify during hearings once it had elicited that they were bodies of local farmers, which had been set up to protect the interests of local farmers.<sup>226</sup> This suspicion of localist tendencies appears to explain why the Boards generally enjoyed a better relationship with the Efficiency Board than with the Trustees. For the Chairman of the First Otago Board, the usefulness of the former body lay in the fact that it was a disintested central agency. On the other hand, the Trustees were 'not independent' of the appellants and were, therefore, almost certainly 'unconsciously biased'.<sup>227</sup>

There was generally a strong degree of co-operation between the Division's Tribunals and their attached Military Representatives and Advisory Committees. Some of the appeal bodies were prepared to accord considerable weight to the preliminary recommendations that these War Office appointees made on cases and only delivered contrary decisions when particularly strong evidence was brought forward. Indeed, it appears that a few Tribunals simply accepted all the suggestions they received without conducting any further inquiries. This practice had a particularly striking influence at Huddersfield, where fully 84.6% of the total verdicts were the result of recommendations having been adopted *en bloc*.<sup>228</sup> When a formal hearing was deemed to be necessary, the Tribunals usually seem to have valued the Military Representatives' input. Significant here is that there were few large-scale military appeals to the ECAT and that several Tribunals appear to have allowed the Representatives to remain with them while they were discussing what verdict to deliver. The Goole Urban Tribunal and the Dewsbury Tribunal did not require their Representatives to leave the room on any occasion before September 1916 and January 1917 respectively.<sup>229</sup> Furthermore, when a solicitor who came before the Heckmondwike body in May 1917 asked that Mr Richmond should withdraw at the same time as himself, the Military Representative replied

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<sup>225</sup> *ME*, 14 December 1917, p. 2; See also *ME*, 28 March 1918, p. 2 and 3 June 1918, p. 4.

<sup>226</sup> *ST*, 14 March 1917, p. 5.

<sup>227</sup> Widdowson to Allen, 13 December 1918, AD 82 Box 2 1/11/2, ANZ.

<sup>228</sup> Huddersfield Local Tribunal Minutes, 10 January 1916 to 21 October 1918, KMT 18/12/2/52/1, KA.

<sup>229</sup> *GT*, 1 September 1916, p. 4; *BN*, 6 January 1917, p. 6.

that 'it was a thing he had never been asked to do before at any of the Tribunals which he had attended'.<sup>230</sup> The comments and actions of certain appeal bodies also point to some feeling of camaraderie. When it was suggested that specially trained barristers might replace the current Military Representatives, the members of the Spenborough body came out in strong opposition on the basis that 'Mr. Richmond had the entire confidence of the Tribunal'.<sup>231</sup> Likewise, the Marsden body expressed regret over the resignation of Captain Bradbury who had always been 'fair and courteous' towards them, the Ossett members described working alongside Mr Oddy as a 'pleasure', and the members of the Castleford Tribunal were not only invited to attend Captain Greenwood's wedding, but also presented him with a dinner service as a gift.<sup>232</sup>

Yet the relationship between the Tribunals and their attached Military Representatives and Advisory Committees could be difficult. Although some appeal bodies attached great importance to the preliminary recommendations they received on cases, others quickly signaled a determination to make up their own minds. Members of the Cudworth Tribunal used their first sitting under the Military Service Act to assert that the work of the Advisory Committee would have 'nothing to do' with them and that they would be 'actuated and guided' only by their 'own conscience'.<sup>233</sup> Rather less heatedly, the Birstall Tribunal refused to automatically accept the recommendations made by their Committee on the basis that it might be wrong, while the members of the Goole Urban body decided to hear all future appeals themselves after finding that the Military Representative had exempted a number of shipping workers who they believed were not

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<sup>230</sup> *CSG*, 18 May 1917, p. 3.

<sup>231</sup> *Ibid.*, 13 April 1917, p. 4; See also Spenborough Local Tribunal Minutes, 5 April 1917, KMT 39/1/2/1/1, KA.

<sup>232</sup> *HEX*, 30 May 1916, p. 4; *OO*, 16 March 1918, p. 3; *WE*, 6 October 1917, p. 2; When their Military Representative resigned his position, the members of the Leeds Tribunal expressed 'their high appreciation of the great efficiency and ability he has displayed in carrying out his duties before the Tribunal' (Minutes of the Local Tribunal for Leeds City, 24 June 1918, LC/TC, LA); Similarly, the Halifax body (West Central Division of the West Riding) recorded its 'great appreciation of the services rendered by Mr. R.M. Stansfeld as Military Representative & subsequently as National Service Representative for Halifax, which services have always been carried out with zeal, knowledge & great fairness to all concerned' (Halifax Local Tribunal Committee Minutes, 1 January 1919, CMT 1/2/2/19/3, CA).

<sup>233</sup> *BC*, 11 March 1916, p. 3.

essential.<sup>234</sup> Such views gained a wider currency as sittings continued. The Slaithwaite Tribunal abandoned its policy of automatic acceptance in May 1916, when an investigation into 12 cases assented to by the Advisory Committee revealed that six of them should have been opposed.<sup>235</sup> That same month, the members of the Spenborough Tribunal hesitated to allow their Military Representative and Advisory Committee to make further arrangements with local firms, and only acquiesced after obtaining a guaranteed right to reject any agreement come to.<sup>236</sup> By 1917, the majority of the Division's Tribunals were auditing all the preliminary recommendations they received, and many were rejecting some of these on a regular basis.<sup>237</sup>

There were also numerous instances where the Division's Tribunals opposed actions taken by the Military Representatives during and after hearings. In March 1916, the members of the Golcar Tribunal took exception to Major Tanner's complaint that there had only been one refusal all day, and replied that they had judged each case only on its merits.<sup>238</sup> Seven months later, the same body resisted Captain Bradbury's assertion that 42 claims from a woollen firm should be determined on the basis that all eligibles under 30 were needed at the front. Pointing out that this would mean the loss of fully half the men appealed for, the Golcar Tribunal instead ordered only 12 of them into the army.<sup>239</sup> When faced with a similar situation, the Marsden Tribunal provoked the displeasure of Captain Mallalieu by their refusal to cancel all of the certificates held by 15 single mill workers.<sup>240</sup> If disputes of this kind were relatively uncommon, a more frequent point of conflict was the Military Representatives' ability to ask for exemptions to be reviewed and to take any Local Tribunal decision before the ECAT. The Linthwaite body rebuked Mr Quarmby for contesting the certificate awarded to the 'main man' at a dyeing works and the Pontefract Urban Tribunal criticised Major

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<sup>234</sup> Leather to Gray, 10 January 1916, Birstall Urban District Council – Local Tribunal Files (BLTF), RD 21/6/2, KA; Birstall Local Tribunal Minutes, 18 January 1916, BLTF, RD 21/6/2, KA; *GT*, 17 March 1916, p. 4 and 9 June 1916, p. 3.

<sup>235</sup> *HEX*, 19 May 1916, p. 4 and 2 June 1916, p. 4.

<sup>236</sup> *CSG*, 19 May 1916, p. 3.

<sup>237</sup> *PCE*, 28 April 1916, p. 6, 19 May 1916, p. 4 and 23 June 1916, p. 2; *GT*, 19 May 1916, p. 3; *HE*, 15 July 1916, p. 6; *HEX*, 18 August 1916, p. 4; *BN*, 14 October 1916, p. 1 and 16 June 1917, p. 1.

<sup>238</sup> *HEX*, 29 February 1916, p. 4.

<sup>239</sup> *Ibid.*, 31 October 1916, p. 2.

<sup>240</sup> *Ibid.*, 23 November 1916, p. 3.

Renny for his consistent refusal to accept the exemption of important local tradesmen.<sup>241</sup>

These various disputes partly resulted from the perceived threat that the Military Representatives and Advisory Committees posed to the Tribunals' autonomy. One reason why most of the Division's appeal bodies came to reject the idea of simply signing off on preliminary recommendations was a belief that they, as judicial authorities, had been established to determine all the cases that were submitted to them. In expressing this view, members of the Spenborough body argued that allowing the War Office appointees to have the final say would amount to 'interference with the powers of the Tribunal' and the loss of its most essential function.<sup>242</sup> Likewise, it was stated at the Goole Urban Tribunal that the Military Representative's desire to make his own arrangements with large firms was 'wrong in principle', as the appeal bodies had been tasked with reviewing claims in their entirety so as to reach informed decisions.<sup>243</sup> Certain Local Tribunals also maintained that the Representatives' ability to require the review of certificates was an unnecessary 'waste of time' and portrayed the willingness of those individuals to take cases to the ECAT as an underhand way of bypassing adverse verdicts. On asking for the reappraisal of two conditional exemptions, Lieutenant Strachan was curtly reminded by the Dewsbury Tribunal that the cases had been gone into 'at very great length before'.<sup>244</sup> At Pontefract Urban, the Chairman protested that the Military Representative's decision to retrospectively challenge several decisions had left the Tribunal feeling deceived and as though they were not 'treated with due respect', given that 'every opportunity was given to make objection during the hearing'.<sup>245</sup> Using comparable logic, the Hemsworth body charged that an appeal against the exemption awarded to a member of the local Co-operative society, made at the same time as certain refused men were not being

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<sup>241</sup> *W*, 11 August 1917, p. 3; *PCE*, 20 April 1917, p. 1; In Parliament, the Liberal MP for Elland, Charles Trevelyan, argued that the consistency with which the West Riding's National Service Representatives were challenging 'most of the decisions of the local tribunals' was causing considerable 'discontent'. He instanced the fact that at one ECAT sitting, the verdicts delivered by the Barnsley Tribunal were upset in twenty-one cases out of twenty-four (*H of C*, 5:109, cols. 1092-3).

<sup>242</sup> *CSG*, 19 May 1916, p. 3.

<sup>243</sup> *GT*, 9 June 1916, p. 3.

<sup>244</sup> *BN*, 10 February 1917, p. 2.

<sup>245</sup> *PCE*, 20 April 1917, p. 1.

called up for service, smacked of a 'suspicious' and 'indirect' subversion of their intentions.<sup>246</sup>

Nevertheless, the appeal bodies' objections to the Military Representatives and Advisory Committees usually went beyond matters of authority. When they criticised the other actors in the exemption system, the Tribunal members frequently claimed that, as local men, they were the best placed to balance the needs of army and district, and that unjust outcomes were arising due to the interference of individuals who did not understand or care about the local conditions. There were three considerations that could motivate the Tribunals to cite a perceived lack of localism. The first was the fact that Representatives and Committees were often attached to more than one appeal body. For example, the Spen Valley Advisory Committee, and H.D. Leather as Military Representative, served the Tribunals at Birstall, Birkenshaw, Heckmondwike, and Spenborough.<sup>247</sup> Drawn from across these four districts, Leather and his Committee members were, therefore, not strictly 'local' in all the cases they were dealing with, nor always conversant with specific local industries. This distinction seems to have carried significant weight, with a more harmonious relationship tending to exist between Tribunals and War Office appointees who were from the same community. There were virtually no complaints made by the Huddersfield Tribunal about Arthur Crosland's views or actions, and the recommendations he presented after consultation with the County Borough's dedicated Advisory Committee were always adhered to. On the other hand, the refusal of the Birstall body to grant automatic exemption in cases where Leather and his Committee had indicated their assent was due to a belief that the Tribunal members' greater 'local knowledge' could well lead them to conclude that some of the appeals should actually be rejected.<sup>248</sup> As a resident of Barnsley, Lieutenant-Colonel Hewitt enjoyed a very comfortable relationship with the Local Borough Tribunal, but was constantly at loggerheads with the farmer members of the Barnsley Rural Tribunal.<sup>249</sup> When Hewitt accused these latter individuals of being biased towards

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<sup>246</sup> *Ibid.*, 15 June 1917, p. 2.

<sup>247</sup> *CSG*, 24 December 1915, p. 2.

<sup>248</sup> Birstall Local Tribunal Minutes, 18 January 1916, BLTF, RD 21/6/2, KA.

<sup>249</sup> *BC*, 17 August 1918, p. 1.

agricultural cases, he was told that 'they as farmers knew better than he how many men it took to work a farm'.<sup>250</sup> Likewise, Councillor Naylor questioned the credentials of the Advisory Committee serving at Ardsley by alleging that it had incorrectly recommended the exemption of several employees at Rylands glassworks. Stating that he 'could not understand' the Committee being delegated to visit the works 'when they did not understand the trades', Naylor argued that he was familiar with the glass-making process 'from the beginning to the end', and was far better placed to say who was indispensable. After agreeing with this reasoning, the Tribunal arranged for Naylor to visit Rylands himself with a view to producing new recommendations.<sup>251</sup>

A second form of motivation was the replacement of a local Military Representative with someone from outside the district, due to reassignments to the army or to other positions in the recruiting machinery. Such changes could lead to a rapid breakdown of previously cordial arrangements. When Captain Featherston resigned as Recruiting Officer and regular Military Representative for the Goole area in July 1916, the members of the Urban Tribunal 'acknowledged the assistance' he had given them and hoped that 'the same amicable relationship would continue' with his successor.<sup>252</sup> This was to prove a forlorn hope. Within a month of Lieutenant Neal's appointment, the Tribunal had already accused him of a 'lack of courtesy' for taking cases to the ECAT after initially failing to dissent, and criticised his willingness to challenge their verdicts even when they clearly believed that a man was essential to the local economy.<sup>253</sup> Tensions came to a head in late August, when all the members present questioned Neal's request for the review of nine conditional exemptions. A heated argument then broke out between Neal and Councillor Porter, with the Military Representative asserting that the Tribunal member's reluctance to reconsider the certificates suggested 'a biased mind'. Outraged, Porter attacked Neal's lack of local knowledge and lambasted the manner in which 'a stranger comes down and begins talking about change of

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<sup>250</sup> *Ibid.*, 17 June 1916, p. 7.

<sup>251</sup> *Ibid.*, 22 July 1916, p. 2.

<sup>252</sup> *GT*, 14 July 1916, p. 7.

<sup>253</sup> *Ibid.*, 4 August 1916, p. 4 and 1 September 1916, p. 4.

circumstances'.<sup>254</sup> Over the following months, the Goole Urban Tribunal had several more altercations with Lieutenant Neal, and never again enjoyed the same comfortable relationship that they had developed with Captain Featherston.<sup>255</sup> Analogous difficulties occurred at Dewsbury following the appointment of Lieutenant Strachan.<sup>256</sup> After co-operating well with his predecessors, the Tribunal quickly took issue with this new Military Representative over his perceived lack of concern for local firms. Then, in January 1917, a serious dispute occurred when several members claimed that Strachan had gone behind their backs in approaching the Postmaster-General for evidence with which to oppose an exemption certificate. In the course of this exchange, one Tribunal member pointedly referenced the fact that Strachan and the Postmaster were 'outsiders' by labeling them 'Good Scotch and bad Irish'.<sup>257</sup> Further disagreements took place during the remainder of Strachan's appointment and in September 1917 the Chairman remarked that the Tribunal had 'not always seen eye to eye' with their Military Representative.<sup>258</sup>

The third possible reason behind a Tribunal's criticism was the belief that a Military Representative or Advisory Committee had forfeited their status as local men by proxy. One matter that was occasionally brought up was the fact that each Tribunal had been established by the local council, whereas the War Office appointees were chosen by the General Officer Commanding-in-Chief Northern Command who was not even a resident of the Division. Those Tribunal members who refused to work with the Advisory Committee for Cudworth explicitly cited its appointment by 'outsiders'.<sup>259</sup> A more common assertion was that any localism on the part of the Military Representatives was automatically negated by their willingness to treat central directives as binding. Captain Greenwood was the subject of considerable censure by the Castleford Tribunal after arguing that his orders left him with no choice but to appeal against every exemption given to men in the higher medical categories. According to the Castleford Tribunalists, this

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<sup>254</sup> *Ibid.*, 1 September 1916, p. 4.

<sup>255</sup> *Ibid.*, 29 September 1916, p. 7 and 15 December 1916, p. 7.

<sup>256</sup> *BN*, 22 July 1916, p. 6.

<sup>257</sup> *Ibid.*, 6 January 1917, p. 6.

<sup>258</sup> *Ibid.*, 29 September 1917, p. 5.

<sup>259</sup> *BC*, 11 March 1916, p. 3; See also *HEx*, 5 January 1916, p. 2.

inflexibility not only subverted their local knowledge, but also made irrelevant all the consideration given to such cases at a local level.<sup>260</sup> Similarly, Mr Baines' determination to appeal against every exemption given to Grade 1 men so exasperated the Ossett body that one of its members stormed out of a sitting, and another forcefully accused the Representative of talking 'piffle'.<sup>261</sup> Military Representatives could also compromise themselves in the eyes of the Local Tribunals through their willingness to work with the ECAT. Outrage was expressed at Whitwood when the higher appeal body revoked the certificate awarded to John Rooke, a blacksmith, who had been exempted on the basis that he was carrying out essential work for the district's farmers. Arguing that they 'had local knowledge which the Appeal Tribunal did not possess', the Whitwood members accused the Military Representative of undertaking a 'backstairs movement' to get their unanimous determination overturned, and threatened to suspend sittings if his actions were repeated.<sup>262</sup>

Some disputes also took place between the New Zealand Boards and their attached Military Representatives. Here appeal body members occasionally implied a failure to acknowledge cases of genuine hardship. Once the circumstances surrounding John Condon's appeal had been presented to the First Otago Board, Captain Free asserted that sending him to the front would result in no financial difficulties. However, the Chairman countered that the case actually turned on the 'matter of the mother's welfare' and Condon was granted an indefinite period of relief.<sup>263</sup> Another Military Representative achieved little satisfaction after lamenting that all twenty-two claims heard at a sitting of the First Auckland body had resulted in exemptions. In response, a Board member noted that most of the cases concerned men who already had several brothers serving in the forces, and went on to contend that it was 'only fair that some consideration should be given such appellants'.<sup>264</sup> Differences also arose when the Boards felt that the Representatives 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

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<sup>260</sup> *PCE*, 24 May 1918, p. 2; See also *BN*, 9 March 1918, p. 1.

<sup>261</sup> *OO*, 13 July 1918, p. 4 and 27 July 1918, p. 4.

<sup>262</sup> *PCE*, 23 March 1917, p. 5.

<sup>263</sup> *ODT*, 12 November 1917, p. 7.

<sup>264</sup> *AS*, 25 May 1917, p. 2.

to find, William Perry of the First Wellington Board opined that they were well worth the expense as their skilled work made them essential.<sup>265</sup> Sometimes this perceived leniency proved too much for the Military Representative; a remark by a member of the Third Wellington body 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>266</sup>

However, the Boards generally enjoyed much more amicable relationships with their Military Representatives than the Division's Tribunals. In New Zealand, arguments during sittings were infrequent. The Boards and Representatives nearly always focused their questioning around the same pieces of evidence and adopted similar attitudes towards the appellants' testimony.<sup>267</sup> Recommendations made by the Representatives were usually adhered to, while the Representatives rarely felt moved to complain about the Boards' verdicts.<sup>268</sup> Indeed, Major Gresson gratefully noted that the Second Canterbury Board had treated him 'as a fourth member' by allowing him to 'deliberate with them' and by according a great deal of 'weight' to his opinions, all practices that seem to have been the rule rather than the exception.<sup>269</sup> Moreover, the few disagreements that occurred over individual cases are the only recorded disputes; there were seemingly no criticisms of the way in which the Representatives went about their preliminary investigations, of how they handled matters after hearings had finished, or of the general attitudes they adopted towards the issue of exemptions. Perhaps the strongest indication of the amicable relations that existed came in March 1918, when Adjutant-General Tate wrote to the nine active Boards' Chairmen asking for their views on a proposal to hand the Military Representatives' role to the Group Commanders.<sup>270</sup> Only one Chairman supported this idea, and did so primarily on the basis that the post of Military Representative itself was unnecessary rather than due to any fault with an individual's conduct.<sup>271</sup> Otherwise there was vigorous opposition to interfering with the status quo and strong praise both for the work that the Representatives

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<sup>265</sup> *MES*, 14 February 1917, p. 4.

<sup>266</sup> *Ibid.*, 7 June 1917, p. 4.

<sup>267</sup> *WDT*, 14 December 1916, p. 2; *MES*, 2 July 1917, p. 5.

<sup>268</sup> *WDT*, 10 January 1917, p. 6; *MES*, 9 March 1917, p. 5; *EP*, 14 March 1917, p. 7.

<sup>269</sup> Gresson to Gray, 19 March 1919, AD 1 Box 1046 66/57, ANZ; Anstey, *NZPD*, 178, p. 412; Wilkinson, *NZPD*, 178, p. 453.

<sup>270</sup> Tate to Board Chairmen, 15 March 1918, AD 1 Box 769 22/140, ANZ.

<sup>271</sup> Earl to Tate, 25 March 1918, AD 1 Box 769 22/140, ANZ.

were doing and for the manner in which they had conducted themselves. One Chairman expressed his earnest 'hope [that] no change is contemplated', while another labelled the idea of doing away with the Representatives as 'absurd'.<sup>272</sup>

This greater cordiality appears to be partly a result of the lesser pressure that the New Zealand exemption system placed on the Boards' autonomy. Firstly, there were no Advisory Committees to make recommendations regarding cases. Secondly, although they were responsible for conducting preliminary investigations, and for putting forward the views of the Defence Department during hearings, the powers of the New Zealand Military Representatives were far more circumscribed than those of their British counterparts. They had no formal right to indicate their assent to or dissent from claims before a sitting took place, could not request the review of exemption certificates and, perhaps most importantly, could not refer cases to a higher appeal body. In the face of an adverse decision, the most a New Zealand Military Representative could do was apply to the Commandant of the Defence Forces for a re-hearing, but even here the final decision on whether a new appraisal should take place was always in the hands of the relevant Board.<sup>273</sup> Clearly if the New Zealand Military Representatives lacked the prerogatives exercised by the British Representatives, then there could be no disputes over the way in which they chose to employ them.

New Zealand's declining rate of reinforcement seems to have been another important factor. Many of the protests that the Division's Tribunals made against the Military Representatives came when those individuals were believed to have taken too little cognisance of either the hardship that conscription would cause to individual appellants, or the damage that would be done to a district's economy by the loss of essential businessmen and workers. During such cases, the Representatives' actions were invariably prompted by the instructions they received from the War Office, the vast majority of which told them to press for more men. In contrast, the New Zealand Representatives were working in a country that required proportionally fewer soldiers to meet its lower

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<sup>272</sup> Burgess to Tate, 23 March 1918 and Widdowson to Tate, 25 March 1918, both in AD 1 Box 769 22/140, ANZ.

<sup>273</sup> NZS, Military Service Act, 1916, Section 26(3).

reinforcement rate, and received their instructions from a Defence Department whose head, Allen, spent a great deal of time encouraging the Boards to grant more exemptions. These differing imperatives meant that the New Zealand Military Representatives could act more circumspectly over pushing for men. Certainly a more 'neutral' approach was suggested by the Board Chairmen: Burgess asserted that Major Conlan gave 'fair and impartial treatment' to all those who came before him, Cooper commented on the way that Captain Walker 'has handled the appeals from their military aspect with great fairness', and Day claimed that he had 'not known of any case' where Captain Barrett 'strove unduly to have an appeal dismissed'.<sup>274</sup>

The Board members' lesser sensitivity to perceived community interests was a third contributor to the better relationship that they enjoyed with their Military Representatives. According to the Division's Local Tribunals, many of the alleged injustices caused by the War Office appointees were a direct consequence of their either not being local, or demonstrating insufficient local understanding and sentiment. In contrast, having been appointed as 'impartial' and often detached actors themselves, the Board members simply desired individuals who would investigate cases and question the appellants in a way that elucidated all the relevant facts. The praise that the Board Chairmen gave to their Military Representatives resulted from a feeling that this criterion had been well met. They strongly supported the use of solicitors for the role, given that 'a professional Soldier' would have been 'strongly biased against all appellants', while the use of inexperienced laymen might well have led to unnecessary 'friction' over legal rulings and procedure.<sup>275</sup> Similarly, the Chairmen praised the deliberate selection of 'outsiders' rather than men resident in the district who would have been 'subject to influence for various reasons'.<sup>276</sup>

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<sup>274</sup> Burgess to Gray, 5 December 1918, AD 82 Box 2 1/11/2, ANZ; Cooper to Tate, 20 March 1918 and Day to Tate, 19 March 1918, both in AD 1 Box 769 22/140, ANZ.

<sup>275</sup> Moorhouse to Tate, 16 March 1918 and Day to Tate, 19 March 1918, both in AD 1 Box 769 22/140, ANZ; See also Cooper to Tate, 20 March 1918, AD 1 Box 769 22/140, ANZ; Burgess to Gray, 5 December 1918, Evans to Gray, 9 December 1918 and Widdowson to Allen, 13 December 1918, all in AD 82 Box 2 1/11/2, ANZ.

<sup>276</sup> Widdowson to Tate, 25 March 1918, AD 1 Box 769 22/140, ANZ.

These three considerations are crucial to explaining why, overall, the autonomy of the Division's Local Tribunals came under greater threat than that of the New Zealand Boards, and why that the British appeal bodies proved much more likely to oppose any perceived challenges. During their operations, the Tribunals received a vast number of official directives, mostly asking them to obtain more men for the army. While the Division's appeal bodies often accepted the need to grant fewer exemptions, this passive attitude only went so far. Many members came to resent the position that the Executive's ever-growing demands placed them in, particularly when they considered that government departments were unduly protecting young single men, and when decisions they came to were subsequently overturned. Issues of authority undoubtedly played a role in these protests, but they mainly occurred when the Tribunals felt that their informed attempts to balance the army's interests with those of the local area had been undermined by 'outsiders' who did not understand or care about the circumstances. Likewise, the sometimes cordial relations that the appeal bodies enjoyed with their Military Representatives and Advisory Committees were frequently soured by a perception that the War Office appointees were too willing to utilise the powers given to them by the exemption system, and not responsive enough to the needs of the district. The situation in New Zealand was almost completely the opposite. Its reinforcement rate declined within the conscription period, meaning the Government had less need to press the Boards to find more soldiers. On the contrary, official directives actually tended to focus on securing the exemption of politically important groups. For their part, the Boards had some disagreements with the Farmers' Trustees, but these were totally overshadowed by their acceptance of nearly every government policy, and by the strong relationships they maintained with the National Efficiency Board and the Military Representatives. This amicable situation was partly due to the lesser requirements of the army and the more limited checks that had been placed on the Boards' powers. Yet another critical influence was the Board members' natural inclination to look towards the centre and their conviction that localism was a quality to be avoided, rather than encouraged, when dealing with exemptions.

These findings broadly agree with those suggested in the majority of the existing studies. British historians have often highlighted the ambiguity of the Government's instructions and noted that the Local Tribunals frequently came into conflict with the other actors in the exemption system. For New Zealand, the dominant trend in the historiography has been to argue that the Executive was keen to secure the exemption of certain politically important groups, and that the Boards were willing to follow its directions most of the time.

## Chapter Four: Holding the Balance

### The Attitudes of the Members

While interacting with outside agencies was clearly a significant aspect of the British Tribunals' and New Zealand Boards' operations, their most important function was that of questioning individuals during appeal hearings. The attitudes that the members adopted on these occasions ultimately depended on how they perceived their role in the exemption system. Did they consider that their primary responsibility was to meet the demands of the military or did they seek to balance the army's needs against other factors?

The British historiography is divided over how the Tribunals approached this critical aspect of their work. However, the weight of opinion suggests that they prioritised the military's requirements, while also affording preferential treatment to certain appellants. Many studies have highlighted the fact that the Tribunal members were often the same individuals who had directed local recruiting efforts and who had also been tasked with obtaining as many soldiers as possible under the Derby Scheme.<sup>1</sup> Some historians contend that the members put these experiences behind them and determined cases judicially.<sup>2</sup> A more common

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<sup>1</sup> Rachel Barker, *Conscience, Government and War: Conscientious Objection in Great Britain, 1939-1945*, London: Routledge & Kegan Paul, 1982, p. 29; Lois S. Bibbings, *Telling Tales About Men: Conceptions of Conscientious Objectors to Military Service during the First World War*, Manchester: Manchester University Press, 2009, pp. 30-1; John W. Graham, *Conscription and Conscience: A History, 1916-1919*, London: George Allen & Unwin, 1922, p. 65; K.W. Mitchinson, *Saddleshaw, 1914-1919: The Experience of a Pennine Community during the Great War*, Saddleshaw: Saddleshaw Historical Society, 1995, p. 58; Caroline Moorehead, *Troublesome People: Enemies of War, 1916-1986*, London: Hamish Hamilton, 1987, p. 31; John Rae, *Conscience and Politics: The British Government and the Conscientious Objector to Military Service, 1916-1919*, London: Oxford University Press, 1970, pp. 61-2; Jo Vellacott, *Bertrand Russell and the Pacifists in the First World War*, New York: St. Martin's Press, 1981, p. 31; Trevor Wilson, *The Myriad Faces of War: Britain and the Great War, 1914-1918*, Cambridge: Polity Press, 1986, p. 398.

<sup>2</sup> Barker, *Conscience, Government and War*, p. 30; Adrian Gregory, 'Military Service Tribunals: Civil Society in Action, 1916-1918' in Jose Harris (ed.), *Civil Society in British History: Ideas, Identities, Institutions*, Oxford: Oxford University Press, 2003, p. 189; Keith Grieves, 'Mobilising Manpower: The Audenshaw Tribunal in the First World War', *Manchester Region History Review*, 3:2 (1989), pp. 24-7 and 'Military Tribunal Papers: The Case of Leek Local Tribunal in the First World War', *Archives: The Journal of the British Record Association*, 16:70 (1983), p. 150; Christine Housden, 'Researching Kingston's Military Tribunal', *Occasional Papers in Local History*, 2 (2004), p. 6; Mitchinson, *Saddleshaw*, pp. 63-4; Ivor Slocombe, 'Recruitment into the Armed Forces during the First World War: The Work of the Military Tribunals in Wiltshire', *The Local Historian*, 30:2 (2000), p. 123; Philip Spinks, "'The War Courts': The Stratford-upon-Avon Borough Tribunal, 1916-1918', *The Local Historian*, 32:4 (2000), p. 216.

assertion is that the Tribunal members often proved unable, or unwilling, to abandon a preconditioned 'army first' mindset.<sup>3</sup> In terms of favouritism, David Boulton, K.W. Mitchinson, Kenneth Morgan, and Cyril Pearce all maintain that the appeal bodies were more likely to grant exemption to upper- or middle-class men.<sup>4</sup> For Sascha Auerbach and David Bilton, partiality was frequently evident in the members' efforts to guarantee their own relief from military service, while several other historians have noted attempts to protect personal economic interests.<sup>5</sup> On the other hand, Ivor Slocombe claims that 'there is no evidence of anything but impartial decisions' amongst the Wiltshire Tribunals, and Philip Spinks finds that the Stratford-upon-Avon body performed its duties 'without fear or favour'.<sup>6</sup> James McDermott has advanced a different perspective on both of these issues. He contends that the approach of the Tribunals operating in Northamptonshire was simply too varied, and too dependent on local conditions, for any universally applicable conclusions to be reached.<sup>7</sup>

Disagreements are also evident in the New Zealand historiography, but again the dominant tendency has been to portray the Boards' attitudes in a negative light. Gwen Parsons asserts that the members were 'cautious and even sceptical' about the claims appellants made in support of their cases, an argument that is endorsed

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<sup>3</sup> Sascha Auerbach, 'Negotiating Nationalism: Jewish Conscription and Russian Repatriation in London's East End, 1916-1918', *Journal of British Studies*, 46:3 (2007), p. 603; Bibbings, *Telling Tales About Men*, pp. 30-1; D. Boulton, *Objection Overruled*, London: MacGibbon & Kee, 1967, p. 126; Peter Brock and Nigel Young, *Pacifism in the Twentieth Century*, Syracuse: Syracuse University Press, 1999, p. 43; Graham, *Conscription and Conscience*, p. 65; Moorhead, *Troublesome People*, p. 31; A.J. Peacock, *York in the Great War: 1914 to 1918*, York: York Settlement Trust, 1993, pp. 517-8; Rae, *Conscience and Politics*, pp. 61-3; Alan G.V. Simmonds, *Britain and World War One*, Abingdon: Routledge, 2012, p. 54; A.J.P. Taylor, *English History, 1914-1945*, Oxford: Clarendon Press, 1965, p. 54; Vellacott, *Bertrand Russell and the Pacifists*, p. 31; Wilson, *The Myriad Faces of War*, p. 398.

<sup>4</sup> Boulton, *Objection Overruled*, p. 124; Mitchinson, *Saddleworth*, pp. 61-2; Kenneth O. Morgan, 'Peace Movements in Wales, 1899-1945', *Welsh History Review*, 10:3 (1981), p. 413; Cyril Pearce, *Comrades in Conscience: The Story of an English Community's Opposition to the Great War*, London: Francis Boutle, 2001, pp. 161-2.

<sup>5</sup> Auerbach, 'Negotiating Nationalism', p. 603; David Bilton, *The Home Front in the Great War: Aspects of the Conflict, 1914-1918*, Barnsley: Leo Cooper, 2003, p. 61; Gillian Ashley-Smith, *Kington in the Great War, 1914-1921*, Studley: Brewin Books, 1998, p. 22; Gregory, 'Military Service Tribunals', pp. 188-9; Grieves, 'Military Tribunal Papers', p. 150; Pamela Horn, *Rural Life in England in the First World War*, Dublin: Gill and Macmillan, 1984, pp. 79-82.

<sup>6</sup> Slocombe, 'Recruitment into the Armed Forces', p. 122; Spinks, 'The War Courts', p. 212.

<sup>7</sup> James McDermott, *British Military Service Tribunals, 1916-1918: 'A Very Much Abused Body of Men'*, Manchester: Manchester University Press, 2011, pp. 156-77.

by Lisa James.<sup>8</sup> According to Ian McGibbon, the Boards 'tended to approach their task as defenders of conscription', with Paul Baker suggesting that they initially treated each appellant as 'a potential shirker'.<sup>9</sup> However, Baker does maintain that this 'intransigent' stance weakened as sittings continued, and Graham Hucker finds that the First Wellington body responded positively to men who demonstrated a willingness to serve.<sup>10</sup> The strongest defence of the Boards' procedures has been advanced by Keith Scott, who claims that they expressed sympathy over hardship cases and usually acted 'with considerable leniency'.<sup>11</sup> Unlike these relatively firm assertions, James Belich implies that regional variations in the Boards' attitudes make general statements too simplistic.<sup>12</sup> Comment on the degree of favouritism has been limited, but both Baker and Stevan Eldred-Grigg postulate that the appeal bodies tended to attach greater weight to the claims of wealthy men.<sup>13</sup>

A comparison between the East Central Division's Tribunals and New Zealand's Boards indicates that substantial discrepancies in the Tribunals' attitudes make it impossible to reach a strong conclusion as to whether they prioritised getting soldiers or sought to balance the army's needs with those of others. In contrast, the Boards were united in trying to achieve an equality of sacrifice. The reasons for these differing degrees of homogeneity appear to lie in the ambiguous instructions that the Tribunals received, their larger numbers and more diverse memberships, and the greater sensitivity of the British appeal bodies to local issues. The Division's Tribunals did adhere to some shared philosophies. They usually gave scant consideration to the claims of fit, single, and younger men, and strongly criticised appellants who they perceived as being unwilling to do their duty. Yet

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<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, p. 48; Lisa James, 'Doing Their Duty: The Impact of Conscription on Farming Families in New Zealand during the Great War', Research Essay in History, Victoria University of Wellington, 2006, pp. 31-8.

<sup>9</sup> Ian McGibbon, 'Conscription' in Ian McGibbon (ed.), *The Oxford Companion to New Zealand Military History*, Auckland: Oxford University Press, 2000, p. 118; Paul Baker, *King and Country Call: New Zealanders, Conscription and the Great War*, Auckland: Auckland University Press, 1988, p. 117.

<sup>10</sup> Baker, *King and Country Call*, p. 122; Graham Hucker, 'The Rural Home Front: A New Zealand Region and the Great War, 1914-1926', PhD Thesis in History, Massey University, 2006, pp. 172-3.

<sup>11</sup> Keith Douglas Scott, *Before ANZAC, Beyond Armistice: The Central Otago Soldiers of World War One and the Home They Left Behind*, Auckland: Activity Press, 2009, p. 215.

<sup>12</sup> James Belich, *Paradise Reforged: A History of the New Zealanders from the 1880s to the Year 2000*, Auckland: Penguin, 2001, p. 103.

<sup>13</sup> Baker, *King and Country Call*, pp. 123-4; Stevan Eldred-Grigg, *The Great Wrong War: New Zealand Society in WWI*, Auckland: Random House, 2010, p. 233.

beyond these basic similarities was a plethora of varying attitudes, both between and within the different bodies. Some members sat with the intention of enforcing military obligations in all but exceptional cases, while others either embraced the principle of judging each appeal on its merits, or actively worked to secure exemption in claims where they had a personal interest. Such inconsistency stemmed in large part from the mass of equivocal directions sent to the Tribunals, which exacerbated the inevitable differences between over sixty dissimilar and locally conscious bodies.

The situation regarding the Boards was largely the opposite. Though they never achieved complete standardisation, their attitudes were much more closely aligned than those of the Tribunals. The guiding aim for all of the Board members was to achieve an equality of sacrifice. They were convinced that every man had a duty to serve unless he put forward persuasive grounds for exemption, but also recognised that some reservists could not or should not be sent to the front. This relatively synchronised approach was facilitated by clearer instructions, by the fact there were only nine active Boards, and by the members' belief that uniformity and a national outlook were of primary importance.

The East Central Division's Tribunal members demonstrated a virtually unanimous resistance to exempting certain types of appellant. They believed that men should join the army in a prescribed order, with an individual's position on the hierarchy being partly determined by his domestic responsibilities and capacity to serve. It was on this basis that appeals concerning single eligibles were frequently subjected to criticism. During the claim of a work's chemist at New Mill, Councillor Roebuck questioned why the Tribunal was being asked to exempt an unmarried individual on the grounds that he was indispensable when there were numerous men with families scheduled for hearing.<sup>14</sup> Using analogous logic, the Goole Urban body informed the employer of a single carter that such men 'were wanted in the Army' and that he would simply have to do his best to find a replacement.<sup>15</sup> Disapproval was also expressed when the appellant was of a young age. For

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<sup>14</sup> *Holmfirth Express (HE)*, 16 September 1916, p. 5.

<sup>15</sup> *Goole Times (GT)*, 4 August 1916, p. 4.

suggesting that one such individual was worthy of exemption, a solicitor before the Barnsley Borough Tribunal was reminded that 'if the young ones do not go we shall have to take those between 40 and 45'.<sup>16</sup> At Spenborough, a director's plea that his firm had not appealed for anyone prior to their leather workman was also rejected, with the Chairman stating that the Tribunal had no intention of relieving men who were only 27.<sup>17</sup> A third factor that tended to provoke ire was that a man had been placed in medical Category A: suitable for 'general service'. Upon a firm requesting that one of their employees should be given time to sit for an exam, the Chairman of the Pontefract Borough Tribunal heatedly replied that they had sent barely suitable forty-year-olds to the front and could not be expected to exempt those who were in perfect fighting condition.<sup>18</sup> The same sentiment was voiced by the Spenborough body, which told a painter's employer that 'the first thing we have got to do is to get fit A men for the Army'.<sup>19</sup>

Whatever an appellant's status or classification, the Tribunal members showed little sympathy for men from families that were not represented at the front. In these instances, it was invariably argued that the household had not only neglected its responsibilities previously, but that the decision to appeal revealed a continued willingness to let others fight on their behalf. When Mr Arrand appeared before the Hemsworth Rural Tribunal to plead for his 20-year-old son, his case quickly foundered once he admitted that his other four boys were all still at home. Councillor Burns stated that it was a 'positive waste of time discussing the matter further', Councillor Beach scathingly remarked that 'You have five sons, and not one serving the country', while Mr Jagger enquired how they might go about getting their hands on the sons who were still at large.<sup>20</sup> Similarly, after several cases of untouched households had come to the attention of the New Mill body, Councillor Gill vehemently insisted that 'every family with sons of military age ought to be represented in the forces'.<sup>21</sup>

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<sup>16</sup> *Barnsley Chronicle (BC)*, 30 September 1916, p. 2.

<sup>17</sup> *Cleckheaton & Spenborough Guardian (CSG)*, 24 November 1916, p. 6.

<sup>18</sup> *Pontefract and Castleford Express (PCE)*, 4 May 1917, p. 5.

<sup>19</sup> *CSG*, 9 March 1917, p. 3.

<sup>20</sup> *PCE*, 16 June 1916, p. 3.

<sup>21</sup> *HE*, 13 January 1917, p. 6.

In dealing with employers, the Division's appeal bodies were constantly vigilant for any reluctance to supply soldiers. When a tailor suggested that the Barnsley Borough Tribunal should allow him some additional time to make arrangements for the loss of his cutter, the Chairman replied 'The war has been on nearly two years. You have already had time.'<sup>22</sup> Likewise, the Spenborough body habitually dismissed appeals from firms that had not offered their staff any incentives to enlist, with the Chairman stating that such enticements were the only 'absolute proof that they were doing all they could to stimulate recruiting'.<sup>23</sup> The Tribunals further expected employers to actively seek out overage, unfit, or female substitutes for their staff. When a firm of flock and horse clothing manufacturers appealed for Edgar Munns, they were informed that the Batley Tribunal had 'no sympathy' with companies that had not taken any steps to replace eligible employees.<sup>24</sup> Perceived reluctance also led to the refusal of a painter's appeal at Golcar, once he admitted that he had failed to look for a medically rejected man to take over from his sign-writer, whereas a Barnsley firm of glass bottle manufacturers were relieved of their bookkeeper after the manager stated that he had 'no convenience for women'.<sup>25</sup> Lest any employer think to only make a token search for replacement labour, the Tribunal members were careful to investigate exactly what measures had been adopted.<sup>26</sup> To bolster his claim for a carter, a Co-operative Society director told the Linthwaite body that he had made repeated attempts to secure a man through advertising. However, this argument came to nothing after it was revealed that the wages offered had been set too low to attract potential applicants.<sup>27</sup>

Even more displeasing to the appeal bodies were those individuals who deliberately exaggerated their circumstances. A market gardener appearing before the Honley Tribunal initially gained some sympathy by explaining that he had a

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<sup>22</sup> *BC*, 17 June 1916, p. 1.

<sup>23</sup> *CSG*, 3 March 1916, p. 2.

<sup>24</sup> *Batley News (BN)*, 28 October 1916, p. 1.

<sup>25</sup> *Huddersfield Examiner (HEX)*, 22 March 1916, p. 2; *BC*, 4 March 1916, p. 8.

<sup>26</sup> One advertising agency sought to capitalise on this fact by positing the following entreaty in local newspapers: 'HAVE YOU ADVERTISED? What the Tribunals wish to know. The members of the Local Tribunals are giving applicants for exemption clearly to understand that they expect every possible effort to be made to fill the places of men liable for military service ... To convince the Tribunal you must advertise' (*BN*, 22 April 1916, p. 5).

<sup>27</sup> *HEX*, 1 March 1916, p. 2.

widowed mother to support. However, this favourable atmosphere evaporated as soon as the members discovered that the man had an active sister living at home.<sup>28</sup> Similarly chastised was a Slaithwaite appellant who claimed that he made only 26s a week with which to support his blind father. After a consultation with the employer had disclosed that the actual wage was 46s a week, the Chairman sharply remarked that the Tribunal 'wouldn't stand deliberate lying'.<sup>29</sup> Sometimes the appeal bodies decided to make an example of those who attempted to deceive them. When the case of Alfred Byram was heard at Batley, he claimed to be providing shoes for over 50 horses and to be averaging 20 jobs completed per week. Unconvinced, and with dissenting police evidence to hand, the Tribunal members demanded to see Byram's workbook. Satisfied that several of the entries therein were fraudulent, the Tribunal dismissed the appeal and referred the matter to the military authorities for further action.<sup>30</sup>

Nevertheless, these few similarities in the Tribunals' attitudes were overshadowed by a much greater degree of discrepancy. Indeed, the Division's members were profoundly divided over the fundamental purpose of their work. When one Spenborough employer argued that he could not run his scribbling machines without fettlers, the Chairman retorted that his body's 'first duty' was to the forces.<sup>31</sup> Elsewhere, Mrs Tinker of the New Mill Tribunal told a head teacher that 'We must send all the men we can', and a Mirfield member justified his opposition to the case of a yarn warehouseman by proclaiming that the Tribunal had its 'duty to do' in securing recruits.<sup>32</sup> If such language prioritised the needs of the army, that voiced at other Tribunals demonstrated a more nuanced outlook. Speaking of their 'two-fold object', Councillor Saxton of the Barnsley Rural body argued that although the members had to keep the military firmly in mind, they should always be prepared to accept 'a clear and honest case for exemption'.<sup>33</sup> Equally, Councillor Simmonds described the Holmfirth Tribunal as a 'sort of escape valve' where military imperatives were weighed up against the circumstances of each appellant,

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<sup>28</sup> *Ibid.*, 2 March 1916, p. 2.

<sup>29</sup> *Ibid.*, 26 June 1918, p. 2.

<sup>30</sup> *BN*, 9 December 1916, p. 5.

<sup>31</sup> *CSG*, 14 April 1916, p. 5.

<sup>32</sup> *HE*, 11 March 1916, p. 2; *BN*, 5 May 1917, p. 5.

<sup>33</sup> *BC*, 8 April 1916, p. 1.

and the Birstall members jointly asserted that they were 'desirous of securing all the men available', but would always grant individuals a 'fair chance' to prove their claims.<sup>34</sup>

The Division's Tribunals also differed markedly in their approach to certain types of appeal. On assessing hardship cases, some members consistently focused on objective calculations of domestic or financial difficulty, rather than on more intangible factors like loss or suffering. When a man supporting a widowed mother and frail sister appeared before the Birstall Tribunal, his claim was refused on the grounds that an army separation allowance would bring in more money than his current wages.<sup>35</sup> Using the same rationale, the Barnsley Borough Tribunal turned down Joseph Smeaton despite the fact that his father's chronic bronchitis had left him as the sole provider for a mother and three younger siblings.<sup>36</sup> This determination to resist 'sentiment' could even be applied to families who possessed a strong record of service. In presenting an appeal at Batley, Thomas Ramsden's mother explained that she already had four sons serving in the army. Although the Tribunal acknowledged that the family had 'done very well', it ultimately concluded that the degree of financial strain was insufficient to justify exemption.<sup>37</sup>

In contrast to these rather inflexible standards, other appeal bodies demonstrated a concern to prevent excessive hardship. Appearing before the Huddersfield Tribunal in October 1917, a butcher was awarded exemption on the grounds that his mother suffered from mental troubles and would probably be sent to an asylum without his constant care.<sup>38</sup> Two months later, the Wakefield body was deeply moved by the appeal of a joiner's apprentice, the son of a widow who had already lost two sons in action, had another who was missing, and a fourth who

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<sup>34</sup> *HE*, 18 March 1916, p. 8; Gray to Richmond, 2 August 1916, Birstall Urban District Council – Local Tribunal Files, RD 21/6/2, Kirklees Archives (KA); See also *Wakefield Express (WE)*, 21 October 1916, p. 3; As Chairman of the Preston Tribunal in Lancashire, Harry Cartmell stated that both he and his colleagues had viewed their task as being to 'hold the balance between the claims of the Army on the one hand, and of important business undertakings on the other' (H. Cartmell, *For Remembrance: An Account of Some Fateful Years*, Preston: George Toulmin & Sons, 1919, p. 69).

<sup>35</sup> *BN*, 26 February 1916, p. 5.

<sup>36</sup> *BC*, 27 January 1917, p. 8.

<sup>37</sup> *BN*, 2 February 1918, p. 2.

<sup>38</sup> *HEx*, 1 October 1917, p. 4.

was suffering from gas poisoning. In granting conditional exemption, the Chairman said that they were 'bound to let their feelings have a little play' given the 'appalling circumstances'.<sup>39</sup> A reprieve was also afforded to a family that boasted one of the finest service records in the Division. Appearing before the Goole Rural body, Mrs Cowling divulged that she already had six sons in the firing line, with another currently on his way from Canada. Delighted with this fulsome evidence of sacrifice, the Chairman immediately granted conditional exemption to her son Frank, and announced that 'Mrs. Cowling has done her share' to a resounding chorus of 'hear, hear'.<sup>40</sup>

A further disparity in attitudes is evident over cases based on alleged business or industrial dislocation. Here some members seemed determined to obtain the maximum number of soldiers no matter how great the resulting interference promised to be. The Chairman of the Wakefield Tribunal, in dismissing an appeal from a window-cleaning firm, remarked that 'we must go with our windows dirty if necessary. We have got to beat the Germans.'<sup>41</sup> Likewise, Mr Dennison warned New Mill appellants that 'if you think more about your business than about your country then the war will have to drag on'.<sup>42</sup> Even the prospective closure of an enterprise could be deemed insufficient to warrant exemption, with the Batley Tribunal refusing the claim of a theatre owner on the basis that 'Tens of thousands' of more important concerns had already been shut down.<sup>43</sup> Some employers' claims were also given short shrift. In March 1916, the Holmfirth Tribunal conducted a detailed investigation into the requirements of several local textile mills. Although the results suggested that production would decline if more men were taken, the members still opted to refuse a number of appeals on the grounds of the army's desperate need for soldiers.<sup>44</sup> A year later, the Stanley Tribunal countered a colliery owner's plea of having already released 440 employees by

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<sup>39</sup> *WE*, 1 December 1917, p. 7.

<sup>40</sup> *GT*, 30 March 1917, p. 2.

<sup>41</sup> *WE*, 30 June 1917, p. 6.

<sup>42</sup> *HE*, 13 January 1917, p. 6.

<sup>43</sup> *BN*, 28 April 1917, p. 3.

<sup>44</sup> *HE*, 25 March 1916, p. 8.

maintaining that having sent even 4,040 would not absolve him from providing more given the situation in France.<sup>45</sup>

Nonetheless, other Tribunals proved far more amenable to strong cases made on business grounds. The Featherstone body exempted Eric Cooper, the manager of two fruit shops, who pleaded that both of his former assistants, a brother and a brother-in-law, were serving at the front.<sup>46</sup> Similarly, the Goole Urban body awarded a six-month exemption to G.H. Thompson, ironmonger, arguing that it would be 'a serious matter' to close down his 'well-established' business.<sup>47</sup> Cases from industry could also be favourably received. The Shepley body granted all the appeals made by a quarry manager who outlined the importance of his operation to the local economy, while substantial praise, and a conditional exemption, was afforded to a contractor claiming for his son, who informed the Normanton Tribunal that three of his other boys, and 35 out of his 86 workers, had already joined the forces.<sup>48</sup>

Appeals based on medical grounds were another point of inconsistency. The fifth exemption criteria, that of 'ill-health or infirmity', was intended to cover dissatisfaction with the examinations conducted on all prospective recruits.<sup>49</sup> Throughout 1916, vast quantities of evidence were brought forward to indicate that the Army Medical Boards were both passing men who should have been totally rejected and classifying men with obvious ailments as being fit for general service.<sup>50</sup> There is no doubt that the Tribunals were aware of this criticism. In September, the Government appointed a Central Medical Board to adjudicate on cases where civilian doctors contradicted the army examiners' findings.<sup>51</sup> Moreover, the appeal bodies were confronted by an ever-increasing number of appellants who claimed that inadequate assessments had led to their being wrongly evaluated. Despite this growing indication of poor practice, several of the

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<sup>45</sup> *WE*, 17 March 1917, p. 3.

<sup>46</sup> *PCE*, 19 April 1916, p. 3.

<sup>47</sup> *GT*, 5 July 1918, p. 5.

<sup>48</sup> *HEX*, 27 June 1917, p. 4; *WE*, 13 May 1916, p. 7.

<sup>49</sup> UK, Military Service Act, 1916, Section 2(1)(c).

<sup>50</sup> Keith Grieves, 'Total War? The Quest for a British Manpower Policy, 1917-18', *Journal of Strategic Studies*, 9:1 (1986), p. 82.

<sup>51</sup> McDermott, *British Military Service Tribunals*, p. 185.

Division's Tribunals persistently opposed all medically based claims. In September 1916, members of the Wakefield Borough Tribunal admitted that some men who had been passed fit would likely break down at the front, but still refused to question the decisions of the army doctors.<sup>52</sup> The following month, the Batley Tribunal tersely rejected the claim of John Hepworth who was using crutches for his hip disease and had a crushed ankle, while the Mirfield Chairman cut short a money-lender's claim of unfitness by stating 'That is not for us, but for the Medical Board to say.'<sup>53</sup> Although such outright rejections declined after May 1917, when evidence surfaced of inadequate re-examinations being carried out under the Military Service (Review of Exceptions) Act, several Tribunals still hesitated to grant exemption on medical grounds.<sup>54</sup>

In sharp contrast to this recalcitrance, other bodies quickly moved to safeguard the appellants' interests. As early as March 1916, the Huddersfield Tribunal granted absolute exemption to a warehouseman who submitted a private doctor's certificate stating that he suffered from chronic dyspepsia and fits.<sup>55</sup> A month later, the same body lodged a formal protest after hearing from a man whose examination by the Halifax Medical Board had lasted only two minutes.<sup>56</sup> This loss of faith was not an isolated incident. By the end of 1916, many of the Division's Tribunals were referring all doubtful cases for re-examination, while the Pontefract Urban body had begun indefinitely adjourning every appeal where a man had not been properly assessed the second time around.<sup>57</sup> In November 1917, the Government finally reallocated the responsibility for conducting medical evaluations to civilian medical boards under the Ministry of National Service.<sup>58</sup>

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<sup>52</sup> *WE*, 16 September 1916, p. 7.

<sup>53</sup> *BN*, 14 October 1916, p. 5 and 14 October 1916, p. 7.

<sup>54</sup> Keith Grieves, *The Politics of Manpower, 1914-18*, Manchester: Manchester University Press, 1988, pp. 131-2; J.M. Winter, *The Great War and the British People*, Cambridge: Harvard University Press, 1986, pp. 51-3; *BN*, 19 May 1917, p. 4 and 28 July 1917, p. 5.

<sup>55</sup> *HEX*, 20 March 1916, p. 4.

<sup>56</sup> Huddersfield Local Tribunal Minutes, 27 March 1916, KMT 18/12/2/52/1, KA; *HEX*, 27 March 1916, p. 4.

<sup>57</sup> *WE*, 2 September 1916, p. 8 and 9 September 1916, p. 7; *CSG*, 6 October 1916, p. 7 and 1 December 1916, p. 8; *BN*, 24 March 1917, p. 3; *PCE*, 20 April 1917, p. 1.

<sup>58</sup> Local Government Board (LGB) Circular R. 155: 'Medical Re-Examination of Men for the Army', 3 November 1917, MH 47/142, the National Archives (TNA); Parliamentary Papers Cd. 9157: *Forty-Seventh Annual Report of the Local Government Board, 1917-1918*, London: HMSO, 1918, p. 49, the British Library (TBL); Parliamentary Papers Cd. 9005: *The War Cabinet: Report for the Year 1917*, London: HMSO, 1918, pp. 87-8, TBL.

While those Tribunals that had adopted a pro-active stance certainly appreciated the resulting improvement in standards, they were still willing to challenge any further instances of poor practice.<sup>59</sup>

One of the most divisive issues amongst the Division's Tribunals was whether to impose military obligations on exempted men. Established at the war's outbreak to resist a German invasion, the Volunteer Training Corps (VTC) was destined to play a significant role in the conscription mechanism.<sup>60</sup> By making membership of their local branch a condition of any period of exemption, the Tribunals could ensure that eligibles would have already completed part of their military training prior to any subsequent drafting into the forces.<sup>61</sup> This stipulation was applied in the months following April 1916 by several of the Division's appeal bodies.<sup>62</sup> At Linthwaite, it was held that undertaking drills would allow men to 'remain at their work and at the same time be training for the army'.<sup>63</sup> Rather less generously, one member of the Knottingley Tribunal described the condition as a way of forcing young singles who were 'shirking behind their occupation' to commence military service.<sup>64</sup> After January 1917, the VTC was re-organised into several sections. The most important for the Tribunals was Section B, whose members were required to serve for the remainder of the war and attend a prescribed number of drills each month. If an exempted man did not join Section B, he was only obligated to perform drills as stated by his appeal body.<sup>65</sup> Some of the Division's Tribunals immediately took advantage of this new provision. The Ossett body began requiring virtually all exempted men to join Section B, while the Horbury Tribunal

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<sup>59</sup> *HEX*, 6 May 1918, p. 4; *WE*, 1 June 1918, p. 2; *CSG*, 21 June 1918, p. 2; *Worker (W)*, 22 June 1918, p. 3.

<sup>60</sup> For detailed histories of the Volunteer Training Corps see K.W. Mitchinson, *Defending Albion: Britain's Home Army, 1908-1919*, Basingstoke: Palgrave Macmillan, 2005; John Morton Osborne, 'Defining Their Own Patriotism: British Volunteer Training Corps in the First World War', *Journal of Contemporary History*, 23:59 (1988), pp. 59-75.

<sup>61</sup> Parliamentary Papers Cd. 9157, p. 51, TBL.

<sup>62</sup> *BN*, 22 April 1916, p. 1; *Ossett Observer (OO)*, 13 May 1916, p. 5; *WE*, 3 June 1916, p. 3; *HEX*, 14 June 1916, p. 4; *PCE*, 30 June 1916, p. 1; *BC*, 8 July 1916, p. 1; *CSG*, 28 July 1916, p. 3; The Leeds Tribunal (Northern Division of the West Riding) began applying the VTC condition in May 1916 (Minutes of the Local Tribunal for Leeds City, 29 May 1916, LC/TC, Leeds Archives).

<sup>63</sup> *HEX*, 14 July 1916, p. 2.

<sup>64</sup> *PCE*, 14 July 1916, p. 3.

<sup>65</sup> Ian F.W. Beckett, *The Amateur Military Tradition, 1558-1945*, Manchester: Manchester University Press, 1991, p. 239; Mitchinson, *Defending Albion*, pp. 150-1.

imposed the condition on those who had been medically classed A, B1, or C1.<sup>66</sup> In March 1917, the Slaithwaite Tribunal became the first in the Division to withdraw an exemption certificate on the grounds that a man had failed to attend the stipulated number of drills.<sup>67</sup>

However, these wide-ranging procedures were not adopted everywhere. The two Goole Tribunals did not employ any version of the VTC condition until February 1917 and the Birstall members were still holding out that September.<sup>68</sup> In addition, the Wakefield body strongly rebuked their Military Representative for merely advising appellants to join Section B, while the Dewsbury Tribunal temporarily cut all ties with the local Corps after learning that some of its officers had browbeaten eligibles into signing a form that bound them to serve for the duration.<sup>69</sup> A more common approach was to impose obligations in a selective manner. Numerous bodies automatically absolved men who were over a certain age, who were working long hours, or who would have to travel large distances.<sup>70</sup> Conversely, other bodies applied the VTC condition in most instances, but were quite willing to relax it if the appellant could prove that it was too much of a burden.<sup>71</sup>

Substantial disparities are also evident over matters relating to the impartiality of the Division's Tribunals. One particularly sensitive issue was whether appeal hearings should be conducted behind closed doors or if the press and the public should be allowed to attend. Privacy was very much the norm during the Derby Scheme, but a whole plethora of approaches emerged once the Tribunals were re-

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<sup>66</sup> *OO*, 21 April 1917, p. 3; *WE*, 21 July 1917, p. 5.

<sup>67</sup> *HEx*, 8 March 1917, p. 3; See also *BN*, 21 July 1917, p. 7 and 1 September 1917, p. 2; *OO*, 24 November 1917, p. 8.

<sup>68</sup> *GT*, 23 February 1917, p. 5; *OO*, 15 September 1917, p. 5; When asked to begin imposing the condition by their local VTC commandant in July 1916, the Halifax Tribunal (West Central Division of the West Riding) refused to make membership compulsory, but instead had a notice displayed in their chamber stating that: 'The Local Tribunal hope all men who receive exemption certificates will, where possible, join the Local Volunteer Training Corps'. Upon the issue being broached again that September, the members still declined to impose mandatory training, but did agree to enclose the above notice with all certificates of exemption. Only in January 1917 did the Halifax body begin stipulating VTC membership as a requirement (Halifax Local Tribunal Minutes, 15 June 1916, 7 September 1916 and 9 January 1917, CMT 1/2/2/19/1-2, Calderdale Archives (CA)).

<sup>69</sup> *WE* 27 January 1917, p. 8; *BN*, 14 July 1917, p. 1 and 18 August 1917, p. 1.

<sup>70</sup> *GT*, 2 February 1917, p. 4; *OO*, 24 November 1917, p. 3; *PCE*, 2 November 1917, p. 1; *HEx*, 29 August 1918, p. 3.

<sup>71</sup> *GT*, 2 March 1917, p. 6; Huddersfield Local Tribunal Minutes, 17 August 1916, KMT 18/12/2/52/1, KA; *OO*, 15 September 1917, p. 5; *PCE*, 2 November 1917, p. 1.

constituted to hear cases arising from the Military Service Act. The guidelines accompanying this legislation stated that 'All applications to the Local Tribunal shall be heard in public', unless the appeal body decided that the interests of the parties in any particular case required otherwise.<sup>72</sup> Most of the Division's Tribunals immediately decided to permit onlookers to hear claims except where sensitive personal or business information was likely to be disclosed. Indeed, the Chairman of the Meltham body specifically stated that 'cases were to be heard in public, and subject to certain reservations it would be all right for the public to attend'.<sup>73</sup> Yet this was not the practice everywhere. At Honley and the two Pontefract Tribunals, the members left it open for any appellant to request a private sitting.<sup>74</sup> Even more extreme was the policy adopted by the Castleford, Goole Urban, and Wombwell bodies, which resolved to exclude entirely outsiders from their early meetings.<sup>75</sup> Most of these Tribunals reverted to holding public hearings after only a few months, but the South Crosland Tribunalists continued to insist that journalists should not identify which of them had asked particular questions.<sup>76</sup> Moreover, the Goole Urban body was still probing every appellant on their desire to be heard *in camera* as late as June 1916, despite a series of objections made by the *Goole Times* and the Military Representative over such 'hole and corner proceedings'.<sup>77</sup>

A lack of uniformity also existed over the potential encroachment of class bias into the Tribunals' deliberations. With most of their members being drawn from the middle classes, there were numerous contemporary claims that the appeal bodies favoured cases lodged by men of a high social standing. One delegate to the Huddersfield Trades and Labour Council remarked that 'The tribunals were packed by middle-class men, who looked after middle-class interests', while a New Mill appellant reacted to the dismissal of his appeal by exclaiming 'If I had been a man of money you would have given me three months, perhaps six months'.<sup>78</sup>

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<sup>72</sup> 'The Military Service (Regulations) Order, 1916', 3 February 1916, MH 47/142, TNA.

<sup>73</sup> *HE*, 26 February 1916, p. 8.

<sup>74</sup> *W*, 4 March 1916, p. 6; *PCE*, 3 March 1916, p. 6 and 31 March 1916, p. 3.

<sup>75</sup> *PCE*, 10 March 1916, p. 6; *GT*, 25 February 1916; *Barnsley Independent*, 4 March 1916, p. 8.

<sup>76</sup> *W*, 11 March 1916, p. 5.

<sup>77</sup> *GT*, 25 February 1916, p. 5, 17 March 1916, p. 4 and 2 June 1916, p. 2.

<sup>78</sup> *W*, 25 March 1916, p. 5; *HE*, 21 October 1916, p. 6.

Certainly there is evidence to support these accusations in the proceedings of some of the Division's Tribunals. In December 1916, William Bruce, the owner of a blind-making business, asked the Batley Tribunal for a temporary exemption. Stating that his enterprise would come to a standstill if he were taken, Bruce asserted that this would put 100 men out of work and prevent completion of the many orders that his firm had received. Initially the Chairman seemed poised to dismiss the case. He noted that Bruce was only 28-years-old and had made no effort to sell up, both factors that had ruined the chances of many previous appellants. However, after further consideration, the appeal body determined that a three-month exemption should be granted on the grounds that the business was 'an extensive one'.<sup>79</sup> Another instance of seemingly inequitable treatment occurred at Wakefield. Here the National Service Representative applied to review the certificate held by the director of a local textile mill, who was 36 and classed fit for general service. For unstated reasons the case was dealt with in private, with the result that the man's exemption was renewed. This decision contrasts strikingly with that in the next claim heard, the review of a 33-year-old woollen warehouseman classed B1, who, despite being described as 'absolutely indispensable', had his exemption cancelled.<sup>80</sup>

On the other hand, many of the Division's Tribunals appear to have actively resisted the lure of class sentiment. One of the few aristocratic appellants to lodge a claim was Cassandra, Countess of Rosse, who appealed for several members of her household staff to the Pontefract Rural body. Although her testimony was enough to secure three men conditional exemptions, the Tribunal did decide to send another two into the army.<sup>81</sup> Similarly treated was Charles Edward Fox, the 27-year-old son of George Fox J.P., a former Mayor of Dewsbury and the head of an architectural and surveying firm. This case had previously resulted in a conditional exemption, awarded so that the Military Representative would have time to find a suitable substitute. However, Lieutenant Strachan now informed the Tribunal that he had sent five possible candidates to the firm, only for Fox senior to reject them

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<sup>79</sup> *BN*, 23 December 1916, p. 5.

<sup>80</sup> *WE*, 5 January 1918, p. 7.

<sup>81</sup> *PCE*, 16 June 1916, p. 1, 4 August 1916, p. 3 and 2 February 1917, p. 2.

all as unqualified. Regarding this as unwarranted obstruction, the appeal body chose to cancel his son's exemption forthwith.<sup>82</sup>

There was no unanimous response either as to how the appeal bodies should deal with claims made by their own members or their families. The regulations regarding the latter stated that Tribunalists should always withdraw from cases in which they were 'personally interested'.<sup>83</sup> Yet this procedure was not carried out everywhere. In October 1916, the Goole Urban Tribunal, after reviewing a number of certificates, informed the watching newspaper reporters that their sitting was concluded. However, after the room had been cleared, the members remained behind to hear one last case in private, that of F.W. Porter, a 32-year-old timber importer's foreman. After a lengthy discussion, Porter was awarded conditional exemption on the grounds that he was doing skilled work and was the only experienced employee left in the firm. Given that he was unmarried and had been passed for general service, these secretive proceedings make it difficult to look past the fact that Porter was also the son of one of the appeal body's members.<sup>84</sup> The hearings of Tribunalists themselves proved even more problematic. Although Long had advised the Local Registration Authorities not to appoint men of military age, some councils promptly ignored this guidance, while other members became eligible after being medically re-classified or due to the raising of the military age in 1918.<sup>85</sup> At Ossett, Alderman Wilson was repeatedly supported in his re-election as Mayor by the other councillors on the appeal body, despite having taken up the position at the age of 40.<sup>86</sup> When he finally resigned from the Tribunal and claimed exemption in June 1918, Wilson was not only granted a six-month certificate, but also excused from joining the VTC and told that his relief was conditional on him standing for Mayor again that November.<sup>87</sup>

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<sup>82</sup> *BN*, 8 September 1917, p. 4; See also *BN*, 6 May 1916, p. 8; *BC*, 3 June 1916, p. 1; *CSG*, 7 July 1916, p. 2; *HEx*, 14 July 1916, p. 2; *PCE*, 29 September 1916, p. 2.

<sup>83</sup> 'The Military Service (Regulations) Order, 1916', 3 February 1916, MH 47/142, TNA.

<sup>84</sup> *GT*, 6 October 1916, p. 6.

<sup>85</sup> LGB Circular R. 36: 'Circular Relating to the Constitution, Functions and Procedure of Local Tribunals', 3 February 1916, MH 47/142, TNA.

<sup>86</sup> *OO*, 11 November 1916, p. 3 and 10 November 1917, p. 8.

<sup>87</sup> *Ibid.*, 15 June 1918, p. 3.

In contrast to these somewhat dubious practices, other Tribunals endeavoured to uphold strict standards of impartiality. At Batley, Alderman Blackburn recused himself while several cases from his firm were heard, and raised no objection when the appeal body ordered his son Fred to the front.<sup>88</sup> Likewise, Councillor Banks retired from a sitting of the Castleford Tribunal to watch his son George be told that he must join the Army Ordnance Corps.<sup>89</sup> While there are seemingly no instances of a Tribunalist having his appeal dismissed, several members did step down on principle once they had been re-classified as fit or had come within the new military age.<sup>90</sup>

Another question of impartiality that did not receive consistent treatment was whether Tribunalists should rule on appeals concerning their own employees. Again some bodies ignored the regulations, particularly when claims for local council personnel were being dealt with.<sup>91</sup> In August 1917, the Spenborough Tribunal granted conditional exemption to the corporation's accountant, with all of the councillors on the appeal body taking part in the vote.<sup>92</sup> Likewise, a scavenging foreman was afforded relief at Whitwood after the Tribunal Chairman had pledged himself 'on behalf of the Council' to try and find a replacement.<sup>93</sup> The regulations were also disregarded for other employees. When the Normanton body came to review the certificates held by five members of the local Butchers' Association, a unanimous vote decided that Councillor Butler, who was the president of that Association, 'should not vacate the Chair in the hearing of these cases'.<sup>94</sup>

Nonetheless, some of the Division's Tribunals acted with scrupulous fairness. At various times during its operations, the Barnsley Borough Tribunal heard appeals

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<sup>88</sup> *BN*, 23 June 1917, p. 4.

<sup>89</sup> *PCE*, 2 November 1917, p. 2.

<sup>90</sup> *CSG*, 2 June 1916, p. 3; *Colne Valley Guardian*, 10 May 1918, p. 4; *PCE*, 17 May 1918, p. 2; *W*, 18 May 1918, p. 3; *GT*, 14 June 1918, p. 5.

<sup>91</sup> 'The Military Service (Regulations) Order, 1916', 3 February 1916, MH 47/142, TNA.

<sup>92</sup> *CSG*, 17 August 1917, p. 6.

<sup>93</sup> *PCE*, 9 August 1918, p. 3; See also *BC*, 8 July 1916, p. 1; *GT*, 6 October 1916, p. 6; *PCE*, 1 December 1916, p. 2; *OO*, 28 July 1917, p. 5; When a Military Representative pointed out that the Central Tribunal had ruled councillors should not vote in the claims of their own employees, the Chairman of the Featherstone appeal body asserted that the 'members had been appointed by the Government to sit on the Tribunal, and had had no intimation they were not to sit in such cases, and so long as he was a member, he should continue to adjudicate' (*PCE*, 20 July 1917, p. 3).

<sup>94</sup> *WE*, 10 August 1918, p. 3; Underlining in original.

from employees of both the Worsborough and Hoyland Nether local authorities, after the councillors sitting on the appeal bodies operating in those districts had decided that they could not, in good conscience, judge the claims of their own staff.<sup>95</sup> Elsewhere, when the Slaithwaite and South Crosland Tribunals found that they would have insufficient numbers to form a quorum if all the councillors recused themselves, it was decided to solve the matter by asking for additional members to be appointed.<sup>96</sup> Outside of purely council interests, Alderman Holton always retired at Birstall when cases from his firm were being considered, with the same procedure being followed by members of the Knottingley, New Mill, and Ossett bodies.<sup>97</sup>

Differences in outlook not only occurred between the different Tribunals, but also between the members of individual bodies. This situation most commonly arose from a Tribunal's labour personnel taking a stand for exemption. At Huddersfield, Mr Pickles, National Secretary of the Painters' Union, and Councillor Taylor, Secretary of the Postmen's Federation, often cast votes supporting the relief of men whom the majority of their colleagues wished to send into the army, and Councillor Brook, a member of the Independent Labour Party, walked out of a meeting of the New Mill Tribunal when it decided to make VTC membership obligatory.<sup>98</sup> Nonetheless, it was also common for working-class members to be at the forefront of demands to send more men to the army, while the fault-lines within other appeal bodies' did not reflect political allegiances. In January 1917, Chairman McCann criticised his Dewsbury colleagues' apparent predilection towards leniency by arguing that 'Our business is to get men into the Army'. This rationale was swiftly rejected by a second non-Labour member, who maintained that their primary responsibility was actually 'to hold the balance' between the appellants and the military.<sup>99</sup> At Heckmondwike, Councillor Clarke and Mr Atkin resisted the exemption of 40 textile mill employees by arguing that the Tribunal

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<sup>95</sup> *BC*, 17 June 1916, p. 1, 27 January 1917, p. 8 and 29 June 1918, p. 1.

<sup>96</sup> *W*, 7 October 1916, p. 3; South Crosland Urban District Council Minutes, 2 October 1916, KMT 38, KA.

<sup>97</sup> *BN*, 24 March 1917, p. 3; *PCE*, 2 June 1916, p. 3; *HE*, 1 July 1916, p. 6; *OO*, 11 March 1916, p. 5.

<sup>98</sup> *W*, 23 June 1917, p. 2, 7 July 1917, p. 3, 3 November 1917, p. 3 and 2 February 1918, p. 3; *HE*, 16 February 1916, p. 6; *HEx*, 21 July 1917, p. 4; Pearce, *Comrades in Conscience*, p. 300.

<sup>99</sup> *BN*, 6 January 1917, p. 6.

had 'as much interest in getting men as the military representative', but were opposed by the Chairman on the basis that the appeal body had been established 'as a safeguard' to the appellants' interests.<sup>100</sup> Regarding specific cases, Councillor Jagger, a factory manager on the Honley Tribunal, consistently found himself in the minority when he voted for the exemption of widows' only sons, and Councillor Armitage, a Conservative chartered accountant, strongly contradicted the Huddersfield Chairman by arguing for the relief of an appellant whose care was the only thing keeping his mother from the workhouse.<sup>101</sup> From the opposite perspective, one Hemsworth Rural member exclaimed that he was 'openly against the leniency shown' to many of the appellants who came before them.<sup>102</sup>

One reason for this widespread variation in attitudes was the guidance that the Division's Tribunals received. Indeed, the sheer volume of directions actually seems to have done more to hinder the appeal bodies' deliberations than to assist them. The Local Government Board alone sent 244 circulars, including notes on those 103 cases determined by the Central Tribunal that were considered to establish a precedent.<sup>103</sup> In addition, the appeal bodies were subject to: the six Military Service Acts and their associated eight sets of regulations; the frequently revised List of Certified Occupations and Schedule of Protected Occupations; Army Council Instructions; letters from the War Office; and circulars from the Board of Education, the Board of Agriculture, the Ministry of Munitions, the Department then Ministry of National Service, and the Man-Power Distribution Board. It is little wonder that one handbook designed to keep the Tribunals abreast of all this advice remarked that it would require 'the brain of a Philadelphian lawyer to cope with accumulated mass of Terminological Government Literature' that had fastened around the issue of exemptions.<sup>104</sup>

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<sup>100</sup> *CSG*, 18 October 1918, p. 3.

<sup>101</sup> *HEX*, 2 March 1916, p. 2 and 16 November 1916, p. 4.

<sup>102</sup> *BC*, 8 July 1916, p. 7.

<sup>103</sup> Parliamentary Papers Cd. 8697: *Forty-Sixth Annual Report of the Local Government Board, 1916-1917*, London: HMSO, 1917, p. 21, TBL.

<sup>104</sup> J.H. Worrall, *The Tribunal Hand-Book*, London: W.H. Smith & Son, 1917, pp. 59-60; The Chairman of the Middlesex Appeal Tribunal lamented that 'decisions of the Central Tribunal were issued from time to time, new regulations and amending regulations were showered upon us, to say nothing of the fresh lists of certified and protected occupations and innumerable other documents the provisions of which had to be borne in mind in dealing with the cases before us' (Minutes of the Middlesex Appeal Tribunal, 21 November 1918, MH 47/5, TNA).

As well as being overwhelming in their extent, the directions given to Tribunals were frequently ambiguous. In an early attempt to clarify what should constitute 'serious hardship' under the Act, Long provided the appeal bodies with a list of five different questions to consider, each of which contained various sub-questions.<sup>105</sup> Likewise, the Tribunals were informed that they should only impose the VTC condition in cases where it was 'reasonable', a word that could be construed in any number of different ways, and were constantly asked to evaluate the importance of a man's occupation on the basis of such nebulous criteria as 'work of national importance' or 'manifestly irreplaceable'.<sup>106</sup> The fact that the appeal bodies' instructions came from a myriad of different sources meant that they could even be contradictory. As early as April 1916, the Spenborough Chairman lamented that 'Things seem to be getting into a fearful muddle.'<sup>107</sup> A few months later, the Whitwood Chairman complained that 'there were so many committees that they scarcely knew where they were', and the Barnsley Borough Chairman told his local Military Representative 'I wish we could place confidence in the Government ... but they change their mind so often.'<sup>108</sup>

Receiving a mass of confusing instructions might have proved less of an issue if the Tribunals had possessed a ready means of consulting with the Executive. Yet this was decidedly not the case. The Division's appeal bodies frequently complained that their letters to the Local Government Board either went unanswered or received a *pro forma* reply.<sup>109</sup> In addition, the only time Long met with a large group of Tribunal members was in March 1916, when he held a conference with the Chairmen of the various Appeal Tribunals.<sup>110</sup> It appears that there was not a single instance where a member of the Government came to visit the Division's Local Tribunals. Certainly the appeal bodies were asked to send representatives to

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<sup>105</sup> LGB Circular R. 55: 'The Annexed Copy of Correspondence is Circulated for the Information of the Local Tribunals', 23 February 1916, MH 47/142, TNA.

<sup>106</sup> LGB Circular R. 95, 6 July 1916, LGB Circular R. 113, 20 January 1917 and LGB Circular R. 107: 'Men Under 26 Years of Age', 1 December 1916, all in MH 47/142, TNA.

<sup>107</sup> *CSG*, 14 April 1916, p. 5.

<sup>108</sup> *PCE*, 15 June 1917, p. 3; *BC*, 29 June 1916, p. 1.

<sup>109</sup> *PCE*, 15 June 1917, p. 2.

<sup>110</sup> LGB Circular R. 76: 'Military Service Act, 1916: Notes of Conference, 27<sup>th</sup> March 1916', MH 47/142, TNA.

a consultation with General Lawson in Leeds during October 1916 and to a further session with General Maxwell in June 1917.<sup>111</sup> Yet these gatherings did not include all of the 'Tribunals' members, were focused on only the War Office's view of the exemption process, and were followed by numerous complaints along the lines of 'I do not think the outcome of the meeting is likely to be of benefit to anyone'.<sup>112</sup>

Another contributor to the discrepancy in attitudes was the establishment of so many Tribunals in the Division, most of them with diverse and shifting memberships. Given the ambiguous instructions that the appeal bodies received, combined with the sheer number of issues that they had to decide upon, it would have been very difficult to achieve uniformity amongst even a handful of Tribunals. Therefore, the fact that there were 64 bodies operating in the Division meant that considerable disparities in approach were highly likely, if not inevitable. Moreover, each Tribunal was staffed by individuals who differed from their counterparts on at least a few, and possibly many, of the other bodies in terms of their occupation, politics, eligibility for service, and beliefs about the war and conscription. Just one of these variables could profoundly affect the attitudes adopted by a member and thereby impact on the approach of his or her entire Tribunal. This situation was further compounded by the large size of many of the Division's appeal bodies. The presence of up to eleven members at a sitting, each voicing their own opinions, meant that reaching a verdict sometimes proved very difficult and time consuming.<sup>113</sup> Furthermore, while around four hundred Tribunal members were appointed after the passage of the first Military Service Act, a combination of new appointments, deaths, reassignments, resignations, and absenteeism meant that the total number of individuals who sat in the Division was probably closer to six hundred. Members were replaced or added at different times and in different numbers, meaning that the dynamics of individual Tribunals could be altered in ways that did not affect the others.

The last factor that caused the Division's Tribunals to adopt widely divergent attitudes was the localism of their personnel. No member completely disregarded

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<sup>111</sup> *BN*, 21 October 1916, p. 2 and p. 5; *CSG*, 8 June 1917, p. 3.

<sup>112</sup> *CSG*, 22 June 1917, p. 3.

<sup>113</sup> *WE*, 18 August 1917, p. 3.

the national context of exemptions; nearly all of them were desperate to win the war, while maintaining food or industrial production obviously had wider implications.<sup>114</sup> Yet, above all, these were local men appointed by the local council for their knowledge of, and involvement in, the affairs of the community. Indeed, one of the few principles that most of the Division's Tribunal members did share was a belief that the unique circumstances of their district had to be taken into account when determining appeals. Such thinking was inherently opposed to uniformity. In November 1916, the members of the Marsden body told their Military Representative that they would refuse to take any more men from beleaguered local textile mills while similar facilities in Slaithwaite were able to keep up a full rate of day and night work.<sup>115</sup> That same month, the Slaithwaite Tribunal protested that they had utilised the VTC condition far more extensively than the Marsden body, thereby placing an unequal burden on local men and causing a greater degree of strain to their district's economy.<sup>116</sup> Sometimes these discussions could turn on seemingly trivial issues. When the Birstall members were debating whether to follow the other Tribunals by imposing VTC obligations, they eventually decided not to proceed on the grounds that their district lacked a suitable parade area: 'if inexperienced men were to drill in an open playground before an audience non-encouraging remarks might be heard'.<sup>117</sup>

The logic of the Tribunal members' position also hindered uniformity in another way. As local, and often elected, figures, they frequently proved responsive to the community feeling that arose around certain cases or issues. Yet by adjusting its approach to appease local unrest, a Tribunal could take itself out of line with the methodology of the other bodies.<sup>118</sup> When the Dewsbury Tribunal cut all ties with the VTC following allegations that men had been bullied into joining Section B, it

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<sup>114</sup> See for example *HEX*, 23 May 1916, p. 2; *BC*, 8 April 1916, p. 1.

<sup>115</sup> *HEX*, 23 November 1916, p. 3.

<sup>116</sup> *Ibid.*, 16 November 1917, p. 4; See also *OO*, 8 December 1917, p. 8; *PCE*, 18 October 1918, p. 2.

<sup>117</sup> *BN*, 1 July 1916, p. 3; Exasperated by what he saw as the Local Tribunals' blatant disregard of national manpower policy, the General Officer Commanding-in-Chief Eastern Command wrote that 'the organisation of the Tribunals is such that they are composed of local men who owe their position to local popularity and local influences and who have had neither training in judicial or imperial matters nor that experience in official administration which developed the judicial faculty and the instinct of placing the affairs of the Nation first' (To Secretary of State for War, 27 October 1917, NATS 1/876, TNA).

<sup>118</sup> Barker, *Conscience, Government and War*, p. 13.

became one of the few in the Division to not impose drill on at least some exempted appellants.<sup>119</sup> Similarly, the very public allegations of bias made against the Castleford Tribunal prompted its members to start recusing themselves whenever they had even the slightest connection to an appellant, while a member of the Spenborough body refused to send any man aged over 43 to the front on the grounds that the community 'judged them on such cases'.<sup>120</sup>

There was a degree of inconsistency in the attitudes adopted by the New Zealand Boards. For the most part, this concerned discrepancies in the amount of proof that the appeal bodies required before they were prepared to award relief to men employed in essential industries. Some Boards accepted all of the ministerial certificates that recommended exemption, whereas others looked into the particular circumstances of each case and were prepared to dismiss appeals even if a certificate had been issued.<sup>121</sup> By July 1917, the Secretary of the Federated Seamen's Union had become so frustrated at the differing amounts of corroborative information stipulated by the three Wellington Boards that he exclaimed 'I don't want to be messed about any longer'.<sup>122</sup> Similarly, most of the appeal bodies were prepared to exempt shearers or slaughtermen on the assurance of their union secretary that they were *bona fide* and essential, but a few others insisted on local testimony being given in support of every claim.<sup>123</sup> Fears over what these variations in methodology might mean for the Boards' reputation were expressed by the Canterbury member of the National Efficiency Board (NEB), William Frostick. He asserted that although the two appeal bodies operating in his military district were always taking care to adhere to the Government's instructions, the fact that they were adopting slightly different readings of those policies was leading the general public to perceive that 'injustice' was taking place.<sup>124</sup>

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<sup>119</sup> *BN*, 14 July 1917, p. 1 and 18 August 1917, p. 1.

<sup>120</sup> *PCE*, 23 June 1916, p. 2, 28 July 1916, p. 2 and 5 August 1917, p. 2; *CSG*, 21 June 1918, p. 2.

<sup>121</sup> Gray to Evans, 27 March 1917, AD 82 Box 4 5/1, Archives New Zealand (ANZ).

<sup>122</sup> *Evening Post (EP)*, 13 July 1917, p. 6.

<sup>123</sup> Gray to Allen, 31 January 1917, AD 82 Box 8 74, ANZ; *EP*, 26 June 1918, p. 6.

<sup>124</sup> Frostick to Gray, 12 December 1917, AD 1 Box 736 10/512, ANZ.

Yet in contrast to the widely varying attitudes of the Division's Tribunals, the New Zealand Boards did adopt a strong unifying philosophy. This can best be described as the desire to achieve an equality of sacrifice, a concept that had two significant elements. Firstly, the members were convinced that military necessities must be met in order to achieve victory. The Chairman of the Second Canterbury Board stated that it was 'his clear duty to send as many men as possible', while his counterpart on the Second Wellington body stressed that each 'available man in the country will have to go to it'.<sup>125</sup> This patriotic outlook motivated a conviction that every individual had an obligation to contribute as much as they possibly could to the war effort. One Chairman considered that a man's 'first duty' was to the forces and another rhetorically asked an appellant 'Does it matter nothing to you whether you are under German or British rule?'<sup>126</sup> The appeal bodies saw their role as being to investigate thoroughly 'every case which comes before us' in order to root out 'shirkers'.<sup>127</sup> Relief would not be given lightly, with the appellant having to satisfy the burden of proof.<sup>128</sup>

However, the second element of the Boards' outlook held that exemption should always be granted if justified.<sup>129</sup> Chairman Day of the Second Otago body maintained that he and his colleagues wanted 'to determine how best men can serve their country', and the members of the Second Auckland Board signalled their intention 'To deal with appellants with due regard to the military demands of the State, while inflicting no undue hardship on the individual or imperilling food production'.<sup>130</sup> To this end, every man would be given a 'fair chance' to state his claim, with the members insisting that their extensive questions were not motivated by a simple wish to fill reinforcement quotas, but instead to reach informed decisions.<sup>131</sup> When replying to criticism that they had been too harsh, the

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<sup>125</sup> *Akaroa Mail and Banks Peninsula Advertiser*, 17 April 1917, p. 2; *EP*, 1 August 1917, p. 8.

<sup>126</sup> *Press (P)*, 3 February 1917, p. 13; *EP*, 13 March 1917, p. 7.

<sup>127</sup> *EP*, 20 March 1917, p. 3; Indeed, early hearings tended to be so lengthy that the *New Zealand Times (NZT)* estimated that it would take the Boards fully eighteen years to get through only one year's worth of appeals (9 December 1916, p. 6).

<sup>128</sup> *Feilding Star (FS)*, 5 January 1917, p. 2.

<sup>129</sup> *New Zealand Herald (NZH)*, 23 July 1917, p. 4.

<sup>130</sup> *Southland Times (ST)*, 14 March 1917, p. 5; *NZH*, 21 May 1917, p. 7; See also *Marlborough Express (ME)*, 9 October 1918, p. 2.

<sup>131</sup> Evans to Gray, 9 December 1918 and Widdowson to Allen, 13 December 1918, both in AD 82 Box 2 1/11/2, ANZ; *P*, 13 January 1917, p. 13; *EP*, 14 March 1917, p. 6; *ME*, 27 March 1917, p. 3.

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 'scarcely a day passes that we do not hear anathemas passed upon [our] decisions, still we have to keep on and carry out our functions to the best of our abilities'.<sup>132</sup>

This quest for an equality of sacrifice is manifest in the reports of the Boards' sittings. Men from families that had failed to send any sons to the front were routinely denounced. 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 the ire of the First Wellington Board when Managh admitted that he had three more sons who had not enlisted, with one member charging 'Why should some families sacrifice all and some nothing?'<sup>133</sup> Likewise, Henry and Joseph McNeill had a torrid time before the First Otago Board, they being the only sons in the family. Asked why they had both failed to join up, one brother's reply that they had 'not been summoned' received a sharp rebuke from a member, who asserted that they 'didn't need to be summoned. Sixty thousand of them weren't summoned. They went.'<sup>134</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>135</sup> When Peter McLaren pleaded hardship to his mother on the grounds that he had two brothers serving and another called up, he was told by the Chairman of the First Otago Board that 'If we allow sentiment to rule us there might be a difficulty in getting a draft.'<sup>136</sup> So firm was the Boards' initial stance in this regard that, in January 1917, the

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<sup>132</sup> Cooper to Ferguson, 27 August 1917, NEB 1 Box 16 703, ANZ; See also *NZT*, 16 October 1917, p. 5; Burgess to Gray, 5 December 1918, AD 82 Box 2 1/11/2, ANZ.

<sup>133</sup> *FS*, 8 October 1917, p. 4.

<sup>134</sup> M.J. Kelly, *Military Board Appeals: Otago Witness, Dec 1916 to Feb 1917*, Auckland: Old News Publications, 1993, p. 22.

<sup>135</sup> *Manawatu Evening Standard (MES)*, 9 February 1917, p. 5 and 24 July 1917, p. 2; *Wairarapa Daily Times (WDT)*, 17 February 1917, p. 5.

<sup>136</sup> *Otago Daily Times (ODT)*, 8 June 1917, p. 2.

Government had to instruct them to exempt automatically any appellant with two or more brothers killed.<sup>137</sup>

Other reservists were denied exemption after the Boards rejected claims that their conscription would cause undue hardship to their relatives. Thomas McCune of Whitianga had an ill wife and dependent father-in-law to support and maintained that he contributed an essential proportion of his 9s 6d daily wage to their upkeep. This failed to satisfy a member of the First Auckland Board, who told McCune that with pay and allowances he would receive fully 47s 3d a week in the army.<sup>138</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>139</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 member of the First Wellington Board member informed him that 'I know of hundreds of cases where the War Relief Societies have assisted persons so situated'.<sup>140</sup> Likewise, the First Otago body turned down Charles Orr, a labourer who was the sole support of his widowed mother and partial support of his step-brother, on the basis that 'there were the patriotic societies, whose duty it was to supplement the mother's income if necessary'.<sup>141</sup> The Boards acknowledged that hardship would inevitably result in such cases, but they asserted that other families were suffering just as much and that sacrifices had to be made to ensure victory.

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 First Wellington Board. The members insisted that Keen would serve the country better at the front and asked

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<sup>137</sup> Gray to Board Chairmen, 27 January 1917, AD 1 Box 1 1/3, ANZ.

<sup>138</sup> *Auckland Star (AS)*, 14 March 1917, p. 2.

<sup>139</sup> *EP*, 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>140</sup> *EP*, 7 December 1916, p. 7.

<sup>141</sup> Kelly, *Military Board Appeals: Dec 1916 to Feb 1917*, p. 17.

whether he was aware 'that thousands have actually given up their business and their good positions?'<sup>142</sup> Men in similar occupations who appealed for time to arrange their affairs were often accused of making an insufficient effort to do so previously. When a solicitor asked the Second Auckland Board to allow him three months to find a manager, he was informed that 'Other solicitors had arranged their affairs much more promptly.'<sup>143</sup> Being involved in an occupation that had been classed as essential was no 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>144</sup>

Many employers also failed to satisfy the Boards of their credentials. Where an enterprise was not considered crucial to the war effort, the appeal bodies usually required it to work through the loss of an appellant or to close down. Likewise, simply being part of a 'most essential' or 'essential' industry was not enough. The Boards asserted that the man himself had to be indispensable and frequently asked a number of questions about his role and the steps that had been taken to secure a replacement.<sup>145</sup> Any indication that the reservist was not a vital worker aroused the members' displeasure. John Bell argued that, as a foreman compositor, he was integral to the publication of the *Ashburton Guardian*. Sensing that something was amiss, the members of the First Canterbury Board delved into Bell's responsibilities and forced his employer to admit that the actual result of a dismissal would only be to cause an 'awful strain'. This prompted Chairman Evans to remark 'The men at the front have also to endure an awful strain. We don't take into consideration the infliction of a strain, overtime does not concern us at all.'<sup>146</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>147</sup>

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<sup>142</sup> *EP*, 13 December 1916, p. 3; *NZT*, 9 July 1917, p. 4.

<sup>143</sup> *Waikato Times (WT)*, 21 June 1918, p. 2.

<sup>144</sup> *NZT*, 8 August 1918, p. 3.

<sup>145</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>146</sup> *P*, 4 January 1917, p. 8.

<sup>147</sup> *EP*, 1 February 1917, p. 7.

Some of the Boards' strongest criticism was reserved for those who admitted that they had made no effort to replace their staff with men too old to fight, those classed as medically unfit or, increasingly, women.<sup>148</sup> John Linklater appeared on behalf of Thomas Linklater, a farm hand, and stated that he would not be able to carry on his team and agricultural work if his son were taken. Under questioning, the father conceded that 'He had taken no steps to get another man, because it was no good', to which Chairman Poynton replied that it was 'no use his taking up that attitude; they knew that women were helping in agriculture in England'.<sup>149</sup> Another of the members' concerns was that many industries had neglected to organise themselves to release the maximum number of men for the army. In criticising the apparently lackadaisical efforts of Taranaki farmers, David McLaren of the First Wellington body remarked that 'this Board has been preaching co-operation for about eight months now. The people here seem only to wake up when they are hit.'<sup>150</sup>

Whatever the appellant's occupation, the Board members adhered rigidly to three principles 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>151</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>152</sup> They repeatedly pointed out that exempting a single man would force a married man to serve in his stead, with Kellett of the First Otago Board challenging one appellant 'Do you think your son should stay at home and let married men with families go?'<sup>153</sup> This made it difficult for First Division reservists to convince the Boards that they would suffer excessive difficulties. A second principle concerned the situation at the front. If casualties were high or German attacks successful, the Boards would insist that the priority was to get

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<sup>148</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>149</sup> *Poverty Bay Herald (PBH)*, 11 October 1917, p. 4; See also *NZT*, 30 May 1917, p. 6; *Wanganui Chronicle (WC)*, 18 July 1917, p. 6.

<sup>150</sup> *Taranaki Herald (TH)*, 13 July 1917, p. 3; See also *Pahiatua Herald*, 27 June 1917, p. 5; *FS*, 30 May 1918, p. 2.

<sup>151</sup> *EP*, 7 February 1917, p. 8.

<sup>152</sup> *FS*, 16 February 1917, p. 3 and 28 June 1917, p. 2; *Timaru Herald*, 21 June 1917, p. 3; *WC*, 18 July 1917, p. 4 and 19 July 1917, p. 4; *Ashburton Guardian (AG)*, 27 February 1918, p. 5.

<sup>153</sup> *ODT*, 27 July 1917, p. 7.

men into camp.<sup>154</sup> Fernando Fernandez had previously been granted *sine die* exemption owing to his being an engineer employed by the Public Works Department at the Addington sub-station. On reviewing his case in April 1918, the Second Canterbury Board determined that 'The position to-day is different to what it has been' and dismissed Fernandez's appeal with only a short period of leave.<sup>155</sup> Equally, the Chairman of the Third Wellington body countered a bus proprietor's claim that 'The busy time is just coming on' by asserting 'Yes, the busy time is on in Europe at the present time, too.'<sup>156</sup> The third principle that always counted against appellants was a refusal to tolerate any attempt to exaggerate their difficulties. When a sheep farmer before the Second Wellington Board claimed that his property would have to be closed in his absence, the rural member rhetorically asked whether it was really 'likely that the farms would be shut up?'<sup>157</sup> Similarly, the First Otago body scornfully rejected the appeal of a farm hand whose father claimed that his 17-year-old son was incapable of working the horses.<sup>158</sup> Evidence of outright duplicity could even prompt the appeal bodies to take punitive measures. At a previous sitting of the First Canterbury Board, Ernest Ward, a Waipara farmer, had been granted a *sine die* exemption on the grounds that his father owned a hotel in Dunedin, and was, therefore, unable to assist him on the property. However, police evidence then came to light showing that the father had in fact sold his interest in the hotel and had been helping out on the farm for some time. Incensed by this blatant deception, Chairman Evans ordered that Ward be prosecuted for perjury.<sup>159</sup>

The Boards also resisted the temptation to unduly favour appellants from the higher classes in society. Despite the fact that seven of the nine active appeal bodies contained a trade unionist, there were still numerous contemporary claims that men of wealth and status were more likely to receive exemption. A correspondent to the *Hawke's Bay Tribune* lamented that 'when you achieve a

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<sup>154</sup> *EP*, 15 June 1917, p. 7; *NZT*, 10 April 1918, p. 4 and 4 May 1918, p. 10.

<sup>155</sup> *P*, 5 April 1918, p. 6.

<sup>156</sup> *EP*, 12 October 1917, p. 6.

<sup>157</sup> *Hawera & Normanby Star*, 13 June 1917, p. 4.

<sup>158</sup> *ODT*, 14 July 1917, p. 11.

<sup>159</sup> *P*, 13 July 1918, p. 8; When Ward's case was brought before the Magistrates' Court, Chairman Evans appeared as a witness against him. Ward pleaded guilty to deliberately misleading the Board and was fined 10 pounds with costs (*AG*, 25 September 1918, p. 5).

certain amount of prosperity you become indispensable', while the *New Zealand Truth* kept up a series of sarcastic tilts at the appeal bodies' alleged inequities.<sup>160</sup> Perhaps the most controversial verdict reached during the whole conscription period were the First Auckland Board's decision to exempt Robert Laidlaw, founder of the Laidlaw Leeds mail order business, and the refusal of an appeal on behalf of the working-class MP for Grey, Paddy Webb, by the Third Wellington body.<sup>161</sup> However, there is little evidence to support claims of a wide-ranging class bias. In terms of Laidlaw, the Board postponed the case numerous times to obtain further information and clearly acknowledged the import of its verdict by delivering it alongside a lengthy justification.<sup>162</sup> As for Webb, he failed even to attend his appeal hearing, which was something that all of the Boards regarded as *prima facie* grounds for dismissal.<sup>163</sup> There are also numerous instances where appellants were denied relief precisely because they had so much money. The Second Otago Chairman dismissed the appeal of Arthur King on the grounds that his father could well afford to employ a manager, and then opined that 'The well-to-do people seemed to be the first to ask for exemption'.<sup>164</sup> Likewise, George Elliott of the First Auckland body stated that men of property were those who 'had the most at stake, and who should be prepared to defend it', and Chairman Evans asserted that his Board always refused cases where men were in a 'sufficiently sound financial position to be able to carry on their properties while they went to the front'.<sup>165</sup> Ultimately, the individuals who were most likely to receive exemption from the Boards were not industrialists or merchants, but rather slaughtermen, miners, seamen, and police constables.

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<sup>160</sup> *Hawke's Bay Tribune*, 17 July 1918, p. 3; *New Zealand Truth*, 27 April 1918, p. 1, 11 May 1918, p. 1 and 28 September 1918, p. 5.

<sup>161</sup> Witty, *New Zealand Parliamentary Debates (NZPD)*, vol. 182, p. 71; Payne, *NZPD*, 182, p. 51; *ODT*, 13 April 1918, p. 5; One reason why Laidlaw's exemption prompted such a furour was that it coincided with the relief of several other wealthy and high-profile appellants, namely the Australasian head of Thomas Borthwick and Sons, the manager of the Bank of New Zealand, and the prominent solicitor John Tole (*NZH* 6 February 1918 p. 5, 19 February 1918, p. 6 and 13 March 1918, p. 6).

<sup>162</sup> *NZH*, 19 January 1918, p. 8, 8 February 1918, p. 4, 19 February 1918, p. 6 and 21 February 1918, p. 4; Laidlaw's appeal has been detailed at length in a recent biography. However, the usefulness of this account is severely compromised by the author's mistaken belief that Major Conlan, the Military Representative, was the Chairman of the First Auckland Board (Ian Hunter, *Robert Laidlaw: Man For Our Time*, Auckland: Castle Publishing, 1999, pp. 119-27).

<sup>163</sup> *EP*, 30 October 1917, p. 10.

<sup>164</sup> *ST*, 9 February 1917, p. 2; See also *P*, 12 February 1917, p. 3; *ODT*, 9 August 1917, p. 2.

<sup>165</sup> *WT*, 24 January 1917, p. 4; *ME*, 20 December 1918, p. 3; See also *P*, 11 January 1917, p. 5; *AG*, 24 January 1918, p. 4.

There is virtually no evidence that the Board members gave undue preference to men who shared their economic background or who they knew in a personal capacity. As impartial overseers, the Chairmen had numerous responsibilities. These included summing up the evidence, delivering the verdict, and giving statements of the Board's policies if the case had a wider significance.<sup>166</sup> Nevertheless, the Chairmen did not limit themselves to administrative functions, as they took a full part in testing the validity of any testimony through questioning. Their colleagues usually divided their labour 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 cases.<sup>167</sup> Farmers' contributions to urban appeals were particularly infrequent, whereas the Labour members 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>168</sup> It might be anticipated that the members would have shown a greater empathy towards appellants who were from their own sector of industry, and they did endeavour to moderate their colleagues if they felt their questioning was harsh or uninformed.<sup>169</sup> However, there was no favouritism, with members using their knowledge to point out faults in the appellants' testimony as well as to support it.<sup>170</sup> Mack of the Third Wellington Board opposed his colleagues' decision to exempt several marine engineers, while the even-handedness of the rural members is illustrated by the fact that the Farmers' Union felt moved to petition Allen to place a farmer on each appeal body who could speak for the main type of agricultural production in a district.<sup>171</sup> In terms of individuals they knew outside of the appeals process, the Boards typically observed strict standards of impartiality. Indeed, a member of the First Auckland

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<sup>166</sup> Gresson to Gray, 19 March 1919, AD 1 Box 1046 66/57, ANZ.

<sup>167</sup> *MES*, 7 June 1917, p. 7; *WDT*, 9 November 1917, p. 5.

<sup>168</sup> *WDT*, 13 December 1916, p. 2; *EP*, 3 February 1917, p. 9; *MES*, 6 October 1917, p. 6.

<sup>169</sup> *MES*, 13 April 1917, p. 2.

<sup>170</sup> *Ibid.*, 13 January 1917, p. 5 and 26 May 1917, p. 4; *TH*, 18 October 1917, p. 4; *ODT*, 12 July 1918, p. 4.

<sup>171</sup> Mack to Commandant Military Forces Wellington, 31 May 1917, AD 1 Box 896 39/275, ANZ; New Zealand Farmers' Union Dominion Meetings and Conferences – Minutes, 17 April 1917, MSY 0237, Alexander Turnbull Library; See also *EP*, 31 January 1917, p. 6; *TH*, 26 February 1917, p. 6; *MES*, 5 March 1917, p. 2.

body told an appellant 'I'm not supposed to know anybody. That's why I didn't nod to you'.<sup>172</sup>

Despite this desire to take every man who could reasonably be expected to serve, the Boards clearly recognised that exemption should be granted if justified. Part of this approach involved attempts 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>173</sup> The counsel for George Adamson submitted a written statement of his situation. Having studied it, the Chairman of the Third Wellington Board 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>174</sup> Similarly, when Ralph Darling told the First Otago body that he already had three brothers serving, the Chairman agreed that taking the last boy from the family would be a hardship on the mother, and, therefore, 'the board did not feel justified in disturbing the existing arrangements'.<sup>175</sup> The Boards were also sensitive to the appeals of men who were re-classified as fit for service having previously been rejected.<sup>176</sup> In January 1918, the First Auckland body heard an appeal from Reginald Taylor, who explained that he had sent his wife to England and sold his home at a loss in order to enter camp with the 19<sup>th</sup> reinforcements. However, after undergoing four months' training, he had required an operation for acute appendicitis and been discharged. Believing this decision to be final, Taylor had brought his wife back to New Zealand and become a fruiterer, only to then be re-classified as C1. In light of these circumstances, the Chairman described the case as one of 'hard luck all through' and granted a three-month adjournment.<sup>177</sup>

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<sup>172</sup> However, the member did offer to shake hands with his friend after the sitting had concluded and to join him for 'a chat about Auld Lang Syne' (*Northern Advocate*, 25 June 1917, p. 2); See also *NZH*, 25 May 1917, p. 6.

<sup>173</sup> *WDT*, 24 March 1917, p. 4; See also *MES*, 29 November 1916, p. 4; *WDT*, 31 January 1917, p. 5; *EP*, 25 August 1917, p. 4; Burgess to Gray, 5 December 1918, AD 82 Box 2 1/11/2, ANZ.

<sup>174</sup> *EP*, 1 February 1917, p. 7.

<sup>175</sup> *ODT*, 20 December 1917, p. 6; See also *NZT*, 10 July 1917, p. 7.

<sup>176</sup> *ODT*, 13 August 1917, p. 4.

<sup>177</sup> *NZH*, 10 January 1918, p. 4.

Another crucial dimension of the Boards' attitudes concerned their ability to grant temporary relief from military service. This procedure involved dismissing a case, but with an accompanying recommendation that the appellant be given leave without pay before he was required to mobilise.<sup>178</sup> The Boards recognised that such an award could go a long way to reducing the impact of the appellant's conscription, with Considine of the Second Wellington body asserting that 'I think the Military Boards should give all appellants a reasonable opportunity to wind up their affairs', while another member assured the press that 'reasonable time will be given appellants to get others to take their places'.<sup>179</sup>

Regardless of the appellant's situation, the Boards always rewarded a tangible willingness to make sacrifices. While having two or three brothers at the front was usually insufficient to earn exemption on its own, it did lead the members to view a case more favourably. Hugh Russell asked for four months' exemption to dispose of his business, which the Third Wellington Board awarded after he outlined that three of his brothers were serving at the front.<sup>180</sup> The appeal bodies' preparedness to grant exemption rose in proportion to the number of men a family had sent and they lauded the patriotism of parents who had five or six sons in the firing line. Gordon Birnie testified that five of his brothers were at the front while another had already been killed in action. Overjoyed with this example of family sacrifice, Elliott of the First Auckland Board exclaimed 'I should like to congratulate you on this very fine showing. There are not many families with six sons away.'<sup>181</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 admiration for the appellant's patriotism, and stated that it 'thoroughly appreciated the big sacrifice

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<sup>178</sup> 'Recruiting 1916-1918: Report by Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ.

<sup>179</sup> *FS*, 14 March 1917, p. 2; *EP*, 2 February 1917, p. 6.

<sup>180</sup> *EP*, 23 July 1917, p. 8; See also *NZT*, 13 July 1917, p. 3.

<sup>181</sup> *AS*, 12 April 1917, p. 6; See also *Ohinemuri Gazette*, 22 August 1917, p. 2; *ODT*, 11 December 1917, p. 8.

he was prepared to make', Kupli was granted his two months.<sup>182</sup> For Percy Cramp, the issue was that he already had two brothers serving and would have to sell his dairy stock if he were taken as well. Nevertheless, Cramp stated that he considered it his duty to go and only wanted a period of relief for milking. This prompted a member to praise his 'good spirit' and for the appeal body as a whole to grant three months' leave.<sup>183</sup>

Recognition of the need to maintain essential businesses and industries was also apparent in the Boards' approach. In terms of the former, the members believed that the continuation of certain enterprises was in the best interests of the country. John Greenslade, a merchant, only asked the First Canterbury Board for four months in which to sell his concern, but the Chairman stated that they were disinclined to compel people to wind up and instead granted a *sine die* exemption.<sup>184</sup> Similarly, Patrick O'Gorman, the only bread baker left at a small firm of grocers, was given an indefinite period of relief by the First Otago body on the grounds that it had not 'adopted the policy of closing up necessary businesses'.<sup>185</sup> As for industries, the Boards acknowledged the role that both the NEB's classification and the ministerial certificates could play in allowing them to reach an informed decision, and indicated that they would be heeded.<sup>186</sup> Members consistently stressed that the needs of the army and of industry had to be carefully weighed against each other in order to cause the minimum amount of disruption to the Dominion's productive capacity. Indeed, a formal statement issued by the Second Auckland body cited the fact that 'they did not desire to damp the ardour of any young fellow anxious to go to the front, but they recognised that the affairs of the country had to be kept going'.<sup>187</sup> If the Boards felt that a particularly fine effort had been made to release reservists, they would ask the employer to read out the

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<sup>182</sup> *EP*, 8 February 1917, p. 8.

<sup>183</sup> *Rodney and Otamatea Times, Waitemata and Kaipara Gazette*, 21 March 1917, p. 5; See also *AS*, 24 July 1917, p. 6.

<sup>184</sup> *Grey River Argus*, 4 April 1917, p. 3.

<sup>185</sup> *ODT*, 2 February 1917, p. 3; See also *NZH*, 12 February 1918, p. 6.

<sup>186</sup> *EP*, 11 May 1917, p. 2.

<sup>187</sup> *WT*, 14 March 1917, p. 5; See also *EP*, 18 April 1917, p. 8 and 2 May 1918, p. 8; *MES*, 1 March 1917, p. 9; *NZT*, 19 February 1918, p. 3.

figures so they could be published in the press, both to highlight the achievement and provide an example to others.<sup>188</sup>

Another striking contrast between New Zealand and the Division is that there were scarcely any disagreements within the Boards. This is not to say that the members were always of one mind. When the appeal of Thomas Green was referred to the NEB by the First Otago Board, Alfred Bell stated that he wished to 'disassociate himself entirely from the views of his colleagues in this matter', as he believed that there was no doubt that such an indispensable blacksmith should be granted exemption.<sup>189</sup> Likewise, in April 1917, Kellett issued a minority statement asserting that his fellow members had been wrong to award *sine die* relief to Albert Wheeler, Superintendent of the Union Steamship Company.<sup>190</sup> Yet such fractious incidents were extremely rare. As part of his report opposing Wheeler's relief, Kellett stated that he 'regretted' having to stand against his colleagues and noted that this was the 'first time' he had done so since they commenced working together.<sup>191</sup> Indeed, where a member cast an opposing vote, he always felt compelled to give a lengthy explanation for adopting such an irregular course of action.<sup>192</sup> Moreover, the Military Representative attached to the First Canterbury Board recorded that its members were 'harmonious in every respect', while there were no resignations caused by internal disputes during the appeal bodies' operations.<sup>193</sup>

There appear to be three reasons why the New Zealand appeal bodies achieved a much greater consistency in attitudes than their British counterparts. The first is the more concise, and better explained, instructions that the Boards received. Whereas the Division's Tribunals lamented being subject to an overwhelming quantity of ambiguous directives, the Boards were definitely told that the issuing of a ministerial certificate should result in exemption, were provided with a

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<sup>188</sup> *NZT*, 14 March 1917, p. 6 and 28 August 1917, p. 5; *PBH*, 14 September 1918, p. 6.

<sup>189</sup> *ODT*, 12 July 1918, p. 2.

<sup>190</sup> M.J. Kelly, *Military Board Appeals: Otago Witness, March 1917 to June 1917*, Auckland: Old News Publications, 1994, pp. 14-15.

<sup>191</sup> *Ibid.*

<sup>192</sup> Mack to Commandant Military Forces Wellington, 31 May 1917, AD 1 Box 896 39/275, ANZ; *ODT*, 21 August 1918, p. 10.

<sup>193</sup> Free to Tate, 24 January 1917, AD 1 Box 896 39/275, ANZ.

classification of industries that clearly indicated their relative importance, and were informed that having two or more brothers killed in action, or at least three brothers serving, should always be considered sufficient grounds for relief.<sup>194</sup> There was no New Zealand equivalent of the VTC to which exempted men might be sent to drill and the Boards could only allow for disaffected appellants to be medically re-examined if they had obvious ailments.<sup>195</sup> Moreover, rather than being sent information by multifarious agencies, the New Zealand appeal bodies only received guidance from Cabinet members and the NEB. If a lack of clarity was evident in their instructions, the Boards were guaranteed a swift response to their enquiries from the Recruiting Board, Solicitor-General Salmond, or Attorney-General Herdman. Any remaining doubts could then be cleared up at one of the frequent conferences called by Allen, with the Board Chairmen attending six meetings with the Minister of Defence during the conscription period.<sup>196</sup>

A second reason for the Boards' greater uniformity was their smaller numbers and standardised memberships. The fact that there were only nine active appeal bodies in New Zealand made a synchronised approach far more achievable than amongst the 64 Tribunals operating in the Division. Not only did it mean that there were fewer bodies that needed to align themselves, but it also allowed the Government to better monitor their activities and take steps to correct any inconsistencies. While differences did exist between the Boards in terms of their members' politics, Allen's standardised appointment criteria meant that all of the personnel were united in supporting the war and conscription, in representing similar occupations, and in being outside of the military age. As for the relative absence of conflict within the New Zealand appeal bodies, this again can be partly explained by similarities in the members' overall mindsets. In addition, each Board only had

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<sup>194</sup> Allen to Coffey, 21 March 1917, AD 82 Box 4 5/1, ANZ; 'Classification of Industries, Professions, and Occupations, as Approved by Government', *Appendices to the Journal of the House of Representatives*, 1917, H43-B; Gray to Cooper, 27 January 1917, AD 82 Box 1 1/3, ANZ; Gray to Board Chairmen, 1 November 1917, AD 1 Box 736 10/477, ANZ.

<sup>195</sup> 'Conference of Chairmen of Military Service Boards: Friday, 27<sup>th</sup> April, 1917', AD 1 Box 765 20/43, ANZ.

<sup>196</sup> Gray to Cooper, 21 September 1916, AD 82 Box 1 1/3, ANZ; 'Matters to be discussed with Military Service Boards at the Conference on the 15<sup>th</sup> December, 1916', AD 82 Box 7 46/5, ANZ; 'Conference of Chairmen of Military Service Boards: Friday, 27<sup>th</sup> April, 1917', AD 1 Box 765 20/43, ANZ; 'Conference of Military Service Boards: Thursday, 2<sup>nd</sup> August, 1917', AD 82 Box 7 46/7, ANZ; 'Conference of Military Service Boards: Thursday, 29<sup>th</sup> November, 1917', AD 82 Box 7 46/1, ANZ; Gray to Tate, 11 April 1918, AD 1 Box 765 20/43, ANZ.

three personnel as opposed to at least five and these individuals usually held their positions for much longer than the average Tribunal member. Ultimately only forty New Zealanders sat on an active appeal body during the conscription period.<sup>197</sup> In other words, there were considerably fewer Board *members* than there were *Tribunals* operating in the Division.

The third reason for the Boards' greater degree of consistency was their wider conception of the appeals process. If the Division's Tribunals tended to approach their work from a local perspective, then the New Zealand appeal bodies sought to achieve an equality of sacrifice by adopting a more national outlook. When detailing his Board's position on agricultural cases, the Chairman of the Second Auckland Board stated an intention to 'give every possible consideration to the farming industry, not in the interests of the appellants simply, but of the country as a whole'.<sup>198</sup> Similarly, a member of the First Wellington Board affirmed his desire to avoid any decision that would 'injure the country', while the Chairman of the Second Wellington body stressed the need to keep freezing works going due to their importance for New Zealand's overall productive capacity.<sup>199</sup>

This more national perspective led the Boards to place a much greater emphasis on uniformity than their British counterparts. Whereas many Tribunal members believed that appeals should be determined according to the unique circumstances of a district, the Board members regularly applied the same criteria to their entire area of operations. In February 1917, the Chairman of the First Otago body dismissed several appeals on the grounds that Balclutha sharemilkers were proving to be less productive than those employed 'down south'.<sup>200</sup> Likewise, the First Wellington Board criticised Taranaki farmers for not organising themselves as effectively as their counterparts in the Manawatu, while Chairman Cooper frequently countered claims that elderly relatives were too infirm to work by referencing an unnamed 'lady, aged 63 years, who milks 25 cows night and

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<sup>197</sup> 'Return of Military Service Boards', undated, AD 82 Box 2 1/11/2, ANZ.

<sup>198</sup> *WT*, 14 March 1917, p. 4

<sup>199</sup> *TH*, 18 October 1917, p. 4; *PBH*, 12 October 1917, p. 5; See also *WT*, 31 July 1917, p. 4; *ODT*, 3 November 1917, p. 11.

<sup>200</sup> Kelly, *Military Board Appeals: Dec 1916 to Feb 1917*, pp. 55-6.

morning'.<sup>201</sup> When discrepancies in their methods did come to light, the Boards always sought to rectify the situation quickly. In June 1917, the three Wellington bodies held an impromptu discussion over how best to determine the claims of men employed in essential industries.<sup>202</sup> Then, in June 1918, the two Canterbury Boards met to consider the cases of farmers engaged in wheat production.<sup>203</sup> If such an immediate remedy were found to be impractical or insufficient, the Board Chairmen would either enter into correspondence with each other, or adjourn the relevant cases until an official instruction had been issued.<sup>204</sup>

These three reasons explain why the attitudes of the New Zealand Boards were much more closely aligned than those of the East Central Division's Tribunals. The British appeal bodies did share some common philosophies: they would only exempt single, young, and high category men in exceptional circumstances, and showed little sympathy for families who were not represented at the front. Yet beyond these few similarities existed a whole plethora of different approaches. The Tribunal members could not even agree on the fundamental objective of their work and differed widely over whether to accept sentimental cases, whether to heed the claims of businesses and industries, whether to oppose the findings of the Medical Boards, whether to direct men to the VTC, and over how to deal with potential conflicts of interest. These discrepancies stemmed from confusing instructions, the large number of Tribunals operating in the Division, and the strong localism of many of their members. The situation regarding the Boards was largely the opposite. Certainly they did not achieve complete uniformity, but they came far closer to doing so than their British counterparts. All of the New Zealand bodies sought to promote an equality of sacrifice, a conception of their role that led them to place a high emphasis on military requirements, but also to acknowledge that some cases were deserving of exemption. This relatively united effort was made possible by clearer and more concise government instructions, by the

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<sup>201</sup> *TH*, 19 February 1917, p. 7 and 20 February 1917, p. 4; *EP*, 6 February 1918, p. 8.

<sup>202</sup> 'Wellington Military Service Boards' Conference: Palmerston North, 26<sup>th</sup> June, 1917', AD 82 Box 7 46/7, ANZ.

<sup>203</sup> *ODT*, 25 June 1918, p. 6; See also Allen to Perry, 5 October 1916 and Gray to Cooper, 26 January 1917, both in AD 82 Box 1 1/3, ANZ.

<sup>204</sup> Cooper to Evans, 27 November 1916 and Evans to Cooper 20 January 1917, both in AD 82 Box 3 1/21, ANZ; *P*, 16 April 1917, p. 3; *AS*, 26 April 1917, p. 11; *EP*, 13 July 1917, p. 6.

existence of fewer appeal bodies, and by the national, rather than local, perspective adopted by the Boards' members.

These findings differ from those presented in most of the existing historiography. They suggest that British studies would do well to heed McDermott's warning against making strong general conclusions regarding the Tribunals' attitudes. As for New Zealand, it would seem that those historians who argue that the Boards were usually harsh and inconsistent have been overly negative about how the members went about their task.

## Chapter Five: Willing and Eager to Go?

### The Appellants

If the attitudes adopted by the Tribunal and Board members were crucial in determining how a case was received, equally important were the demeanour and circumstances of the appellant.<sup>1</sup> The Military Service Acts that introduced conscription to Britain and New Zealand gave each prospective soldier, and his employer on his behalf, the opportunity to plead for exemption. Having granted this legislative provision, the authorities in both countries were then faced with two significant issues: what proportion of men would become appellants and what grounds would be cited as the basis for their claims?

The British historiography collectively asserts that a large volume of eligible men were the subjects of appeals, but advances differing perspectives on how many of these claims were motivated by a reluctance to perform military service. Several studies of the Government's manpower initiatives have found that the implementation of conscription prompted a vast number of pleas for relief.<sup>2</sup> More specifically, Ivor Slocombe contends that nearly a third of the eligible population in the Wiltshire Rural District of Calne sought exemption, a figure he describes as 'striking'.<sup>3</sup> Adrian Gregory has suggested that Slocombe actually understates the situation, by not taking into account that many men were in protected occupations, were medically rejected, or had already volunteered. He maintains that 'a majority, and probably a substantial majority' of Calne men appealed and that this course

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<sup>1</sup> An article based on this chapter has recently been published elsewhere (David Littlewood, "'Willing and Eager to go in Their Turn'?: Appeals for Exemption from Military Service in New Zealand and Great Britain, 1916-18', *War in History*, 21:3 (2014), pp. 338-54).

<sup>2</sup> R.J.Q. Adams and Philip P. Poirier, *The Conscription Controversy in Great Britain, 1900-18*, Columbus: Ohio State University Press, 1987, p. 148; David Bilton, *The Home Front in the Great War: Aspects of the Conflict, 1914-1918*, Barnsley: Leo Cooper, 2003, p. 55; Keith Grieves, *The Politics of Manpower, 1914-18*, Manchester: Manchester University Press, 1988, p. 203; James McDermott, *British Military Service Tribunals, 1916-1918: 'A Very Much Abused Body of Men'*, Manchester: Manchester University Press, 2011, p. 24; Charles Messenger, *Call-To-Arms: The British Army, 1914-18*, London: Cassell, 2005, p. 136; Alan G.V. Simmonds, *Britain and World War One*, Abingdon: Routledge, 2012, p. 54.

<sup>3</sup> 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.

was the 'automatic response to being called up in Huddersfield'.<sup>4</sup> Gregory further concludes that, if figures from additional Local Tribunals are extrapolated onto a national level, 'it must have been a rare individual who did not make a claim'.<sup>5</sup> As for motives, the fact that some historians focus their analyses almost entirely on the cases of conscientious objectors creates the impression that these individuals constituted the majority, or even all, of the appellants.<sup>6</sup> On the other hand, studies that have undertaken a broader investigation of the exemption system have unanimously concluded that conscientious objectors constituted only a tiny fraction of the Tribunals' workload.<sup>7</sup>

New Zealand historians have also argued that substantial numbers of men had claims before the Boards, while failing to reach a consensus on the reasons behind these appeals. Paul Baker and Ian McGibbon both assert that around half of all balloted reservists sought relief.<sup>8</sup> Similarly, Graham Hucker argues that Taranaki eligibles 'consistently availed themselves' of the opportunity to claim exemption, and Gwen Parsons identifies a 49.5% appeal rate for a sample of Ashburton and

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<sup>4</sup> Adrian Gregory, 'Military Service Tribunals: Civil Society in Action, 1916-1918', in Jose Harris, (ed.), *Civil Society in British History: Ideas, Identities, Institutions*, Oxford: Oxford University Press, 2003, p. 184 and *The Last Great War: British Society and the First World War*, Cambridge: Cambridge University Press, 2008, p. 102.

<sup>5</sup> Gregory, *The Last Great War*, p. 102; See also Robin Barlow, 'Military Tribunals in Carmarthenshire, 1916-1917' in Nick Mansfield and Craig Horner (eds), *The Great War: Localities and Regional Identities*, Newcastle: Cambridge Scholars, 2014, pp. 11-12.

<sup>6</sup> D. Boulton, *Objection Overruled*, London: MacGibbon & Kee, 1967, p. 124; W.J. Chamberlain, *Fighting For Peace: The Story of the War Resistance Movement*, London: No More War Movement, 1928, pp. 47-53; John W. Graham, *Conscription and Conscience: A History, 1916-1919*, London: George Allen & Unwin, 1922, pp. 65-89; Keith Robbins, *The Abolition of War: The 'Peace Movement' in Britain, 1914-1919*, Cardiff: University of Wales Press, 1976, pp. 79-83; Trevor Wilson, *The Myriad Faces of War: Britain and the Great War, 1914-1918*, Cambridge: Polity Press, 1986, pp. 398-9.

<sup>7</sup> James G.M. Cranstoun, 'The Impact of the Great War on a Local Community: The Case of East Lothian', PhD Thesis, Open University, 1992, p. 117; Gregory, *The Last Great War*, p. 101; Keith Grieves, 'Military Tribunal Papers: The Case of Leek Local Tribunal in the First World War', *Archives: The Journal of the British Record Association*, 16:70 (1983), p. 146; Christine Housden, 'Researching Kingston's Military Tribunal, 1916-1918', *Occasional Papers in Local History*, 2 (2004), p. 6; McDermott, *British Military Service Tribunals*, p. 40; K.W. Mitchinson, *Saddleworth, 1914-1919: The Experience of a Pennine Community during the Great War*, Saddleworth: Saddleworth Historical Society, 1995, p. 65; A.J. Peacock, *York in the Great War: 1914-1918*, York: York Settlement Trust, 1993, p. 511; Slocombe, 'Recruitment', p. 111; Philip Spinks, "'The War Courts': The Stratford-upon-Avon Borough Tribunal, 1916-1918", *The Local Historian*, 32:4 (2000), p. 214; Denis Winter, *Death's Men: Soldiers of the Great War*, London: Penguin, 1978, p. 31.

<sup>8</sup> Paul Baker, *King and Country Call: New Zealanders, Conscription and the Great War*, Auckland: Auckland University Press, 1988, p. 106; Ian McGibbon, 'Conscription' in Ian McGibbon (ed.), *The Oxford Companion to New Zealand Military History*, Auckland: Oxford University Press, 2000, p. 118.

Dunedin men drawn in the early ballots.<sup>9</sup> By only mentioning cases brought by conscientious objectors, Michael King, Paul Moon, and Jock Phillips each imply that religious and political sensitivities were the primary factors that led men to appeal against being conscripted.<sup>10</sup> In contrast, the more comprehensive examinations conducted by Baker, Hucker, Parsons, and Keith Scott have found that claims based on undue hardship or public interest constituted the overwhelming majority of the total.<sup>11</sup> Yet an important proviso is appended by Baker, who cautions that the Boards' refusal to exempt men who appeared to be 'shirking' could have prompted some appellants to conceal their 'deep reluctance to go away'.<sup>12</sup>

A comparison between the East Central Division and New Zealand indicates that British men were noticeably more likely to become appellants. Although overt reluctance to perform military service was rare in both countries, it is impossible to quantify the impact that covert reluctance had on the likelihood of a claim being made. A wealth of evidence from across Britain, including that from within the Division, suggests that a majority of prospective conscripts appealed or had cases lodged on their behalf. This was very different to the situation in New Zealand, where only around a third of all balloted men became subject to the Boards' verdicts. It appears unlikely that this disparity resulted from varied levels of satisfaction with the exemption process, a belief in New Zealand that appealing was not worthwhile, the higher rate of conscription in Britain, the omission of Maori reservists from official statistics, the more rural nature of New Zealand's economy, the differing proximity of the two countries to the frontline, or the relative levels of pecuniary difficulties associated with joining the forces. Explanations with seemingly greater credibility are that the British system

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<sup>9</sup> Graham Hucker, 'The Rural Home Front: A New Zealand Region and the Great War, 1914-1926', PhD Thesis, Massey University, 2006, pp. 162-3; Gwen A. Parsons, "'The Many Derelicts of the War'?: Repatriation and Great War Veterans in Dunedin and Ashburton, 1918 to 1928', PhD Thesis, University of Otago, 2008, p. 36.

<sup>10</sup> Michael King, *The Penguin History of New Zealand*, Auckland: Penguin, 2003, p. 302; Paul Moon, *New Zealand in the Twentieth Century: The Nation, the People*, Auckland: HarperCollins, 2011, p. 114; Jock Phillips, *A Man's Country?: The Image of the Pakeha Male – A History*, revised edition, Auckland: Penguin, 1996, p. 162.

<sup>11</sup> Baker, *King and Country Call*, p. 106; Hucker 'The Rural Home Front', p. 163; Parsons, 'The Many Derelicts of the War', pp. 37-9; Keith Douglas Scott, *Before ANZAC, Beyond Armistice: The Central Otago Soldiers of World War One and the Home They Left Behind*, Auckland: Activity Press, 2009, pp. 214, 217.

<sup>12</sup> Baker, *King and Country Call*, p. 106.

afforded more comprehensive protection to many occupations and that appealing in Britain carried less of a social stigma than it did in New Zealand. Individuals who cited conscientious objections to military service were certainly rare in both countries, with most cases being formally lodged on domestic, business, or occupational grounds. Nevertheless, it is of course impossible to determine how many appellants were pragmatically concealing their true motivations behind testimony that was more likely to elicit the appeal bodies' sympathy.

Anecdotal accounts from across Britain indicate that a vast number of exemption appeals were lodged. Those Tribunal members who left records of their experiences invariably maintained that attending hearings was an onerous burden. As Mayor of Birmingham (Warwickshire) and Chairman of its local appeal body, Neville Chamberlain wrote that serving on the Tribunal had proved to be the 'most tiring' of his two roles, given that it sat 'three days a week from 10.30 to 1.30 & 2.15 till 6 or even 6.30'.<sup>13</sup> Likewise, Harry Cartmell, Chairman of the Preston body in Lancashire, suggested that the number of appellants had 'considerably exceeded the expectations' of the authorities, and asserted that 'the duties of the Tribunals in busy areas made very heavy demands upon the time of their members'.<sup>14</sup> This was undoubtedly the case at Leicester, where the local appeal body often found it necessary to sit for 10 hours a day, in the Carmarthen Rural District of Wales, where a member joked that had been 'sentenced to twelve months hard labour at the Tribunal', and in the Metropolitan Borough of Hampstead, where Charles Repington bluntly noted that he and his colleagues had 'worked like niggers'.<sup>15</sup> Such an overstretching of the appeal bodies' capacities was a source of great frustration to the War Office, which believed that an inability to process men fast enough was contributing to the unsatisfactory flow of recruits into the army. Michael Macdonagh, a reporter for *The Times*, recalled Lord Derby's displeasure at the Tribunals having become 'encumbered and clogged with work', while the

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<sup>13</sup> Robert Self (ed.), *The Neville Chamberlain Diary Letters, Volume One: The Making of a Politician, 1915-20*, Aldershot: Ashgate, 2000, p. 110.

<sup>14</sup> H. Cartmell, *For Remembrance: An Account of Some Fateful Years*, Preston: George Toulmin & Sons, 1919, p. 68.

<sup>15</sup> F.P. Armitage, *Leicester, 1914-1918: The War-Time Story of a Midland Town*, Leicester: Edgar Backus, 1933, p. 169; Lieut.-Col. C. À Court Repington, *The First World War, 1914-1918: Personal Experiences of Lieut.-Col. C. À Court Repington*, London: Constable & Co., 1921, pp. 203, 297.

Adjutant-General lamented that the appeal bodies 'cannot handle all the material satisfactorily at present'.<sup>16</sup>

Statistical evidence supports the tenor of these observations. There is no source that indicates the overall rate of appealing in Britain for the whole of the conscription period. Nonetheless, combining the available national and local information does provide some significant insights. The approximately 1.2 million call-up notices issued between January and July 1916 generated 748,587 appeals.<sup>17</sup> In one of these months, March 1916, 25,941 unattested men were taken into the army. Yet at the same time 58,947 were exempted and another 18,079 had cases outstanding.<sup>18</sup> In other words, 74.81% of these men were appellants, in addition to the enlistees who had pleas turned down.

Examining the situation in individual cities yields similar results. As British men were called up by age group or class rather than by ballot, it is problematic to relate the number of appeals to the number of men who were summoned. An alternative is to calculate the number of appellants as a proportion of the approximate eligible population. This methodology produces an appeal rate for Leeds (Northern Division of the West Riding) of 21.76%, Bristol (Gloucestershire) 23.36%, and Birmingham 28.51%.<sup>19</sup> However, it must be noted that these figures only relate to men who cases came within the purview of the Tribunals. In Britain, each government department was responsible for issuing exemptions to 'men, or

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<sup>16</sup> Michael MacDonagh, *In London during the Great War*, London: Eyre & Spottiswoode, 1935, pp. 98-9; 'Cabinet Committee on the Co-Ordination of Military and Financial Effort in the Present War: Proceedings of a Meeting Held at the House of Commons on Monday, April 10<sup>th</sup>, 1916, at 4:30 p.m.', CAB 27/4, the National Archives (TNA).

<sup>17</sup> Brigadier-General Sir James E. Edmonds, *Military Operations: France and Belgium, 1916: Sir Douglas Haig's Command to the 1<sup>st</sup> July: Battle of the Somme*, London: Macmillan and Co., 1932, p. 152; A.J.P. Taylor, *Politics in Wartime and Other Essays*, London: Hamilton, 1964, p. 24.

<sup>18</sup> 'Cabinet Committee on the Co-Ordination of Military and Financial Effort: Second Report', 13 April 1916, CAB 27/4, TNA.

<sup>19</sup> Leeds' 1911 population of males aged 10-44, approximately those who would have become liable for call-up during the conscription period, was 124,497, of whom 27,089 came before the Local Tribunal (William Herbert Scott, *Leeds in the Great War, 1914-1918: A Book of Remembrance*, Leeds: Leeds Libraries and Arts Committee, 1923, p. 316; *1911 Census of Great Britain*); In Bristol, an estimated 22,000 men became appellants from around 94,187 eligibles (George F. Stone and Charles Wells (eds), *Bristol and the Great War, 1914-1919*, Bristol: J.W. Arrowsmith, 1920, p. 116; *1911 Census of Great Britain*); The approximate ratio of appellants to eligible men in Birmingham was 42,509 to 149,115 (Reginald H. Brazier and Ernest Sandford, *Birmingham and the Great War, 1914-1919*, Birmingham: Cornish Brothers, 1921, p. 29; *1911 Census of Great Britain*).

classes or bodies of men' in its employment, and was also permitted to direct that badge certificates, which accompanied each War Service Badge issued to essential employees under the voluntary system, should now be treated as certificates of exemption from conscription.<sup>20</sup> Individuals who were protected by either of these provisions did not have to go through the Tribunals.<sup>21</sup> By 1 October 1916, government departments had granted over 1.5 million exemptions, compared to 1.1 million issued by the Tribunals.<sup>22</sup> This situation had become even more pronounced by 30 April 1917, with around 780,000 Tribunal exemptions against nearly 1.8 million from other sources.<sup>23</sup> Given that Leeds, Bristol, and Birmingham were major industrial and administrative centres, large numbers of men would have been employed in essential war-related occupations. Therefore, the proportion of exemption claims in those cities would have been significantly greater than the above figures indicate.

That a sizeable proportion of men became appellants is also apparent in the Division. The first public sitting of the Morley Tribunal lasted for fully 12 hours, as the members worked through 155 cases, while it was not uncommon for the Huddersfield body to dispose of over 100 applications several times a week.<sup>24</sup> This intensive activity proved too much for some Tribunal members, who felt compelled to resign after they found it impossible to both attend sittings and devote sufficient time to their own businesses.<sup>25</sup> During the conscription period, claims relating to 519 individuals were lodged in the Urban District of Birstall, which had an approximate eligible population of 1,922, to give an appeal rate of 27%.<sup>26</sup> Moreover, the relative figures for the Borough of Batley and the Urban

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<sup>20</sup> UK, Military Service Act, 1916, Section 2(2) and (5).

<sup>21</sup> 'Memorandum by the Adjutant General on Recruiting Prospects So Far as they Can be Foreseen', 10 January 1917, CAB 17/158, TNA.

<sup>22</sup> 'Statement for the War Committee, Showing the Numbers of Men due to the Army and the Number of those Remaining in Civil Life. Also the Requirements of the Army on 1<sup>st</sup> October 1916', 24 October 1916, CAB 17/158, TNA.

<sup>23</sup> HMSO, *Statistics of the Military Effort of the British Empire during the Great War, 1914-1920*, London: HMSO, 1922, p. 367.

<sup>24</sup> *Wakefield Express (WE)*, 11 March 1916, p. 3; Huddersfield Local Tribunal Minutes, KMT 18/12/2/52/1, Kirklees Archives (KA).

<sup>25</sup> Batley Borough Council - General Purposes Committee Minutes, 22 March 1916, KMT 1/2/2/15/4, KA.

<sup>26</sup> Agendas for Tribunal Sittings, Birstall Urban District Council - Local Tribunal Files (BLTF), RD 21/6/2, KA; *1911 Census of Great Britain*.

District of Marsden were 33.95% and 36.54% respectively.<sup>27</sup> Yet even these striking findings are eclipsed by the situation in the County Borough of Huddersfield, where the Local Tribunal received 12,865 claims in 1916 alone, with the 1911 population of males aged 10 to 44 being only 29,651.<sup>28</sup> If these statistics are extrapolated to the Division's other districts, and considered alongside the fact that many eligibles would have already volunteered, would have been classed as medically unfit, or would have been badged or otherwise exempted as coal miners, ship builders, iron workers etc., then it appears that a majority of the Division's prospective conscripts were the subjects of applications for exemption.<sup>29</sup>

Appealing seems to have been much less common in New Zealand. Although the Government found it necessary to increase the number of Boards from four to ten in January 1917, this was still far fewer per capita than the 2,000 Local Tribunals in Britain.<sup>30</sup> Furthermore, at the same time as Tribunal members and the British military authorities were regularly complaining of overwhelming appeal case-loads, the Third Canterbury Board was never required to hold sittings, and the Minister of Defence, James Allen, was able to progressively abolish several other Boards owing to a lack of work.<sup>31</sup> The Second Otago body ceased its operations as early as 31 October 1917, followed by the Third Wellington Board four months later.<sup>32</sup> By February 1918, the Recruiting Board calculated that it could also move towards 'dispensing with' the Second Auckland, Second Wellington, and Second Canterbury bodies, and only held off due to the need for a double ballot in response to the German March Offensive.<sup>33</sup> In other words, the proportion of New

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<sup>27</sup> There were 3,385 men whose cases came before the Batley Tribunal from around 9,970 eligibles (Batley Borough Council – Local Tribunal Register of Cases, KMT 1, KA; *1911 Census of Great Britain*); The Marsden appeal body dealt with 631 men out of approximately 1,727 who were of military age (Agendas for Tribunal Sittings, Papers of Mr Harris Hoyle Concerning his Membership of the Marsden Military Service Tribunal (HHP), S/NUDBTW/34, KA; *1911 Census of Great Britain*).

<sup>28</sup> Huddersfield Local Tribunal Minutes, 3 January 1917, KMT 18/12/2/52/1, KA; *1911 Census of Great Britain*; By mid-1918, one member of the Huddersfield Tribunal estimated that his body had heard 'about 30,000 claims for exemption', although he must have been referring to the number of times a verdict had been delivered, rather than to the number of appellants (Owen Balmforth, *Jubilee History of the Corporation of Huddersfield, 1868 to 1918*, Huddersfield: Alfred Jubb & Son, 1918, p. 95).

<sup>29</sup> Gregory, 'Military Service Tribunals', p. 184

<sup>30</sup> Robin to Allen, 16 January 1917, AD 1 Box 769 22/151, Archives New Zealand (ANZ).

<sup>31</sup> 'Return of Military Service Boards', undated, AD 82 Box 2 1/11/2, ANZ.

<sup>32</sup> Widdowson to Allen, 13 December 1918, AD 82 Box 2 1/11/2, ANZ; Secretary of Third Wellington Military Service Board to Cosgrove, 6 March 1918, AD 82 Box 2 1/5 (part 2), ANZ.

<sup>33</sup> Gray to Earl, 25 February 1918, AD 82 Box 1 1/3, ANZ.

Zealand men who became appellants in 1918 was so low that only four Boards would have been sufficient to process the cases arising during that year, but for the intervention of outside factors.

Statistical evidence further indicates that a much lower proportion of New Zealanders engaged with the exemption system. Baker's figures on the rate of appealing are gathered 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 ballot.<sup>34</sup> Thereafter, Baker utilises a return on the work of the Boards between 2 June 1917 and 7 September 1918 to argue that the appealing rate then 'increased again, to average 51 per cent' during these months.<sup>35</sup> Baker, therefore, implies that just under half of the 134,632 balloted European men, or approximately sixty thousand, appealed overall.<sup>36</sup>

However, 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>37</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 to five.<sup>38</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

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<sup>34</sup> 'Observations on Returns of 14<sup>th</sup> April 1917', AD 1 Box 1038 64/12, ANZ; Baker, *King and Country Call*, p. 106.

<sup>35</sup> *New Zealand Herald (NZH)*, 19 September 1918, p. 6; Baker, *King and Country Call*, p. 106.

<sup>36</sup> 'Recruiting 1916-1918: Report by Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ; This number of balloted men includes every European who was drawn, irrespective of their medical classification and whether they were subsequently found to not be a reservist.

<sup>37</sup> Robin to Allen, 16 January 1917, AD 1 Box 769 22/151, ANZ.

<sup>38</sup> 'Observations on Returns of 14<sup>th</sup> April 1917', AD 1 Box 1038 64/12, ANZ.

'appeals' (45,535) and the number of 'appellants' (only 14,547).<sup>39</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 for further consideration, or where an application for a re-hearing, or for additional leave, had been made. Indeed, the final reports produced by several of the Board Chairmen indicate a total number of 'appeals' considered by their body, but also note that these figures were based on decisions given, rather than on the number of individuals whose cases had come before them.<sup>40</sup>

The strongest evidence against Baker's implication that sixty thousand New Zealanders appealed, or were appealed for, is a report compiled in March 1919 by the Director of Recruiting, Captain Cosgrove, which identifies 32,445 European appellants over the whole period of conscription.<sup>41</sup> This figure could be regarded as definitive, because Cosgrove would have had time to collate the relevant data after hostilities had concluded. Nevertheless, the report is unclear as to whether it takes every appellant into account. In the early months of sittings it emerged that time was being wasted on individuals appearing before the Boards after having already been classed as medically unfit for overseas service.<sup>42</sup> To alleviate this difficulty, these men were 'asked to withdraw their appeals' before a hearing took place.<sup>43</sup> Although withdrawals undoubtedly occurred, the report's total of 32,445 appellants is only broken down into the final outcomes of allowed, dismissed, adjourned *sine die* (indefinitely), and not determined.<sup>44</sup> This lack of clarity makes it impossible to ascertain whether withdrawn appeals are included.

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<sup>39</sup> *NZH*, 19 September 1918, p. 6.

<sup>40</sup> Evans to Gray, 9 December 1918 and Widdowson to Allen, 13 December 1918, both in AD 82 Box 2 1/11/2, ANZ.

<sup>41</sup> 'Recruiting 1916-1918: Report by Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ.

<sup>42</sup> The definition of 'medically unfit' used here 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 military service (D) ('Recruiting 1916-1918: Report by Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ).

<sup>43</sup> Allen to Cooper, 13 March 1917, AD 82 Box 1 1/3, ANZ; See also Tendall to Gray, 14 September 1917, AD 82 Box 2 1/11/1, ANZ.

<sup>44</sup> 'Recruiting 1916-1918: Report by Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ.

## Chart One - Total and Status of New Zealand 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>45</sup>	5,994 -Verdict 5,987 -Withdrawal 7
<b>Total Appellants</b>	<b>43,544</b>

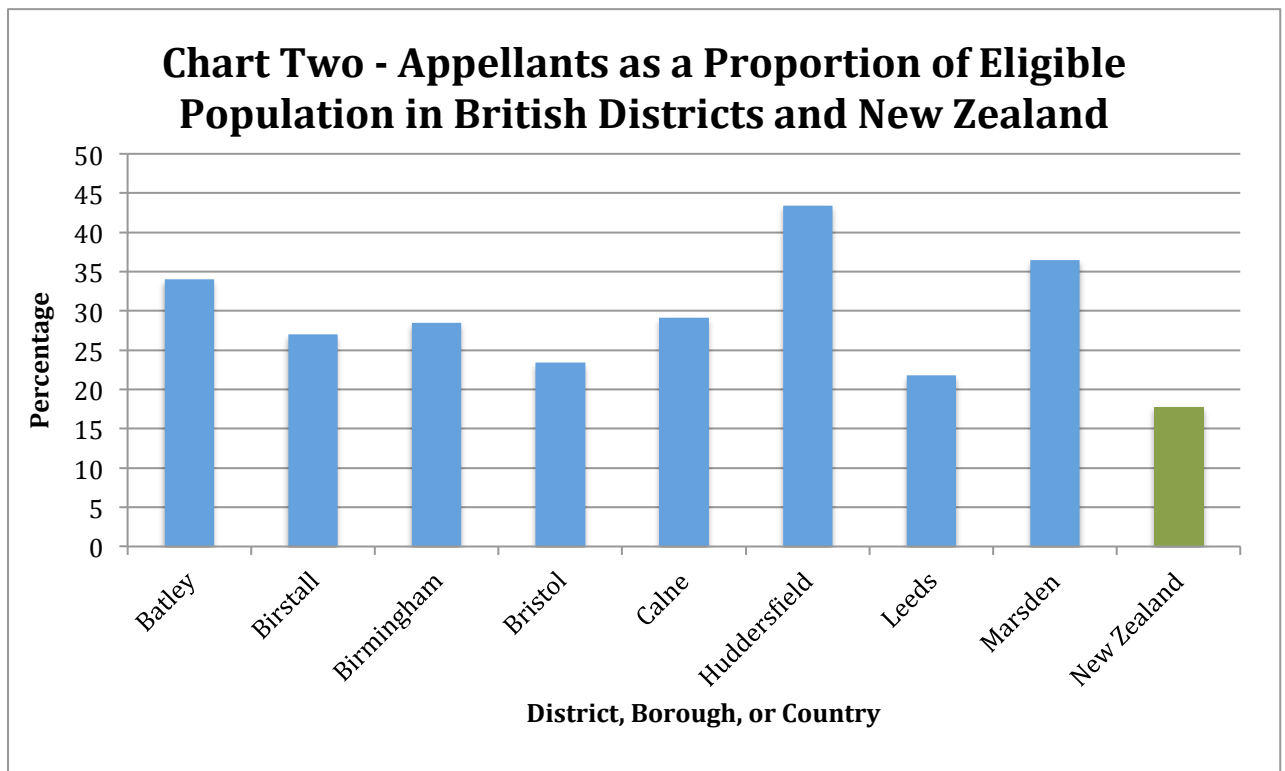
Source: Numerical List of Reservists, ANZ.

The Numerical List of Reservists does not completely resolve this issue, but it does permit a conclusion on the rate of appealing in New Zealand. Produced by the Defence Department after the war, this resource gives details on every balloted European man, including the outcome of any appeal.<sup>46</sup> Unfortunately, no total number of appellants is provided, meaning that a manual count had to be conducted. 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 the total in the List being 43,544 men 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

<sup>45</sup> When the first few ballots were carried out, all the 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 merchant seamen and coal miners, or those who claimed they were not reservists or had been wrongly classed. To this end, their medical examination was deferred until the appeals had been decided ('Recruiting 1916-1918: Report by Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ).

<sup>46</sup> 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' ('The Many Derelicts of the War', p. 36).

certainly be attributed to the varied ways that the Boards 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 case, it seems that the First Canterbury Board was not alone in reporting a verdict being delivered even though no formal hearing had taken place.<sup>47</sup> What can be stated definitely is that 43,544 is the maximum number of European appellants; as the List was produced after the war and details every balloted reservist, there is virtually no possibility of appellants being omitted. Moreover, it cannot be argued that the List only covers men who appealed to one particular agency, as, unlike in Britain, the Boards were specifically established to be the sole authority for the awarding of exemptions.<sup>48</sup>



Sources: Batley Borough Council – Local Tribunal Register of Cases, KMT 1, KA; Agendas for Tribunal Sitings, BLTF, RD 21/6/2, KA; Brazier and Sandford, *Birmingham and the Great War*, p. 29; Stone and Wells (eds), *Bristol and the Great War*, p. 116; Slocombe, ‘Recruitment’, p. 109; Huddersfield Local Tribunal Minutes, 3 January 1917, KMT 18/12/2/52/1, KA; Scott, *Leeds in the Great War*, p. 316; Agendas for Tribunal Sitings, HHP, S/NUDBTW/34, KA; Numerical List of Reservists, ANZ; Baker, ‘New Zealanders’, Appendix 25.

These considerations render Baker’s inference that nearly half of all balloted New Zealanders were the subjects of appeals unsustainable. The actual rate was much

<sup>47</sup> Evans to Gray, 9 December 1918, AD 82 Box 2 1/11/2, ANZ.

<sup>48</sup> Myers to Russell, 25 July 1916, AD 1 Box 736 10/512, ANZ.

lower: of 134,632 European men, 43,544 or 32.34% became appellants, which, when expressed as a proportion of the eligible male population, equates to only 17.77%. As Chart Two demonstrates, this is a significantly lower figure than any of those identified in the Division or around Britain as a whole.<sup>49</sup>

This New Zealand appeal rate also appears to be very low when compared to the other Dominions of the British Empire. While Australian voters rejected conscription in two referendums, from September 1916 single men and widowers without dependents were eligible for compulsory 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>50</sup> Even though New Zealanders were balloted for active service rather than just training, only 41.93% of fit men appealed.<sup>51</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. 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>52</sup> For New Zealand, even treating all 75,406 unfit men as having appealed from an 'obvious physical disability' still only gives an appeal rate of 74.56% when added to the 25,330 fit and not medically examined appellants.<sup>53</sup>

It seems unlikely that this disparity arose from a greater degree of approval for the British appeals process. In both countries, the system came under sustained

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<sup>49</sup> In New Zealand, 43,544 men appealed out of approximately 245,000 who were of military age ('Recruiting 1916-1918: Report by Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ; Paul Baker, 'New Zealanders, the Great War, and Conscription', PhD Thesis, University of Auckland, 1986, Appendix 25).

<sup>50</sup> 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; M. McKernan, *The Australian People and the Great War*, Melbourne: Nelson, 1980, p. 197.

<sup>51</sup> 'Recruiting 1916-1918: Report by Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ.

<sup>52</sup> J.L. Granatstein, 'Conscription in the Great War' in David Mackenzie (ed.), *Canada and the First World War: Essays in Honour of Robert Craig Brown*, Toronto: University of Toronto Press, 2005, p. 68; J.L. Granatstein and J.M. Hitsman, *Broken Promises: A History of Conscription in Canada*, Toronto: Oxford University Press, 1977, pp. 84-5.

<sup>53</sup> 'Recruiting 1916-1918: Report by Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ.

criticism from two distinct directions. On one side were those who claimed that exemptions were being granted too liberally. The War Office repeatedly asserted that a failure to meet recruiting targets was partly due to the over-sentimentality and excessive localism of the Tribunals.<sup>54</sup> Indeed, the Adjutant-General began describing the work of the appeal bodies as 'unsatisfactory' only two months after conscription came into force.<sup>55</sup> Members of the British Government also voiced this belief for much of 1916 and 1917, meaning that the Division's appeal bodies received a constant stream of official instructions asking them to apply stricter standards, particularly when dealing with men who were young, single, and in the high medical categories.<sup>56</sup> One Tribunal Chairman remarked that 'We are being urged every week to get more men for the Army.'<sup>57</sup> Families who had lost several members, along with those who believed that the nation's duty to send every fit man was going unfulfilled, also directed their anger towards the exemption process.<sup>58</sup> This came to a head in New Zealand during the early months of 1918, with the imminent mobilisation of the Second Division. Rioting broke out in Christchurch the first time married men were due to be sent into camp and, although such civil disobedience was widely condemned, there was still a sense of outrage that individuals with family responsibilities might be sent when thousands of singles remained at home.<sup>59</sup> Indeed, numerous local and sectional bodies took up the call for medical unfitness to become the only ground for exemption outside of being engaged in essential war work.<sup>60</sup>

Yet there were also frequent claims that exemptions were being unduly withheld. In the British Parliament, Walter Long and his successors as President of the Local

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<sup>54</sup> 'Note on Amendments Desirable in the Present Military Service Acts', undated, WO 32/5474, TNA; General Officer Commanding-in-Chief Eastern Command to Secretary of State for War, 27 October 1917, NATS 1/876, TNA.

<sup>55</sup> 'Cabinet Committee on the Co-Ordination of Military and Financial Effort in the Present War: Proceedings of a Meeting Held at 10 Downing Street on Wednesday, April 12<sup>th</sup>, 1916, at 11:30 a.m.', CAB 27/4, TNA.

<sup>56</sup> Local Government Board (LGB) Circular R. 113, 20 January 1917 and LGB Circular R. 114: 'Men under 31 Years of Age', 20 January 1917, both in MH 47/142, TNA; Parliamentary Papers Cd. 8697: *Forty-Sixth Annual Report of the Local Government Board, 1916-1917*, London: HMSO, 1917, pp. 20-1, the British Library (TBL).

<sup>57</sup> *Batley News (BN)*, 21 July 1917, p. 7.

<sup>58</sup> *Evening Post (EP)*, 2 February 1917, p. 6; *Pontefract & Castleford Express (PCE)*, 19 July 1918, p. 5; Cartmell, *For Remembrance*, p. 84.

<sup>59</sup> *Press (P)*, 30 April 1918, p. 6; *NZH*, 1 May 1918, p. 4; Baker, *King and Country Call*, pp. 147-50.

<sup>60</sup> *Waikato Times (WT)*, 2 May 1918, p. 4; *NZH*, 4 May 1918, p. 7.

Government Board were regularly forced to answer allegations of harsh treatment on the part of the Tribunals. One MP likened the appeal bodies to 'recruiting sergeants' and 'the old press gangs', another cited their relentless efforts at 'driving men into the army', while a third lamented the 'very poor' hearings that were being accorded.<sup>61</sup> Such accusations were also made in the Division. After the first few weeks of sittings, the *Dewsbury Reporter* concluded that the Tribunals had decided to operate 'as the tool and instrument of the military'.<sup>62</sup> Likewise, the *Worker* suggested that their members were endeavoring 'to press as many men as possible into the Army', and the Huddersfield Friendly and Trade Societies' Club opined that unless the appeal bodies began to show more consideration than 'there is likely to be serious shortage of farmers' production'.<sup>63</sup> The appellants themselves expressed further grievances. Frank Lockwood bitterly resented the 'sarcastic remarks' he had been subjected to at the Linthwaite body and noted in his diary that 'Tribunal' should be redefined as 'a collection of local celebrities who send other peoples sons into the Army - & make bad jokes about it'.<sup>64</sup> Even more indignant was an appellant at Golcar, who greeted the appeal body's refusal to allow him further time by throwing his previous exemption certificate at the members and exclaiming 'I shall be shot before I go.'<sup>65</sup>

Observers in New Zealand were no less critical of the Boards. The *Round Table* asserted that the appeal bodies were regarding their 'whole function as being to get men for the reinforcements', while one appellant accused Chairman Bishop of having turned him into a 'laughing stock'.<sup>66</sup> Particular displeasure was voiced where the 'last man' on the farm, or the sole remaining son of a widow, was taken for service. A member of the Taranaki Farmers' Union stated that the Boards 'had no sympathy' with agricultural or pastoral claims, and the *Dannevirke Evening*

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<sup>61</sup> Lough, *House of Commons (Fifth Series)*, vol. 80, col. 951; Glanville, *H of C*, 5:81, col. 125; Morrell, *H of C*, 5:80, col. 2211.

<sup>62</sup> *Dewsbury Reporter*, 4 March 1916, p. 8.

<sup>63</sup> *Worker (W)*, 25 March 1916, p. 4; *Huddersfield Examiner (HEX)*, 24 May 1916, p. 2.

<sup>64</sup> 'Notes Written by Frank T. Lockwood', Private Papers of Frank T. Lockwood, 3 April 1916 and March 1917, Imperial War Museum.

<sup>65</sup> *HEX*, 16 May 1916, p. 4.

<sup>66</sup> *Round Table*, June 1917, pp. 633-4; *Ashburton Guardian*, 28 June 1918, p. 4.

*News* described the Second Wellington body's decision to send the last of five boys in the Best family as a 'manifest inequality of sacrifice'.<sup>67</sup>

Being exposed to this double-edged censure was a constant source of exasperation to the appeal bodies and their administrators.<sup>68</sup> On one occasion, the Chairman of the Castleford Tribunal hastened to reassure his colleagues against the 'flood of abuse' they had received from individuals who apparently believed that they were 'lacking in intelligence and full of partiality and prejudice, instead of being public businessmen who were sacrificing their time and energy in the conscientious performance of a somewhat unpleasant, if necessary, public duty'.<sup>69</sup> Similarly, when a mother complained to the Second Auckland Board about the number of cases that had been refused, the Chairman wryly remarked that 'Some people consider we grant too many'.<sup>70</sup> In the face of this persistent criticism, Long maintained that he was simply at a loss over how to satisfy the many detractors who held that the system was too harsh, while simultaneously appeasing those who claimed it was too liberal.<sup>71</sup> For his part, Allen testily queried how the public could demand the immediate conscription of all single men, yet be unwilling to give up any of the goods or services to which they were accustomed: 'You cannot have your cake and eat it'.<sup>72</sup> With there being so little confidence in the exemption system in both countries, it seems that perceptions of its quality cannot account for the difference in the appeal rates.

Another issue that probably had a limited impact on appealing is the likelihood of gaining exemption. A potential line of reasoning is that if a large proportion of New Zealanders had their claims rejected, this might have led other reservists and their employers to conclude that appealing was not worth the effort. However, all the evidence indicates that the rate of success before the Boards was very high. New Zealand appellants who were medically fit and whose claims were not withdrawn

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<sup>67</sup> *Hawera & Normanby Star (HNS)*, 21 September 1917, p. 5; *Dannevirke Evening News (DEN)*, 1 July 1918, p. 4.

<sup>68</sup> McDermott, *British Military Service Tribunals*, pp. 7-8.

<sup>69</sup> *PCE*, 2 June 1916, p. 6.

<sup>70</sup> *WT*, 28 November 1917, p. 4.

<sup>71</sup> Long, *H of C*, 5:81, cols. 136-139.

<sup>72</sup> *Poverty Bay Herald (PBH)*, 4 May 1918, p. 7.

had a 56.1% chance of obtaining a positive 'concrete verdict' on each occasion that their case was heard between 23 November 1916 and 24 March 1917, and between 2 June 1917 and 7 September 1918.<sup>73</sup> Furthermore, even a dismissal was usually accompanied by at least a few months' leave before the reservist was required to enter camp.<sup>74</sup> Ultimately, 81.03% of the 'concrete verdicts' delivered by the Boards during these 20 months afforded some period of exemption, which seems far more likely to have been an incentive to appeal, rather than a dissuading factor.<sup>75</sup> The chances of gaining a favourable decision varied across Britain, which is hardly surprising given that it had over 2,000 Local Tribunals.<sup>76</sup> Amongst the most generous must surely have been the Calne and Stratford-upon-Avon (Warwickshire) bodies, which, in cases that were pressed to a conclusion, returned a negative 'concrete verdict' only 9.15% and 14.81% of the time respectively, and the Stratford Rural Tribunal, which 'refused an exemption certificate' to only seven out of 50 men from the village of Kineton.<sup>77</sup> In contrast, the Scottish East Lothian County Tribunal was much less likely to grant exemption, dismissing 25% of the claims that came before it.<sup>78</sup> Differing exemption rates are also evident in the Division. The Marsden Tribunal afforded at least some period of relief in 89.24% of its 'concrete verdicts', and the Birstall body in 86.89%, whereas the figure for the Spenborough Tribunal was only 71.96%.<sup>79</sup> These divergent returns make an overall comparison problematic. Nonetheless, it does seem reasonable to conclude that British men were not substantially more likely to be granted relief than their New Zealand counterparts. This being the case, the prospect of success has little to endorse it as a reason for the varying likelihood of appealing.

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<sup>73</sup> 'Observations on Returns of 14<sup>th</sup> April 1917', AD 1 Box 1038 64/12, ANZ; NZH, 19 September 1918, p. 6; A positive 'concrete verdict' from the Boards being defined as one of allowed or adjourned *sine die*, whereas negative 'concrete verdicts' were those where the appeal was dismissed. 'Concrete verdicts' do not include cases that were simply held over to a fixed date.

<sup>74</sup> 'Recruiting 1916-1918: Report by Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ.

<sup>75</sup> David Littlewood, "'Should he Serve?': The Military Service Boards' Operations in the Wellington Provincial District, 1916-1918', MA Thesis, Massey University, 2010, pp. 101-2.

<sup>76</sup> 'List of Local and Appeal Tribunals in England and Wales', 7 January 1918, NATS 1/914, TNA.

<sup>77</sup> Slocombe, 'Recruitment', p. 110; Spinks 'The War Courts', p. 214; Gillian Ashley-Smith, *Kineton in the Great War, 1914-1921*, Studley: Brewin Books, 1998, p. 22; A positive 'concrete verdict' from the Tribunals being defined as one of absolute, conditional, or temporary exemption.

<sup>78</sup> Cranstoun, 'The Impact of the Great War', pp. 115-7.

<sup>79</sup> Agendas for Tribunal Sittings, HHP, S/NUDBTW/34, KA; Agendas for Tribunal Sittings and Tribunal Minutes, BLTF, RD 21/6/2, KA; Spenborough Local Tribunal Minutes, KMT 39/1/2/1/1, KA.

A third factor that appears to have limited scope in terms of explaining the differing appeal rates is the scale of conscription in the two countries. Although the British Military Service Act of January 1916 covered only single men aged between 18 and 41, a second Act applying to married men was passed just four months later.<sup>80</sup> All the single and married groups and classes were called up well before the end of the year, with subsequent statutes, regulations, and instructions extending the age of eligibility to 50, and providing for the 'combing out' of many of those men who had previously been safeguarded due to their occupation or rejected due to their medical category.<sup>81</sup> Conscription in New Zealand not only started later, but also proceeded at a much slower pace. The first appeals came before the Boards in November 1916 and, while all single men had been subject to the ballot by the close of hostilities, the calling up of the Second Division had only reached Class C (married men with two children).<sup>82</sup> This meant that an estimated 16.4% of all eligible European reservists were never balloted.<sup>83</sup> Had these individuals been required, the number of New Zealand appellants as a proportion of the eligible population would clearly have increased and the difference with the relative British figures would not be as great.

Yet it is highly likely that a substantial disparity would still exist. Despite James Belich's claim that married New Zealanders did 'everything possible to delay' their conscription, an analysis of the Numerical List of Reservists supports observations made at the time that the calling of the early classes of married men did not herald a significant rise in the proportion of exemption claims.<sup>84</sup> Rather, the rate of appealing fluctuated throughout the Boards' operations. Certainly, the highest rate of 38.9% occurred for ballot twelve, which was the first time that members of the

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<sup>80</sup> UK, Military Service Act, 1916 (Session 2).

<sup>81</sup> 'Notes on Calling Up of Groups and Classes', 2 February 1916, Asquith Papers (AsqP), MSS. Asquith 29, Bodleian Library (BodL); N.B. Dearle, *An Economic Chronicle of the Great War for Great Britain & Ireland, 1914-1919*, London: Humphrey Milford, 1929, pp. 72, 76, 83; Parliamentary Papers Cd. 8149: *Earl of Derby, K.G., Director General of Recruiting, Report on Recruiting*, London: HMSO, 1916, p. 4, TBL; LGB Circular R. 113, 20 January 1917 and LGB Circular R. 114, 20 January 1917, both in MH 47/142, TNA.

<sup>82</sup> 'Recruiting 1916-1918: Report by Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ.

<sup>83</sup> Baker, 'New Zealanders', Appendix 25.

<sup>84</sup> James Belich, *Paradise Reforged: A History of the New Zealanders from the 1880s to the Year 2000*, Auckland: Penguin, 2001, p. 103; *Feilding Star*, 7 December 1917, p. 3.

Second Division were drawn. 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 similar to that for the ballots that only included First Division reservists: 33.94% and 30.86% respectively.<sup>85</sup> This situation might well have altered had conscription reached classes D (married men with three children), E (four children), and F (five children). Individuals with a higher number of dependents would probably have been more likely to have regard to the ties of their domestic situation than men with fewer or no children, particularly given the prevalence of a 'male breadwinner culture' in New Zealand society.<sup>86</sup> Nevertheless, any increase in the appeal rate would surely not have been so large as to account for the vast difference between the New Zealand and British figures.

The fourth, seemingly insufficient, explanation for the dissimilar appeal rates is that the Numerical List of Reservists only includes men from New Zealand's European population. Due to administrative difficulties, and concerns that it would accelerate the decline of the race, conscription was not applied to Maori until mid-1918. Even then it was restricted to only those tribes living in the Waikato-Maniapoto Land District, which were perceived as having failed to supply sufficient volunteers for the Native Contingent.<sup>87</sup> Nevertheless, Baker, King, and P.S. O'Connor have each asserted that attempts to enforce military obligations in this region were met by a campaign of passive resistance. Local leaders, notably Princess Te Puea Herangi, denied the right of the European Government to compel enlistment, particularly when settlers had inflicted decades of dispossession and poverty on Maori people.<sup>88</sup> Given such deep-seated antagonism, it might be supposed that adding Maori reservists to the official statistics would produce a much higher overall appeal rate. However, this is not the case. Four Maori ballots

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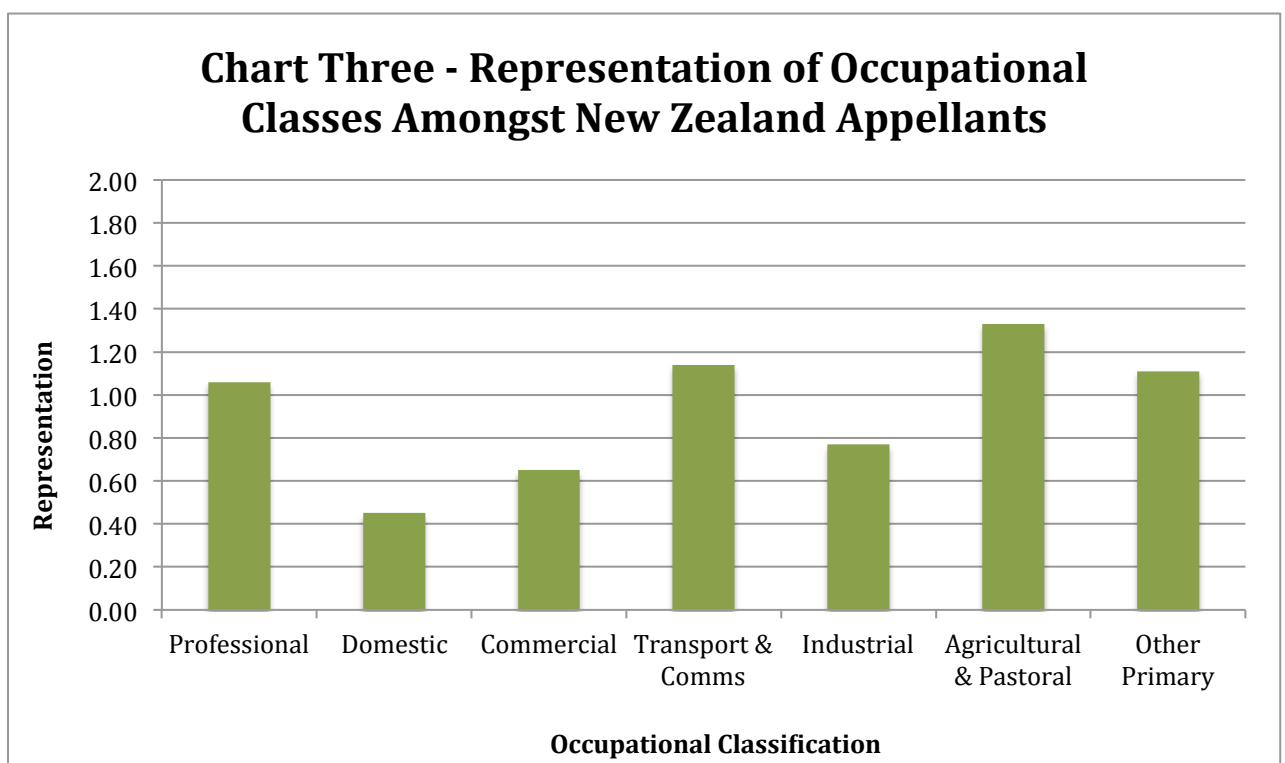
<sup>85</sup> Littlewood, 'Should he Serve?', pp. 59-60.

<sup>86</sup> Melanie Nolan, *Breadwinning: New Zealand Women and the State*, Christchurch: Canterbury University Press, 2000, p. 13.

<sup>87</sup> James Cowan, *The Maoris in the Great War: A History of the New Zealand Native Contingent and Pioneer Battalion*, Auckland: Whitcombe & Tombs, 1926, pp. 21-2; Alison Fletcher, 'Recruitment and Service of Māori Soldiers in World War One', *Itinerario*, 38:3 (2014), p. 70; P.S. O'Connor, 'The Recruitment of Maori Soldiers, 1914-1918', *Political Science*, 19:2 (1967), pp. 61-74; Timothy C. Winegard, *Indigenous Peoples of the British Dominions and the First World War*, Cambridge: Cambridge University Press, 2012, pp. 156-9.

<sup>88</sup> Baker, *King and Country Call*, pp. 217-22; Michael King, *Te Puea: A Life*, new edition, Auckland: Reed, 2004, pp. 82-96; O'Connor, 'The Recruitment of Maori Soldiers', pp. 74-83.

were held from May 1918, calling up a total of 552 men.<sup>89</sup> There is no single return showing the proportion of these individuals who became appellants, but it is possible to make a reliable estimate by combining newspaper reports of the sittings of the specially constituted Native Military Service Board with correspondence that passed between the administrators of conscription.<sup>90</sup> This methodology indicates that 185 Maori men were the subjects of exemption claims: an appeal rate of 33.51%. Given that this figure is only slightly higher than that for New Zealand's European eligibles, it seems that the omission of Maori from the Numerical List of Reservists cannot be held to explain the differing appeal rates.



Sources: 1916 Census of New Zealand; All New Zealand newspapers.

A further variable that appears to have had limited significance is the more rural structure of New Zealand society. In 1911, approximately 11.42% of all British males worked in agriculture, whereas the 1916 figure for New Zealand was

<sup>89</sup> *New Zealand Gazette*, 1918, pp. 1753-4, 2409-10, 2807, 3345; 'Recruiting 1916-1918: Report by Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ.

<sup>90</sup> *NZH*, 24 July 1918, p. 6, 25 July 1918, p. 6, 30 July 1918, p. 7, 6 August 1918, p. 4, 8 August 1918, p. 6, 10 August 1918, p. 9 and 21 October 1918, p. 4; Correspondence in AD 83 Box 1 R 6/11, ANZ; The Native Military Service Board comprised Charles MacCormick, a European Judge of the Native Land Court, as Chairman, alongside two Maori members: John Ormsby of Otorohanga and Pitiera Taipua of Otaki. Major Conlan, who was also attached to the First Auckland Board, acted as Military Representative (Pomare to Allen, 26 January 1918, AD 82 Box 5 11/1, ANZ).

31.27%.<sup>91</sup> While it is impossible to ascertain a comparable statistic for the Division, given that it was a unit of administrative convenience rather than one possessing historical boundaries, only four of its 63 districts were classed as 'rural', with textiles and coal mining being by far the largest industries.<sup>92</sup> This disparity in urban to rural dwellers might be regarded as a meaningful contributor to the relative appeal rates. Indeed, Catriona Pennell's, David Silbey's, and Bonnie White's investigations of volunteering practices in Britain have all found that predominately rural areas had lower levels of recruitment than those that were largely urban.<sup>93</sup> Likewise, the most detailed analysis of voluntary enlistment in New Zealand has discerned that 'farmers and farm employees' were 'under-represented' amongst those who joined the forces.<sup>94</sup> A reluctance to volunteer was not the same as deciding to appeal against conscription, but these findings at least suggest that rural men were more concerned, or came under more pressure, to remain at home than their urban counterparts. Applying this theory to the measurable British districts produces only mixed results. Chart Two shows that the rate of appealing in the Wiltshire Rural District of Calne was 29.14%, which was higher than in Birmingham, Birstall, Bristol, and Leeds, but lower than for Batley, Huddersfield, and Marsden.<sup>95</sup> On the other hand, the proposition is strongly borne out by the New Zealand figures. Chart Three divides the percentage of appellants from an occupational classification by the percentage of the Dominion's employed male population that it constituted. A result of 1.00 would mean proportionate representation, above would be an overrepresentation, and below an underrepresentation. Agriculturalists and pastoralists were easily the most overrepresented group. They made up 41.62% of the appellants, but only 31.27% of New Zealand's male workers, giving a representation of 1.33. In contrast, appeals concerning men employed in the predominately urban industrial and

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<sup>91</sup> P.E. Dewey, *British Agriculture in the First World War*, London: Routledge, 1989, pp. 36-37; *1916 Census of New Zealand*.

<sup>92</sup> *London Gazette*, 10 March 1916, p. 2561; Kelly's, *Kelly's Directory of the West Riding of Yorkshire, 1917*, Kelly's Directories, 1917.

<sup>93</sup> Catriona Pennell, *A Kingdom United: Popular Responses to the Outbreak of the First World War in Britain and Ireland*, Oxford: Oxford University Press, 2012, p. 149; David Silbey, *The British Working Class and Enthusiasm for War, 1914-1916*, London: Frank Cass, 2005, p. 39; Bonnie White, 'Volunteerism and Early Recruitment Efforts in Devonshire, August 1914 – December 1915', *The Historical Journal*, 52:3 (2009), pp. 641-666.

<sup>94</sup> Baker, *King and Country Call*, pp. 54, 242.

<sup>95</sup> Slocombe, 'Recruitment', p. 109.

commercial categories were much less common, their representation being 0.77 and 0.65 respectively. This finding becomes even more pronounced when eligibility for conscription is taken into account.<sup>96</sup> The agricultural and pastoral category had the second lowest proportion of men in the ballot, with only 51.56% of workers being aged 20 to 46 in 1916.

Yet this significant overrepresentation of rural dwellers only makes the Dominion's low overall appeal rate that much more striking. If there were indeed a positive correlation between the proportion of men employed in rural occupations and the proportion of exemption claims, then one would expect it to have been New Zealand, rather than Britain, that had the greater incidence of appealing. Indeed, these figures demonstrate that the inclination *not* to claim exemption in New Zealand was so powerful that it actually outweighed the considerably greater tendency to appeal of New Zealanders engaged in farming, who were a much higher proportion of the eligible population than in Britain.

The relative distance of the two countries from the fighting also seems likely to have had only a minimal impact on appealing. It could be argued that Britain's proximity to the Western Front would have made its young men more cognisant of the conditions and risks that soldiers had to endure, whereas the thousands of miles separating eligible New Zealanders from their Expeditionary Force would have left them unaware of the war's realities. Were this actually the case, it might well have been a significant factor in making New Zealanders less likely to appeal. Certainly a greater proportion of the British population were exposed to soldiers who were home on leave, while several historians have suggested that these men were more candid about their battlefield experiences than has previously been claimed.<sup>97</sup> However, there are some important reasons for discounting distance from the frontline as an explanation. Firstly, New Zealanders were not blind to the

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<sup>96</sup> The importance of considering the age structure of occupational groups when examining enlistment figures has been articulated elsewhere (P.E. Dewey, 'Military Recruiting and the British Labour Force during the First World War', *The Historical Journal*, 27:1 (1984), pp. 209-11; J.M. Winter, *The Great War and the British People*, Cambridge: Harvard University Press, 1986, pp. 33-4).

<sup>97</sup> Joanna Bourke, *Dismembering the Male: Men's Bodies, Britain and the Great War*, London: Reaktion Books, 1999, p. 22; David Englander, 'Soldiering and Identity: Reflections on the Great War', *War in History*, 1:3 (1994), pp. 314-15; Gregory, *The Last Great War*, p. 133.

true nature of the conflict. The dreadful losses sustained during the 1915 Gallipoli Campaign were extensively reported and graphic accounts of death and hardship were published in the press.<sup>98</sup> One soldier's submission to the *Press* stated 'I know what hell is like now ... All my mates were either killed or wounded', while the *New Zealand Herald* carried a letter that read 'what do I think of war? Well, it is kill, kill, kill. No one cares if you are the next to be shot.'<sup>99</sup>

The second factor that appears to reduce the explanatory weight of geographic remoteness is that it can also be viewed from the opposite perspective. A number of recent studies have challenged the idea that the outbreak of war prompted an immediate rush of British men to the colours. Instead, Gregory, Stuart Halifax, and Pennell all assert that volunteering only surged following the publication of reports detailing the extent of the initial German advances into France and Belgium.<sup>100</sup> This appears to suggest that the willingness of men to serve increased if they perceived that their country's war effort was on the brink of disaster. When conscription was introduced in 1916, Britain was suffering from bombing raids and the shelling of coastal towns, while German submarines were threatening its food supplies by decimating merchant shipping in the Atlantic. Moreover, there existed the continued spectre of an invasion by an unscrupulous and 'evil foe', whose army was widely believed to have committed a series of brutal atrocities in occupied Belgium.<sup>101</sup> In contrast, the prospect of New Zealand coming under direct attack had completely receded by November 1916. If proximity to the front could be regarded as giving British men an incentive to appeal, then it can also be perceived as making them more likely to want to fight for the protection of their homes and their country.

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<sup>98</sup> Baker, *King and Country Call*, pp. 23, 36; Belich, *Paradise Reforged*, p. 99.

<sup>99</sup> *P*, 17 June 1915, p. 11; *NZH*, 21 July 1915, p. 9.

<sup>100</sup> Adrian Gregory, 'British "War Enthusiasm" in 1914: A Reassessment' in Gail Braybon (ed.), *Evidence, History and the Great War: Historians and the Impact of 1914-18*, New York: Berghahn Books, 2003, pp. 80-1; Stuart Halifax, "'Over by Christmas": British Popular Opinion and the Short War in 1914', *First World War Studies*, 1:2 (2010), pp. 104-8; Pennell, *A Kingdom United*, pp. 52, 144-7.

<sup>101</sup> Nicoletta F. Gullace, *'The Blood of our Sons': Men, Women, and the Renegotiation of British Citizenship during the Great War*, New York: Palgrave Macmillan, 2002, p. 113.

A final apparently unsatisfactory explanation for the differing appeal rates is the relative financial costs associated with joining the army. New Zealand soldiers were remunerated considerably better than their British counterparts, up to four or five times as much for the lower ranks.<sup>102</sup> Furthermore, the Dominion offered a higher level of separation allowances, paid to the wives and dependents of servicemen, and, from January 1917, allowed men to apply for a grant under the 'very liberal' Financial Assistance Scheme.<sup>103</sup> This latter measure provided soldiers with up to £213 2s a year for their wife, and £13 13s for each child, to cover obligations entered into prior to the introduction of conscription, such as rents and mortgages.<sup>104</sup> When the Scheme was first initiated, reservists were required to apply to the Boards, who then made recommendations to Allen. However, this mechanism proved to be far too cumbersome, so a dedicated Financial Assistance Board (FAB) of three businessmen was established in March 1917.<sup>105</sup> By the end of May, the FAB had ruled on 679 cases and awarded a grant, averaging £26 per annum, in 510 of these.<sup>106</sup> If the pecuniary losses faced by New Zealand men were lower, it might be anticipated that this would make them more amenable to being conscripted. Certainly the Division's Tribunals did hear many accounts of financial hardship, often in regard to the support of parents, siblings, wives, and children.

Yet there are several reasons for rejecting this as a significant factor in determining the likelihood of appealing. The first is that cases based on financial difficulties were heard in New Zealand as well. Edward Coffey argued that both of his brothers were serving and that he contributed an essential £1 per week from his wages to support his elderly parents and three sisters.<sup>107</sup> Similarly, Alfred Hitchcock stated that he was the sole support of both his wife and his widowed mother, who was in poor health, and objected that he would not be able to

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<sup>102</sup> Richard Holmes, *Tommy: The British Soldier on the Western Front, 1914-1918*, London: Harper Perennial, 2004, pp. xxvi-vii; *New Zealand Official Yearbook, 1915*, Wellington: Government Printer, 1915, p. 293.

<sup>103</sup> Melanie Nolan, "Keeping New Zealand Home Fires Burning": Gender, Welfare 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. 502; *NZH*, 17 January 1917, p. 6.

<sup>104</sup> *NZH*, 30 March 1917, p. 4.

<sup>105</sup> Baker, *King and Country Call*, p. 118.

<sup>106</sup> 'Soldiers' Financial Assistance Board Report', 3 September 1917, AD 82 Box 3 2/1, ANZ.

<sup>107</sup> *EP*, 7 December 1916, p. 7.

properly support them even with the assistance available.<sup>108</sup> A second consideration is that, while the number of financially based claims was not insignificant, they were outweighed by appeals lodged on occupational grounds. Indeed, the evidence suggests that the proportion of claims made for employment reasons was actually greater in the Division than in New Zealand. At the Birstall Tribunal, 86.23% of the appellants cited occupational factors as part of their case, whereas only 33.22% asked for financial, domestic, or business hardship to be considered.<sup>109</sup> In contrast, public interest was raised by 51.73% of New Zealand appellants, against the 35.98% who cited undue hardship.<sup>110</sup> The final reason for downplaying the importance of financially based appeals in the Division is that they were amongst the least likely to succeed. Several Tribunals frequently held that soldiers' allowances and allotments meant a man would actually be able to contribute more to his dependents if he enlisted, while one individual who claimed that he gave his invalid mother 25s a week was told by the Barnsley Borough Tribunal that she would be better off if he joined up, not having him to keep.<sup>111</sup> Another of the appeal bodies' stock responses was that relatives or patriotic organisations would be able to take up the strain. The plea of a Cleckheaton belt weaver that he was the main support of a widow was dismissed after it was pointed out that 'your brother pays one pound a week, and you have a sister who works as well'.<sup>112</sup> Owing to the relatively limited prospects of success, if any ground for an appeal was less likely to be pursued by Division residents it was an appeal based on financial circumstances.

A more compelling reason for the differing likelihoods of an appeal being made is the level of protection that the British system afforded to many industries. The ability of government departments to grant exemptions to their own employees

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<sup>108</sup> *Auckland Star (AS)*, 16 May 1917, p. 7.

<sup>109</sup> Agendas for Tribunal Sittings, BLTF, RD 21/6/2, KA; At the Audenshaw Tribunal in Lancashire, it has been noted that there were as many appeals from firms on occupational grounds as there were from individuals on the basis of health, hardship, and conscientious objections combined (Keith Grieves, 'Mobilising Manpower: The Audenshaw Tribunal in the First World War', *Manchester Region History Review*, 3:2 (1989), p. 24).

<sup>110</sup> These figures are based on a sample of those 13,332 men whose grounds of appeal were reported in the newspapers as per Section 18 of the New Zealand Military Service Act, 1916.

<sup>111</sup> *Barnsley Chronicle (BC)*, 4 March 1916, p. 1; See also *Cleckheaton & Spenborough Guardian (CSG)*, 2 June 1916, p. 3.

<sup>112</sup> *CSG*, 3 March 1916, p. 2.

has already been discussed, but the List of Certified Occupations was of equal importance.<sup>113</sup> Produced by the Ministry of Munitions, Admiralty, Home Office, Board of Agriculture, and an inter-departmental Reserved Occupations Committee sitting at the Board of Trade, the considerable scope of this document meant that it came under frequent attack from the army and the War Office.<sup>114</sup> Indeed, Lord Derby called for its total abolition as early as March 1916, while the concept of cancelling all exemptions held by men below a certain age was first mooted the following February.<sup>115</sup> During any appeal where the occupation of the reservist appeared on the Certified List, the Tribunals were obliged to regard him as having *prima facie* grounds for exemption. Such a case could only be refused if the Military Representative raised an objection and the Tribunal subsequently found that it was not necessary in the 'national interest' to retain the man in civil employment.<sup>116</sup> On the one hand, this would have encouraged certain appeals on the basis that their success was highly likely. By 15 October 1916, 473,000 men employed in certified occupations had received exemption from the Tribunals alone.<sup>117</sup> Furthermore, the List effectively told the individuals it covered that their duty was to remain at home. At a time when many others had to weigh up their personal responsibilities against social pressure and the needs of the country, these men were supplied with an answer as to whether they should appeal. Throughout the conscription period, efforts were made to apply age limits to some of the certified occupations or to remove certain callings from the List entirely.<sup>118</sup> Nevertheless, in October 1918 the Ministry of National Service calculated that

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<sup>113</sup> LGB Circular R. 40: 'Military Service Act, 1916: Certified Occupations', MH 47/142, TNA.

<sup>114</sup> Tennant, *H of C*, 5:80, col. 845; 'Memorandum by the Military Members of the Army Council to the Secretary of State for War', 28 November 1916, CAB 37/160/25, TNA; MacDonagh, *In London*, p. 99.

<sup>115</sup> Derby to Asquith, 14 March 1916, Political Papers of Walter Hume Long, 1<sup>st</sup> Viscount Long of Wraxall, GB 190/497, Wiltshire & Swindon History Centre; 'National Service: Second Report of the Director-General of National Service to the War Cabinet', 3 February 1917, CAB 1/23/14, TNA.

<sup>116</sup> LGB Circular R. 36: 'Circular Relating to the Constitution, Functions and Procedure of Local Tribunals', 3 February 1916, MH 47/142, TNA.

<sup>117</sup> 'Memorandum on the Existing Supply of Men Available for the Army and Navy, and on the Means of Increasing it', 20 November 1916, CAB 37/160/24, TNA.

<sup>118</sup> LGB Circular R. 75: 'Comparison of Previous List of Certified Exemptions with List of 4 April 1916, Showing the Material Alterations Apart from Age Limits', 4 April 1916, LGB Circular R. 79 'Comparison of Previous List of Certified Occupations with List of 1<sup>st</sup> May, 1916', 1 May 1916, LGB Circular R. 94: 'List of Certified Occupations', 7 July 1916, LGB Circular R. 105: 'List of Certified Occupations', 20 November 1916, LGB Circular R. 118: 'Changes in List of Certified Occupations', 1 February 1917 and LGB Circular R. 136: 'List of Certified Occupations', 23 June 1917, all in MH 47/142, TNA.

2,574,860 men were still eligible for some form of protection by virtue of their employment.<sup>119</sup>

The situation in New Zealand was somewhat different. Its Military Service Act made no allowance for the relief of men by government departments, with Allen insisting that 'the exempting by classes was a mistake' and that the Boards should be allowed to determine each case on its merits.<sup>120</sup> The Government undoubtedly contradicted this principle before sittings had even begun by directing that coal miners, slaughtermen, and merchant seamen should have their appeals granted, and by its decision to issue ministerial certificates to essential individuals who the Boards were then required to exempt unless they saw 'good reason to the contrary'.<sup>121</sup> However, these provisions safeguarded a far lower number of occupations, and a far lower proportion of men, than the British system. In 1917, the New Zealand Government sent out further directions regarding the exemption of the 'last man' on the farm, with official approval also being given to the National Efficiency Board's Classification of Industries, Professions, and Occupations.<sup>122</sup> Yet the onus of proof remained on the appellant or his employer in the majority of cases. The 'last man' was tightly defined as only those individuals 'doing the whole of the work on his own farm, or the last son on the farm of parents who are unable ... to do the work themselves', while the Classification of Industries emphasised that no claim should be accepted unless the individual was absolutely essential.<sup>123</sup> Without the near certainty of success, or the same degree of official sanction, that many British men enjoyed, New Zealanders employed outside of the 'strategic unions' might well have been less likely to appeal on occupational grounds.<sup>124</sup>

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<sup>119</sup> HMSO, *Statistics of the Military Effort*, p. 368.

<sup>120</sup> Allen, *New Zealand Parliamentary Debates (NZPD)*, vol. 175, p. 486.

<sup>121</sup> Allen to Webb, 2 September 1916, AD 82 Box 7 28/1, ANZ; Allen to Niall, 16 January 1918, AD 82 Box 8 74, ANZ; *EP*, 14 February 1917, p. 8; *New Zealand Gazette*, 1916, p. 3208.

<sup>122</sup> Gray to Board Chairmen, 23 March 1917, 31 March 1917 and 5 May 1917 and Gray to South Island Board Chairmen, 25 June 1917, all in AD 82 Box 2 1/11/1; Grey to Military Service Board Chairmen, 12 October 1917, AD 82 Box 2 1 1/5, ANZ; 'Classification of Industries, Professions, and Occupations, as Approved by Government', *Appendices to the Journal of the House of Representatives (AJHR)*, 1917, H43-B.

<sup>123</sup> Grey to Military Service Board Chairmen, 12 October 1917, AD 82 Box 2 1 1/5, ANZ; 'Classification of Industries, Professions, and Occupations, as Approved by Government', *AJHR*, 1917, H43-B.

<sup>124</sup> Belich, *Paradise Reforged*, p. 101.

Another variable that appears to have some significance is the social acceptability of appealing. Matthew Wright's assertion that overt conscientious objectors 'were the only ones targeted' in New Zealand for choosing to claim exemption is contradicted by a wealth of evidence.<sup>125</sup> Even before hearings had begun, the Minister of Internal Affairs pleaded for the automatic exemption of farmers and industrial workers so that they could avoid the 'humiliation' of appealing, while a prospective claimant hoped he would not be branded as a 'shirker' when he had crucial obligations at home.<sup>126</sup> These fears were to prove well founded. The *New Zealand Herald* took to reporting cases under the heading 'Reservists' Excuses', a label that would have been endorsed by the *Hawke's Bay Tribune*, which lamented that 'a great many of the appellants have no ground of appeal at all'.<sup>127</sup> A lack of sympathy was also evident amongst the public, members of whom thronged the galleries at many early sittings.<sup>128</sup> Board members and Military Representatives frequently mentioned letters they had received questioning appellants' testimony and citing the 'feeling in the district' that had arisen against the exemption of certain individuals.<sup>129</sup> Correspondents to local newspapers could be particularly vitriolic. One described any unmarried individual who appealed as 'not worthy of the name of a man', while another lambasted those who were 'selfish and mean enough to offer paltry excuses to the Appeal Board to evade military obligations and take no part in defending our women and children'.<sup>130</sup> In response to this climate of opinion, Chairman Poynton of the Second Wellington Board repeatedly advised appellants to withdraw their claims on the grounds that 'it would be better to ... not have it recorded against him that he has appealed'.<sup>131</sup> Some men even considered it unbecoming to have their name associated with appeals. When writing to correct an *Auckland Star* report that listed him as claiming for an employee, Charles Laurie implied that the very notion was a stain on his patriotism. He argued that he 'would not appeal for anybody', that he considered

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<sup>125</sup> Matthew Wright, *Shattered Glory: The New Zealand Experience at Gallipoli and the Western Front*, Rosedale: Penguin, 2010, p. 255.

<sup>126</sup> Russell, *NZPD*, 175, p. 763; *EP*, 6 October 1917, p. 7.

<sup>127</sup> *NZH*, 17 May 1917 p. 4 and 23 May 1917, p. 8; *Hawke's Bay Tribune*, 19 January 1917, p. 2.

<sup>128</sup> *DEN*, 16 January 1917, p. 5; *Bay of Plenty Times*, 17 January 1917, p. 2; *WT*, 18 January 1917, p. 4.

<sup>129</sup> *EP*, 29 January 1918, p. 6; *DEN*, 6 June 1918, p. 8; *WT*, 2 October 1918, p. 3.

<sup>130</sup> *WT*, 6 November 1917, p. 7; *HNS*, 23 April 1918, p. 4.

<sup>131</sup> *PBH*, 8 March 1917, p. 2.

‘every fit man in my employ should go’, and stressed the fact his son was presently returning home wounded from the front.<sup>132</sup>

This is not to suggest that appeals met with universal approval in Britain. Indeed, the charges of ‘shirking’ made in one anonymous letter were ‘so serious’ that the accused tracked down its author and forced him to apologise under threat of prosecution, while ‘A ‘Stiff’ From Huddersfield’ wrote of his disgust at seeing ‘the number of smart young fellows ... chaffing with girls down Westgate’.<sup>133</sup> However, there does seem to have been a greater tolerance of appealing overall. To prevent their identification, the majority of newspapers in the Division did not print the names or addresses of appellants.<sup>134</sup> Moreover, the *Colne Valley Guardian* refused to report on Tribunal hearings altogether so that men who had simply exercised their legal right to claim exemption would not be ‘pilloried in the press and made the butt of idle and mischievous gossip’.<sup>135</sup> In contrast, New Zealand publications invariably gave full names and addresses in their reports of the Boards’ operations. Another disparity in the coverage was that New Zealand newspapers endeavoured to report the majority of cases that came before the Boards, whereas their British counterparts often limited themselves to detailing a handful of the more ‘interesting’ or informative appeals.<sup>136</sup> The West Riding public seems to have been less concerned to monitor appeals anyway, with a number of sittings attracting very few onlookers, or even none at all.<sup>137</sup>

Debates around the appeals process also tended to be orientated differently. Those New Zealanders who believed that exemption was being granted too freely tended to blame the duplicity of appellants, while British opinion was more likely to target protected occupations or the Tribunals. Furthermore, if one excludes the War Office, it is relatively uncommon to find such an argument being voiced in Britain.<sup>138</sup> Instead, editorials, correspondence columns, and parliamentary debates

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<sup>132</sup> *AS*, 23 April 1917, p. 6.

<sup>133</sup> *W*, 17 November 1917, p. 3; *HEx*, 8 November 1916, p. 2.

<sup>134</sup> See for example *HE*, 29 February 1916, p. 2.

<sup>135</sup> *Colne Valley Guardian (CVG)*, 3 March 1916, p. 4.

<sup>136</sup> See for example *HEx*, 11 January 1917, p. 3; *CSG*, 14 June 1918, p. 2.

<sup>137</sup> *WE*, 26 February 1916, p. 6; *PCE*, 10 March 1916, p. 6; *BN*, 6 May 1916, p. 8.

<sup>138</sup> McDermott, *British Military Service Tribunals*, p. 1.

were full of complaints about the harsh treatment of appellants, with Long and his successors having continually to defend the Tribunals' actions.<sup>139</sup> Each of these observations is very much a matter of degree rather than a dichotomy. Nevertheless, there is evidence that indicates the lower rate of appealing in New Zealand could be attributable to the manner in which exemption claims were perceived.

It is difficult to assess how many appeals resulted from a reluctance to perform military service. In both nations the fact that the historiography has overwhelmingly focused on the cases of overt conscientious objectors has obscured their comparatively small numbers. Thus far, the highest proportion of claims identified as being made on conscientious grounds to a single British appeal body is the 6.56% heard by the Middlesex Appeal Tribunal.<sup>140</sup> However, given that objectors to military service were almost certainly the most likely appellants to be dissatisfied with their original verdict, this figure probably exaggerates the general situation. Indeed, it could be considered an aberration, as only 1.56% of the cases taken to the Northamptonshire Appeal body were overtly lodged for conscientious reasons.<sup>141</sup> As for the Local Tribunals operating across Britain, Grieves in regard to Leek, Housden in regard to Kingston, Peacock in regard to York, and Cranstoun in regard to the various East Lothian bodies have all claimed that cases based on political or religious sensitivities were only a tiny fraction of the Tribunals' workload.<sup>142</sup> More specifically, Slocombe asserts that objectors made up 1.8% of all the appellants in Wiltshire, and 3.27% before the Swindon Tribunal, while Spinks finds that they were 0.8% of the men who applied to Stratford-upon-Avon body.<sup>143</sup> Most striking of all is John Rae's calculation that the approximately 16,500 conscientious objectors constituted only 0.33% of the total number of British men

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<sup>139</sup> *HE*, 26 February 1916, p. 2; *W*, 25 March 1916, p. 3; *CVG*, 3 March 1916, p. 4; *PCE*, 17 March 1916, p. 6; *Huddersfield Chronicle*, 25 March 1916, p. 2; Morrell, *H of C*, 5:80, cols. 2211-13; Glanville, *H of C*, 5:81, cols. 125-8; Long, *H of C*, 5:81, cols. 137-9, 322-8.

<sup>140</sup> Statistics of Cases Heard, Middlesex Appeal Tribunal Minutes, 21 November 1918, MH 47/5, TNA.

<sup>141</sup> James McDermott, 'Conscience and the Military Service Tribunals during the First World War: Experiences in Northamptonshire', *War in History*, 17:1 (2010), p. 68.

<sup>142</sup> Grieves, 'Military Tribunal Papers', p. 146; Housden, 'Researching Kingston's Military Tribunal', p. 6; Peacock, *York in the Great War*, p. 511; Cranstoun, 'The Impact of the Great War', p. 117.

<sup>143</sup> Slocombe, 'Recruitment', p. 111; Spinks, 'The War Courts', p. 214; See also Ivor Slocombe, *First World War Tribunals in Wiltshire*, Devizes: Wiltshire Family History Society, 1997, p. 3.

recruited during the war.<sup>144</sup> The available evidence for the Division conforms to this wider pattern. In his study of wartime Saddleworth, Mitchinson finds that ‘few’ of the appellants to the Local Tribunal were conscientious objectors.<sup>145</sup> Likewise, there were only six such men amongst 377 claimants to the Birstall Tribunal, and just 16 overt objectors amongst 3,385 Batley appellants.<sup>146</sup> Even Pearce, who describes Huddersfield as ‘a virtual citadel for the anti-war cause’, admits that under 1% of the cases before the Local Tribunal were explicitly based on religious or political scruples.<sup>147</sup>

It is more difficult to determine the exact proportion of conscientious objectors in New Zealand, but the available evidence again suggests that they were few in number. The official statistics only reveal that 73 objectors had been exempted from military service by the end of the war.<sup>148</sup> Beyond this, the absence of any Board minute books or meeting agendas makes it necessary to rely entirely on the newspaper reports. Unfortunately, the varied level of detail provided in these accounts can make determining the basis of a case very difficult, if not impossible. Some reports state the grounds in terms of the Military Service 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 claim, so it was decided to consider only those 13,332 men whose motivations were reported as per the Act. Using this methodology indicates that 4.76% of New Zealand appellants cited conscientious grounds, which is a higher proportion than for any of the districts in the Division. However, some significant provisos must be considered. The New Zealand figure of 4.76% 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

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<sup>144</sup> Rae, *Conscience and Politics*, p. 71; Pearce has suggested that Rae underestimates the total number of objectors by ignoring those who took no further action once their cases had been refused. Certainly this claim has a lot to recommend it. However, even Pearce’s highest estimate of the number of conscientious objectors in Britain (23,032) would still constitute less than 0.5% of the total men recruited (Pearce, *Comrades in Conscience*, pp. 168-9).

<sup>145</sup> Mitchinson, *Saddleworth*, p. 66.

<sup>146</sup> BLTF, RD 21/6/2, KA.

<sup>147</sup> Pearce, *Comrades in Conscience*, pp. 21, 161.

<sup>148</sup> ‘Defence Forces of New Zealand: Report of the General Officer Commanding the Forces, for the Period from 31<sup>st</sup> May, 1917, to 1 July, 1918’, *AJHR*, 1918, H-19; ‘Defence Forces of New Zealand: Report of the General Officer Commanding the Forces, for the Period from 1<sup>st</sup> July, 1918, to 30<sup>th</sup> June, 1919’, *AJHR*, 1919, H-19.

default.<sup>149</sup> Furthermore, as conscientious objections were seen as so ‘unusual’ and therefore newsworthy, they tended to be reported in detail, whereas ‘routine’ hardship or public interest cases were more likely to be omitted.<sup>150</sup> Even Maori appellants rarely cited objections to performing military service. In fact, only three of their number did so, on the basis that article three of the Treaty of Waitangi had guaranteed indigenous people the rights and privileges of British subjects.<sup>151</sup> Overt objectors were probably just as rare in New Zealand as they were in the Division.

An unwillingness to be conscripted certainly extended beyond those who held moral qualms, but such resistance was rarely expressed at exemption hearings in the Division. There were a few appellants who candidly admitted that they had no wish to serve at the front. A master painter explained his failure to attest by stating that ‘he did not want to go’, while a wheelwright told the Spenborough body that he ‘did not want to go into the Army if he could help it’.<sup>152</sup> Nevertheless, the vast majority of men who came before the Tribunals asserted a desire to do their bit. Some explained their failure to act on this impulse by claiming that they were already helping to meet the needs of the wartime economy. Benjamin Thurman suggested to the Batley Tribunal that he was ‘doing more good to the State’ in his present role as a painter and decorator.<sup>153</sup> Yet far more appellants drew the Tribunals’ attention to pressing domestic or business obligations. A licensed victualler told the Dewsbury body that ‘I don’t mind going tomorrow, the only thing I worry about is the business and home.’<sup>154</sup> Likewise, the Birstall Tribunal heard from a joiner who forecast dire consequences if he were taken: ‘the connection would go, the stock depreciate, the business be sold; and there would be nothing to come back to’.<sup>155</sup>

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<sup>149</sup> *The New Zealand Times* advanced this possibility (8 December 1916, p. 4).

<sup>150</sup> *Wanganui Chronicle (WC)*, 19 June 1917, p. 4; *Manawatu Evening Standard (MES)*, 7 June 1917, p. 7.

<sup>151</sup> The Board ultimately ruled that this was a political question, and therefore beyond its jurisdiction (*NZH*, 8 August 1918, p. 6).

<sup>152</sup> *Goole Times (GT)*, 14 July 1916, p. 7; *CSG*, 5 October 1917, p. 3.

<sup>153</sup> *BN*, 30 September 1916, p. 5.

<sup>154</sup> *Ibid.*, 22 July 1916, p. 6.

<sup>155</sup> *Ibid.*, 1 July 1916, p. 3.

Employers were also at pains to deny any selfish motives. They were considerably more likely to justify an appeal by reference to the 'patriotic' needs of Britain or its Empire than were individual appellants, but again the thrust of their arguments usually highlighted more immediate concerns.<sup>156</sup> The owner of a plumbing firm told the Barnsley Borough Tribunal that he would have no option but to close down if any more men were taken, while the manager of Howden Clough Collieries based his appeal for Fred Broadhead on the grounds that the company had failed to secure another clerk by advertising, and had already been reduced to two-thirds of its pre-war output through releasing 110 men to the forces.<sup>157</sup> Likewise, the *Batley News* listed the 'familiar' grounds cited by large-scale textile firms as being 'diminution in staff, difficulty in maintenance of output, and the scarcity of competent labour to fill vacancies'.<sup>158</sup>

There are reasons for believing that the majority of appellants in the Division were genuinely willing to serve. This was certainly the view of Mr Oddy, Military Representative to the Ossett Tribunal, who described the 'cheery words with which those who had to appear before them often came into the room', and who regarded most eligibles as 'true sportsmen'.<sup>159</sup> Similarly, Colonel Mellor, Military Representative at Holmfirth, heartily praised the District's employers for their patriotic attitude towards releasing men to the forces.<sup>160</sup> Another important consideration is that large numbers of appellants did not ask for absolute exemption, but rather for a period of grace before they were required to mobilise. One Batley appellant stated that he was 'quite willing to go when it is time, but not while there are a lot of single men at home', while a Dewsbury coal merchant said he was 'as willing to go as the first man who 'listed' and only wanted a few months in which to train a manager to look after the business in his absence'.<sup>161</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.

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<sup>156</sup> *Ibid.*, 4 March 1916, p. 2; *CSG*, 9 March 1917, p. 3.

<sup>157</sup> *BC*, 4 March 1916, p. 1; Howden Clough Collieries Ltd. to Gray, 9 March 1916, BLTF, RD 21/6/2, KA.

<sup>158</sup> *BN*, 15 April 1916, p. 1.

<sup>159</sup> *Ossett Observer*, 16 March 1918, p. 3; See also Cartmell, *For Remembrance*, pp. 85-6.

<sup>160</sup> *HE*, 17 June 1916, p. 5.

<sup>161</sup> *BN*, 10 June 1916, pp. 1, 5.

Like their counterparts in the Division, nearly all of the New Zealand appellants expressed a willingness to join the forces. 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. John Walker submitted several petitions from local settlers testifying to the great importance of his chaff cutting plant for their farming operations. Yet Walker placed himself at the Board's discretion, stating 'if it were decided he should go to the front he was ready to go'.<sup>162</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 conscripted.<sup>163</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 existing obligations. Certainly there were those, particularly employers and some farmers, who based their claims around the work that they were already performing for country or Empire. A freezing works operator, Harry Blackie, said he had no objections to active service, but pointed to a patriotic desire to stay and help keep the works going.<sup>164</sup> Likewise, Walter Gordon wondered 'whether he would be doing his duty better by staying at home dairy farming'.<sup>165</sup> Yet, for the most part, appellants focused their testimony on personal domestic, business, or employment matters.<sup>166</sup> Thomas Mitchell told the Third Wellington Board 'I want to go to the war, and would have enlisted long ago had it not been for my parents,' and 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 relatives.<sup>167</sup>

A strong body of evidence suggests that most New Zealand appellants were legitimately asserting their willingness to go to the front. On the one hand, not every man who appealed was asking for complete exemption, as many simply

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<sup>162</sup> *Waikato Times (WT)*, 15 March 1917, p. 5.

<sup>163</sup> *EP*, 14 May 1917, p. 7.

<sup>164</sup> *WC*, 15 June 1918, p. 4.

<sup>165</sup> *Wairarapa Daily Times (WDT)*, 23 March 1917, p. 4.

<sup>166</sup> Parsons, 'The Many Derelicts of the War', p. 41.

<sup>167</sup> *EP*, 8 February 1917, p. 8; *WC*, 21 May 1917, p. 4.

requested an interlude before they were required at camp. 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 member of the First Wellington Board remarked 'We will have to stop the war for a few months. They all want temporary exemptions.'<sup>168</sup> 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 appraisal of the men who had come before them. Burgess argued that the 'great majority' had been motivated by concerns of 'real or supposed hardship', Widdowson wrote that 'almost every case' had been made 'upon what was generally supposed to be good grounds', and Cooper asserted that 'The great majority of appellants had quite legitimate grounds of appeal and in most instances ... were not averse to giving military service.'<sup>169</sup> Admittedly, the Chairmen might have been inclined to put a positive spin on matters now that the war was won and men were no longer required for the army. Certainly their assertions are somewhat contradicted by statements from Board members during sittings, when the willingness of men to go was variously described as 'a pleasant change' and 'refreshing'.<sup>170</sup> However, the Chairmen were individuals with a vast amount of court experience whose job focused on determining the validity of testimony. They were thus well placed to comment on the appellants' motivations. Another consideration is that some men were exempted against their wishes. Attorney-General 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>171</sup> Two officers of the

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<sup>168</sup> *EP*, 27 December 1916, p. 7; See for example *WDT*, 1 February 1917, p. 5; *MES*, 28 March 1917, p. 5.

<sup>169</sup> Burgess to Gray, 5 December 1918 and Widdowson to Allen, 13 December 1918, both in AD 82 Box 2 1/11/2, ANZ; Cooper to Gray, 10 December 1918, AD 82 Box 3 1/22, ANZ.

<sup>170</sup> *EP*, 4 December 1917, p. 8 and 16 May 1918, p. 8.

<sup>171</sup> *WC*, 4 December 1916, p. 4.

Public Trust even wrote to the First Wellington Board to protest at having appeals lodged on their behalf.<sup>172</sup>

Yet Baker's argument that appellants might have pragmatically concealed their reluctance to go cannot be completely discounted, in Britain as well as in New Zealand. Both sets of appeal bodies 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>173</sup> In the light of this, some men could have hidden their true reasons for trying to gain exemption. At Preston, Chairman Cartmell noted how certain individuals tried to misrepresent their employment circumstances in an effort to bring themselves within the List of Certified Occupations, while a New Zealand Military Representative commented on the extraordinary number of men who claimed that their parents were suffering from rheumatics.<sup>174</sup> Occasionally, the authorities discovered that an appellant was definitely guilty of giving false evidence. Herbert Murgatroyd had been granted a conditional exemption by the Pontefract Urban Tribunal on the grounds that he was the sole support of his mother, to whom he gave the whole of his wages. However, he was forced to undergo in re-hearing in May 1916, at which he admitted that his mother had savings that she was able to draw on at a rate of 17s each week.<sup>175</sup> A comparable case from New Zealand was that concerning Vernon Hunt, who originally obtained a *sine die* exemption by stating that, on his brother's enlistment, he had promised to care for their aged parents and work their mother's farm.<sup>176</sup> Yet Hunt was back before the Board a month later, when new evidence forced him to concede 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>177</sup> If 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 all, or part, of their true motivation for claiming exemption in favour of grounds that the appeal bodies would be inclined to accept.

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<sup>172</sup> *EP*, 22 June 1918, p. 4.

<sup>173</sup> Baker, *King and Country Call*, p. 106.

<sup>174</sup> Cartmell, *For Remembrance*, pp. 70-1; *EP*, 13 June 1917, p. 8.

<sup>175</sup> *PCE*, 26 May 1916, p. 2.

<sup>176</sup> *WDT*, 10 January 1917, p. 5.

<sup>177</sup> *MES*, 1 March 1917, p. 6; See also *EP*, 1 March 1917, p. 7 and 3 December 1917, p. 6.

A baker who did not want to go could point out that he was supplying his customers, while a farmer could highlight the importance of maintaining food production. It is certainly striking that of the 273 New Zealand conscientious objectors who were imprisoned at the Armistice, 'about a third' had lodged appeals only on the grounds of hardship or public interest.<sup>178</sup> Even four of the 'Fourteen' objectors who were forcibly transported to the front did not raise their conscientious scruples when they came before the Boards.<sup>179</sup> A final consideration is that many men never had to state their grounds of appeal, as their employer appeared on their behalf. Undoubtedly some coal miners, waterside workers, or merchant seamen held political objections, but never came before the Tribunals or Boards for them to be disclosed.<sup>180</sup>

Ultimately, the extent of many of these factors is based on speculation. Baker is almost certainly correct that some New Zealand men did conceal a reluctance to go in order to give themselves some hope of exemption, and his proviso is equally applicable to the Division. Yet there is no way to determine exactly 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 must, therefore, exist over why some men became appellants. What can be stated with confidence is that a majority of eligible British men did so, with the Division's population being no exception to this rule. In contrast, less than a third of all balloted New Zealanders had cases before the Boards, far fewer than has previously been claimed by every historian who has looked into the matter. Degrees of confidence in the national appeal machinery, the likelihood of gaining exemption, the differing rates of conscription, the omission of Maori appellants from official statistics, New Zealand's more rural population, the relative proximity of the two countries to the Western Front, and the differing financial hardships of being conscripted all seem to offer, at best, limited explanations for this discrepancy. Of much greater importance are the protection

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<sup>178</sup> Tate to Director of Personnel Services, 27 February 1918, AD 1 Box 733 10/407 (part 3), ANZ.

<sup>179</sup> Draft of a Statement to be Made by Allen, 28 February 1918, AD 1 Box 733 10/407 (part 3), ANZ.

<sup>180</sup> Belich, *Paradise Reforged*, pp. 101-2.

that the British system afforded to many occupations and the hostile reception that exemption claims generated amongst the New Zealand public. For both nations, the historiography's overwhelming focus on those men who cited conscientious objections has obscured the fact that these individuals were very few in number, with the vast majority of claims being based on hardship or occupational grounds. Indeed, nearly every appellant asserted a definite willingness to be conscripted, but for their existing obligations. Although the possibility that some men pragmatically concealed a reluctance to serve cannot be discounted, there is strong evidence to suggest that many of them were genuinely prepared to go to the front if only they could get away.

These conclusions concur with the existing historiography by asserting that large numbers of British men appealed, but also demonstrate that the Tribunals' operations extended far beyond the cases lodged by overt conscientious objectors. As for New Zealand, the rate of appealing appears to have been much lower than has previously been claimed, while it is crucial that studies of the exemption process always acknowledge the fact that objectors constituted only a small proportion of the men who came before the Boards.

## Chapter Six: Those Troublesome Few

### The Treatment of Conscientious Objectors

During the passage of the British and New Zealand Military Service Acts, no aspect of their respective appeal provisions provoked more debate than those that allowed for the exemption of men who objected to performing combatant military service.<sup>1</sup> This controversy persisted throughout the conscription period, with a particular emphasis being placed on two facets of the Tribunals' and Boards' operations: whether they were 'correctly' applying their official instructions and the manner in which they questioned conscientious objectors during hearings.

Although the British historiography is somewhat divided, a majority of studies have contended that the Tribunals unjustly denied exemption to many conscientious objectors and frequently ridiculed the beliefs that such men espoused. It has been widely argued that the various Military Service Acts, and the Government's directions, provided the appeal bodies with little firm guidance over what constituted a valid 'conscientious objection' or what type of exemption should be awarded to men who demonstrated that they held genuine scruples.<sup>2</sup> Rachel Barker, Martin Ceadel, Thomas Kennedy, John Rae, and Keith Robbins have each maintained that this lack of clear instruction, combined with the fact that most objectors received at least some form of relief, means that the bulk of the Tribunals ought to be regarded as having carried out their task as well as they

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<sup>1</sup> Whereas Prime Minister Asquith's outlining of the British Bill to Parliament was largely received in silence, his announcement that conscientious objections would be a valid ground for appeal was the signal for 'the biggest outburst of incredulous and contemptuous cries' (*Daily Mail*, 6 January 1916, p. 4). Likewise, one MP's assertion that New Zealand should make an allowance for religious pacifists was sharply criticised by another member, who described the British provision as 'the biggest blot in the Bill' (*New Zealand Parliamentary Debates*, vol. 175, p. 541).

<sup>2</sup> Lois S. Bibbings, *Telling Tales About Men: Conceptions of Conscientious Objectors to Military Service during the First World War*, Manchester: Manchester University Press, 2009, p. 29; Peter Brock and Nigel Young, *Pacifism in the Twentieth Century*, Syracuse: Syracuse University Press, 1999, p. 45; Thomas C. Kennedy, *The Hound of Conscience: A History of the No-Conscription Fellowship, 1914-1919*, Fayetteville: University of Arkansas Press, 1981, p. 91; Caroline Moorehead, *Troublesome People: Enemies of War, 1916-1986*, London: Hamish Hamilton, 1987, p. 31; A.J. Peacock, *York in the Great War: 1914 to 1918*, York: York Settlement Trust, 1993, p. 376; Keith Robbins, *The Abolition of War: The 'Peace Movement' in Britain, 1914-1919*, Cardiff: University of Wales Press, 1976, pp. 79-83.

possibly could.<sup>3</sup> On the other hand, a much greater number of historians have insisted that no amount of legislative ambiguity can excuse the appeal bodies' failure to satisfy the consciences of many individuals.<sup>4</sup> As for the way in which appellants were assessed during hearings, it has occasionally been asserted that most Tribunalists at least tried to carry out their questioning in a fair and impartial manner.<sup>5</sup> Nevertheless, the overwhelming impression left by the historiography is of members who met the claims of conscientious objectors with an uncompromising mixture of prejudice and hostility.<sup>6</sup>

The claim that conscientious objectors frequently suffered rejection and abuse has found even greater support in New Zealand. It has been universally recognised that the Military Service Act was specifically designed to limit exemption to only a

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<sup>3</sup> Rachel Barker, *Conscience, Government and War: Conscientious Objection in Great Britain, 1939-45*, London: Routledge & Kegan Paul, 1982, p. 114; Martin Ceadel, *Semi-Detached Idealists: The British Peace Movement and International Relations, 1854-1945*, Oxford: Oxford University Press, 2000, pp. 220-2 and *Pacifism in Britain, 1914-1945: The Defining of a Faith*, Oxford: Clarendon Press, 1980, pp. 38-41; Thomas C. Kennedy, 'Public Opinion and the Conscientious Objector, 1915-1919', *Journal of British Studies*, 12:2 (1973), pp. 108-10; John Rae, *Conscience and Politics: The British Government and the Conscientious Objector to Military Service, 1916-1919*, London: Oxford University Press, 1970, pp. 117-33; Robbins, *The Abolition of War*, pp. 79-83 and 'The British Experience of Conscientious Objection' in Hugh Cecil and Peter H. Liddle (eds), *Facing Armageddon: The First World War Experienced*, Barnsley: Pen & Sword Select, 2003, pp. 694-5.

<sup>4</sup> Bibbings, *Telling Tales About Men*, p. 74; David Bilton, *The Home Front in the Great War: Aspects of the Conflict, 1914-1918*, Barnsley: Leo Cooper, 2003, pp. 57-8; D. Boulton, *Objection Overruled*, London: MacGibbon & Kee, 1967, pp. 124-6; F.L. Carsten, *War Against War: British and German Radical Movements in the First World War*, Berkeley: University of California Press, 1982, p. 67; W.J. Chamberlain, *Fighting For Peace: The Story of the War Resistance Movement*, London: No More War Movement, 1928, p. 50; Will Ellsworth-Jones, *We Will Not Fight: The Untold Story of the First World War's Conscientious Objectors*, London: Aurum, 2007, p. 73; John W. Graham, *Conscription and Conscience: A History, 1916-1919*, London: George Allen & Unwin, 1922, p. 76; Arthur Marwick, *The Deluge: British Society and the First World War*, London: Bodley Head, 1965, p. 81; Moorehead, *Troublesome People*, p. 33; Peacock, *York in the Great War*, p. 12; Adrian Stephen, 'The Tribunals' in Julian Bell (ed.), *We Did Not Fight: 1914-18 Experiences of War Resisters*, London: Cobden-Sanderson, 1935, pp. 381-91; A.J.P. Taylor, *English History, 1914-1945*, Oxford: Clarendon Press, 1965, p. 54.

<sup>5</sup> Barker, *Conscience, Government and War*, p. 13; James McDermott, *British Military Service Tribunals, 1916-1918: 'A Very Much Abused Body of Men'*, Manchester: Manchester University Press, 2011, pp. 36-58; K.W. Mitchinson, *Saddleworth, 1914-1919: The Experience of a Pennine Community during the Great War*, Saddleworth: Saddleworth Historical Society, 1995, pp. 65-6; Rae, *Conscience and Politics*, pp. 105-12; Ivor Slocombe, *First World War Tribunals in Swindon*, Devizes: Wiltshire Family History Society, 1997, p. 6.

<sup>6</sup> Bibbings, *Telling Tales About Men*, p. 74; Boulton, *Objection Overruled*, pp. 124-6; Brock and Young, *Pacifism in the Twentieth Century*, p. 43; Chamberlain, *Fighting For Peace*, p. 47; Ellsworth-Jones, *We Will Not Fight*, pp. 73-5; Graham, *Conscription and Conscience*, p. 76; Denis Hayes, *Challenge of Conscience: The Story of the Conscientious Objectors of 1939-1949*, London: George Allen & Unwin, 1949, p. 43; Marwick, *The Deluge*, p. 81; Moorehead, *Troublesome People*, p. 33; Peacock, *York in the Great War*, p. 511; Taylor, *English History*, p. 54; Jo Vellacott, *Bertrand Russell and the Pacifists in the First World War*, New York: St Martin's Press, 1981, p. 38.

few small Christian denominations.<sup>7</sup> However, P.S. O'Connor argues that the Boards restricted the scope of the legislation still further by arbitrarily refusing to exempt additional groups on the basis that they did not possess a written constitution prohibiting military service.<sup>8</sup> Moreover, while Paul Baker claims that the appeal bodies pushed the boundaries of the Act by agreeing to recommend overseas non-combatant service for some 'genuine' religious objectors, he also maintains that other deserving individuals were denied such endorsements.<sup>9</sup> In regard to the Boards' attitudes during appeals, Gwen Parsons finds that they were as concerned with criticising an objector's beliefs as they were with assessing his eligibility for exemption.<sup>10</sup> Similarly, David Grant states that the Boards likened conscientious scruples to 'a failure of citizenship', Ian McGibbon suggests that 'humanitarian arguments' against warfare 'cut no ice with those responsible for hearing appeals', and Graham Hucker finds that objectors were often 'treated with disdain'.<sup>11</sup> These claims are supported by Baker and O'Connor, with the former asserting that appellants were engaged in 'unedifying debates', while the latter labels some Board members as 'coarse idiots'.<sup>12</sup> Nevertheless, O'Connor does concede that the New Zealand appeal bodies rarely indulged in the 'kind of bloodthirsty hectoring' favoured by the British Tribunals.<sup>13</sup>

A comparison between the East Central Division and New Zealand indicates that the attitudes adopted by the Tribunals in cases involving conscientious objectors

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<sup>7</sup> Paul Baker, *King and Country Call: New Zealanders, Conscription and the Great War*, Auckland: Auckland University Press, 1988, pp. 172-4; J.E. Cookson, 'Illiberal New Zealand: The Formation of Government Policy on Conscientious Objection, 1940-1', *New Zealand Journal of History*, 17:2 (1983), p. 122; Stevan Eldred-Grigg, *The Great Wrong War: New Zealand Society in WWI*, Auckland: Random House, 2010, p. 234; David Grant, *Out in the Cold: Pacifists and Conscientious Objectors in New Zealand during World War II*, Auckland: Reed Methuen, 1986, p. 18; Elsie Locke, *Peace People: A History of Peace Activities in New Zealand*, Christchurch: Hazard Press, 1992, p. 59; Ian McGibbon, 'The Price of Empire, 1897-1918' in Bronwyn Dalley and Gavin McLean (eds), *Frontier of Dreams: The Story of New Zealand*, Auckland: Hachette Livre NZ, 2005, p. 239; P.S. O'Connor, 'The Awkward Ones - Dealing with Conscience, 1916-1918', *New Zealand Journal of History*, 8:2 (1974), pp. 132-3; 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, p. 37.

<sup>8</sup> O'Connor, 'The Awkward Ones', pp. 132-3.

<sup>9</sup> Baker, *King and Country Call*, p. 176.

<sup>10</sup> Parsons, 'The Many Derelicts of the War', p. 37.

<sup>11</sup> David Grant, *Field Punishment No. 1: Archibald Baxter, Mark Briggs & New Zealand's Anti-Militarist Tradition*, Wellington: Steele Roberts, 2008, p. 44; McGibbon, 'The Price of Empire', p. 239; Graham Hucker, 'The Rural Home Front: A New Zealand Region and the Great War, 1914-1926', PhD Thesis in History, Massey University, 2006, pp. 169-70.

<sup>12</sup> Baker, *King and Country Call*, p. 176; O'Connor, 'The Awkward Ones', p. 133.

<sup>13</sup> O'Connor, 'The Awkward Ones', p. 133.

were simply too diverse to lend themselves to any strong conclusions. On the other hand, the Boards followed a virtually identical approach; one that was less harsh than has previously been suggested. These disparities are likely to stem from the ambiguous instructions provided to the Tribunals, their greater numbers and more varied memberships, and the fact that they attached a greater degree of importance to local opinion. The Tribunals' procedures differed on even the most fundamental of levels. They developed no collective policy on what types of conscientious objectors ought to be eligible for relief or on what kinds of exemption should be awarded to *bona fide* appellants. Furthermore, their means of assessing the validity of an individual's scruples ranged from a measured investigation of his beliefs, to a bellicose and relentless effort to show him the error of his ways. These varied practices stemmed from the Tribunals' highly problematic official instructions, which not only failed to define exactly who should receive exemption, but also left considerable doubt over what sorts of relief could and should be granted. The resulting inconsistencies were further exacerbated by the sheer number of appeal bodies, by their diverse memberships, and by their receptiveness to community sentiment.

In contrast, the New Zealand Boards achieved almost complete uniformity. They adopted a shared methodology for dividing conscientious objectors into three categories, each of which received a specific kind of exemption, or none at all. Moreover, while their members did occasionally subject appellants to hostile questions, the Boards' overwhelming focus was on testing an objector's eligibility for relief and the sincerity of his views. This consistent approach was facilitated by clear and concise instructions, by the relatively small number of appeal bodies, and by the fact that their primary aim was to achieve a nationwide standardisation of procedure and decision.

There was a considerable divergence of opinion amongst the Division's Tribunals over what kind of scruples a man had to possess in order to be eligible for exemption. According to the Military Service Act of January 1916, relief could be granted to individuals who held a 'conscientious objection to the undertaking of

combatant service'.<sup>14</sup> The only point on which the appeal bodies concurred was that this wording definitely encompassed members of the Society of Friends, whose historical opposition to performing military service was widely recognised.<sup>15</sup> Indeed, one of the first questions that was often put to conscientious objectors was whether they were Quakers and, if not, how closely their beliefs aligned with those propagated by the Society.<sup>16</sup>

All other matters of interpretation gave rise to a multitude of procedures. For some Tribunals, at least in the early months of sittings, a conscientious objection was only valid if it derived from the doctrines espoused by a Christian denomination. In March 1916, the Huddersfield Tribunal refused the appeal of a grocer's assistant largely on the basis that 'if you had any very serious conscientious objection you would have joined your fellows in some religious body'.<sup>17</sup> Likewise, the Linthwaite Tribunal dismissed the claim of a Wesleyan on the grounds that his denomination did not object to combatant service, with the same reasoning being used against James Walker, a member of the Church of Christ, at Birstall.<sup>18</sup> Other Tribunals rejected the idea that appellants had to be part of a pacifist group, but did insist that *bona fide* objections must be based on religious faith. When one reservist informed the Cudworth Tribunal that he was a member of both the Independent Labour Party (ILP) and the Anti-Capitalist Movement, the Chairman tersely remarked that 'we cannot be influenced by either of these bodies'.<sup>19</sup> Similarly, the Mirfield members repeatedly asked a British Socialist Party (BSP) official if he had any religious principles, and refused him when he replied in the negative, while the Birkenshaw Chairman turned down a man who could offer no Christian scruples by stating that 'All the conscientious objectors I have come across have been shirkers.'<sup>20</sup> Yet this favouring of religiously grounded claims was not the practice everywhere. At New Mill, a whole group of socialist appellants were awarded relief

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<sup>14</sup> UK, Military Service Act, 1916, Section 2(1)(d).

<sup>15</sup> *Wakefield Express (WE)*, 15 April 1916, p. 2; Mitchinson, *Saddleworth*, p. 65.

<sup>16</sup> *Holmfirth Express (HE)*, 18 March 1916, p. 2.

<sup>17</sup> *Huddersfield Examiner (HEX)*, 9 March 1916, p. 4.

<sup>18</sup> *Ibid.*, 16 March 1916, p. 2; *Batley News (BN)*, 25 August 1916, p. 1.

<sup>19</sup> *WE*, 6 May 1916, p. 7.

<sup>20</sup> *Dewsbury Reporter*, 11 March 1916, p. 6; *Cleckheaton & Spenborough Guardian (CSG)*, 2 August 1918, p. 1.

during March and April 1916.<sup>21</sup> Even more striking is the fact that, of the five absolute exemptions that are reported as being granted by the Division's Local Tribunals to conscientious objectors, three were issued to men who based their claims solely on political principles.<sup>22</sup>

The Division's appeal bodies also failed to develop a shared policy regarding the various types of relief that could be awarded to appellants who proved the legitimacy of their stance. One major point of contention was whether any conscientious objector deserved absolute exemption from military service. In March 1916, the Skelmanthorpe Tribunal awarded this form of certificate to a weaver who had preached against war since 1910. That same month, the Batley appeal body granted complete relief to Charles Hopkinson, a Labour Exchange clerk who based his claim on a long-standing moral and ethical opposition to militarism, and to Joseph Peel, a member of the ILP, who reminded the Tribunal members of his past protests against 'armaments, big navies, and all that tends to fasten the militarist yoke on the workers of the country'.<sup>23</sup> However, these were the only absolute exemptions awarded to conscientious objectors by the Skelmanthorpe and Batley Tribunals during the conscription period.<sup>24</sup> Indeed, the option appears to have then gone unused across the Division until October 1916. It was at this point that the Holmfirth Tribunal granted a builder's labourer 21 days to find work of national importance, after he convinced them that his New Testament principles were entirely opposed to joining the army.<sup>25</sup> When the same individual was back before the Tribunal several weeks later, he frankly admitted to having made no effort to source an occupation that would contribute to the war effort. Remarkably, the Holmfirth members chose not to punish this defiance, but instead effectively rewarded it by upgrading the man's certificate to one of absolute exemption.<sup>26</sup> After this somewhat curious revision, the awarding of total relief again fell into a prolonged period of abeyance. Only in July 1918 did Martin

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<sup>21</sup> *HE*, 25 March 1916, p. 6 and 1 April 1916, p. 3.

<sup>22</sup> *BN*, 4 March 1916, p. 2; *Dewsbury District News (DDN)*, 18 March 1916, p. 6; *HE*, 12 August 1916, p. 4 and 7 October 1916, p. 6; *Worker (W)*, 27 July 1918, p. 3.

<sup>23</sup> *W*, 22 April 1916, p. 3; *BN*, 4 March 1916, p. 2 and 18 March 1916, p. 12; *DDN*, 18 March 1916, p. 6.

<sup>24</sup> Batley Borough Council – Local Tribunal Register of Cases, KMT 1, Kirklees Archives (KA).

<sup>25</sup> *HE*, 12 August 1916, p. 4.

<sup>26</sup> *Ibid.*, 7 October 1916, p. 6.

Farrington, a socialist member of the West Riding County Council, manage to convince the Linthwaite Tribunal that he had dedicated his life to trying to 'destroy the rule of capitalism' and thereby secure absolute exemption from military service.<sup>27</sup>

Further discrepancies emerged over the awarding of exemptions that were conditional on the appellant being engaged in 'work of national importance'. This form of certificate was granted very rarely until June 1916, when the Huddersfield Tribunal afforded provisional relief to four Christadelphians whose spokesman said they 'could not give any obligation to any other authority than Christ'.<sup>28</sup> During the following month, the Wakefield Borough body conditionally exempted an appellant whose scruples would prevent him from opposing a German takeover of the country, and the Spenborough Tribunal did likewise in the case of shaft manufacturer who had declined a War Service Badge on the grounds that it would bring him under the control of the Ministry of Munitions.<sup>29</sup> Although most of the Division's other Tribunals started issuing provisional exemptions to conscientious objectors during the first year of conscription, the Barnsley Borough body held out until March 1917, and some Tribunals granted nothing more than non-combatant certificates throughout their entire operations.<sup>30</sup> Even when the appeal bodies did begin to utilise the conditional mode of relief, they often went about it in different ways. Whereas the Spenborough and Marsden Tribunals were prepared to allow conscientious objectors to remain in their current occupations if the work was deemed to be of national importance, the Huddersfield body regularly determined that compelling such men to find a new place of employment was the only way to ensure that they were making the necessary degree of sacrifice.<sup>31</sup>

These significant variations were only partially corrected by the mechanism for challenging initial verdicts. The one area where the East Central Division Appeal Tribunal (ECAT) managed to mitigate local inconsistencies concerned the granting

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<sup>27</sup> *W*, 27 July 1918, p. 3.

<sup>28</sup> *Ibid.*, 25 March 1916, p. 5 and 3 June 1916, p. 6.

<sup>29</sup> *WE*, 15 July 1916, p. 3; *CSG*, 21 July 1916, p. 2.

<sup>30</sup> *WE*, 15 July 1916, p. 3 and 12 August 1916, p. 7; *Barnsley Chronicle (BC)*, 17 March 1917, p. 6.

<sup>31</sup> *CSG*, 21 July 1916, p. 2; *HEX*, 12 September 1916, p. 4; *W*, 22 July 1916, p. 5 and 19 August 1916, p. 5.

of absolute exemptions. All five of these awards made at a district level were subsequently overturned, with a majority of the Appeal Tribunal's members maintaining that they were 'not disposed to give' complete relief to any conscientious objector.<sup>32</sup> In other matters, the ECAT merely compounded the existing disparities of approach. A crucial factor here was that decisions could only be altered if the relevant Military Representative decided to refer the case. Certainly some of the War Office appointees tended to oppose the granting of anything more than a non-combatant certificate, but others were prepared to countenance the awarding of conditional exemptions to deserving appellants. Therefore, while the ECAT was able to apply its own philosophies to some claims, many were left solely in the hands of the Local Tribunals. This would have been less of an issue if the Appeal Tribunal had not demonstrated substantial inconsistencies itself. During a sitting in March 1916, that body seemed to place the various types of 'conscientious objection' on an equal footing by granting every appellant non-combatant service.<sup>33</sup> Yet at a hearing six months later, it first varied the non-combatant certificate afforded to Arthur Wilson, a religious objector, to conditional exemption, and then altered the same award given to an ILP member by dismissing his case entirely.<sup>34</sup> The ECAT also adopted a unique interpretation of the 'work of national importance' stipulation. Not only did it require men who were granted this form of relief to give up their present employment, but also insisted that they move at least 25 miles away from their home district.<sup>35</sup>

Considerable differences were also evident in the ways that the various Tribunals questioned conscientious objectors. Although Walter Long's initial guidance as President of the Local Government Board had implored them to 'interpret the Act in an impartial and tolerant spirit', many members proved unable, or unwilling, to live up to these standards.<sup>36</sup> As early as March 1916, the No-Conscription Fellowship's *Tribunal* newssheet asserted that objectors across the country were being 'rebuked, bullied and condemned', while Long himself wrote to the Tribunals

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<sup>32</sup> *W*, 22 July 1916, p. 4; See also *W*, 22 April 1916, p. 3; *HE*, 4 November 1916, p. 6.

<sup>33</sup> *BN*, 1 April 1916, p. 3.

<sup>34</sup> *Ibid.*, 2 September 1916, p. 3.

<sup>35</sup> *W*, 1 July 1916, p. 4, 26 August 1916, p. 3 and 19 May 1917, p. 3.

<sup>36</sup> Local Government Board (LGB) Circular R. 36: 'Circular Relating to the Constitution, Functions and Procedure of Local Tribunals', 3 February 1916, MH 47/142, TNA.

asking them to avoid subjecting applicants 'to a somewhat harsh cross-examination'.<sup>37</sup> Such admonishments were certainly applicable in parts of the Division. The Clerk of the South Crosland Tribunal described moral arguments against conscription as an 'ailment', Alderman Blamires derided 'conscientious objection fads' at Huddersfield, and the Birstall Chairman beseeched a religious man to recognise that 'you are doing all you can to uphold the Devil and not Christ'.<sup>38</sup> Attacks on an individual's beliefs could also be accompanied by accusations that he lacked sufficient moral fibre to serve. One Ossett member remarked that the views of most objectors were enough to 'make any honest man sick', the Golcar Chairman explicitly accused a Methodist of being 'too soft to fight', and Councillor Pearson of the Honley Tribunal bluntly labelled another appellant as a 'coward'.<sup>39</sup>

Nevertheless, the idea that conscientious objectors always met with ridicule and hostility needs to be qualified. At a national level, even the Labour MP Philip Snowden, who worked tirelessly to bring the conscription system's abuses to the attention of the public, was prepared to acknowledge that 'many' appeal bodies 'tried to do their duty sincerely'.<sup>40</sup> In the Division, one appellant gave the Holmfirth Tribunal 'credit for having listened attentively' to his claim, while another thanked the Spenborough body 'for the courteous hearing they had given him'.<sup>41</sup> The Tribunals that received such praise tended to be those that adopted a list of ten questions, issued by the Central Tribunal in May 1916, as the basis for their examination of objectors.<sup>42</sup> Such bodies thereby confined themselves to investigating the sincerity of a man's beliefs and his willingness to perform alternative service, whereas other Tribunals continued to rely on more rough-and-ready methods of interrogation.<sup>43</sup>

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<sup>37</sup> *Tribunal*, 8 March 1916, p. 1; LGB Circular R. 70, 23 March 1916, MH 47/142, TNA.

<sup>38</sup> *W*, 11 March 1916, p. 5 and 18 March 1916, p. 3; *BN*, 18 March 1916, p. 12.

<sup>39</sup> *Ossett Observer (OO)*, 5 August 1916, p. 7; *W*, 11 March 1916, p. 3 and 25 March 1916, p. 6.

<sup>40</sup> *Official Report: House of Commons (Fifth Series)*, vol. 82, col. 1044; Bibbings, *Telling Tales About Men*, pp. 170-1.

<sup>41</sup> *HE*, 7 October 1916, p. 6; *CSG*, 21 July 1916, p. 2.

<sup>42</sup> LGB Circular R. 87: 'Application on the Ground of Conscientious Objection', May 1916, MH 47/142, TNA.

<sup>43</sup> *WE*, 8 July 1916, p. 1 and 18 November 1916, p. 6.

Discrepancies in procedure and attitude were not only evident between the various Tribunals, but also amongst the members of individual bodies. This situation most commonly arose when a Tribunal's trade unionist personnel advocated one of the more comprehensive forms of exemption. At Huddersfield, Joseph Pickles often fruitlessly argued for the absolute or conditional relief of men to whom his Liberal and Conservative colleagues were only prepared to grant non-combatant service.<sup>44</sup> This situation reached a tipping point in September 1917, by which time Councillor Law Taylor had joined Pickles as a Labour member on the Tribunal. Noting that the absence of several other personnel had created an opportunity, these individuals tabled a motion to grant a BSP appellant absolute exemption. Unfortunately for Pickles and Taylor, the other two Tribunal members present moved that the case be adjourned and, because Owen Balmforth was the acting Chairman, it was his casting vote that proved decisive.<sup>45</sup> Trade unionist members were also the most likely to try and protect conscientious objectors from abuse. At Barnsley Borough, Councillor Bray protested against the use of 'hypothetical questions' after his colleagues had repeatedly asked a man whether he would defend his mother from German rapists.<sup>46</sup>

Nevertheless, these instances of Labour members trying to moderate the other members were not the norm everywhere. Indeed, the President of the Ossett and Horbury Trades and Labour Council, William France, adopted an extremely arbitrary approach by opposing every claim where the appellant was unable to quote from the writings of Tolstoy.<sup>47</sup> Equally striking is the attitude of Mrs Walker on the Holmfirth Tribunal, who, as a Quaker, refused to accept that the Society of Friends was against military service and consistently voted against the granting of absolute exemption to her co-denominationalists.<sup>48</sup> Conversely, Chairman Brook of the Meltham Tribunal, the owner of a cotton mill, first criticised his colleagues' predilection for asking hypothetical questions, and then described as 'ridiculous

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<sup>44</sup> *W*, 15 July 1916, p. 3, 22 July 1916, p. 5 and 19 August 1916, p. 5.

<sup>45</sup> *Ibid.*, 15 September 1917, p. 3.

<sup>46</sup> *BC*, 25 March 1916, p. 1.

<sup>47</sup> *OO*, 25 March 1916, p. 5 and 15 July 1916, p. 7; France based this approach on the fact that Tolstoy was 'the father' of the non-resistance movement.

<sup>48</sup> *HE*, 11 March 1916, p. 8.

and nonsense' their decision to award a well-known objector only non-combatant service.<sup>49</sup>

Three factors appear to have caused these differences in the Tribunals' handling of conscientious objectors. The first was the ambiguous, and at times contradictory, directions that they received from official agencies. Significantly, the Military Service Act contained no definition of 'conscientious objection'.<sup>50</sup> During the Parliamentary debates, Conservative leader Andrew Bonar Law had insisted that the term must extend beyond the members of pacifist religious bodies.<sup>51</sup> Yet the only groups that ever received recognition from the Government were the Quakers and the Christadelphians, denominations which possessed long-standing traditions of refusing military service.<sup>52</sup> When it came to the vast number of other religious groups, and those men who relied on a personal interpretation of the Scriptures, the Tribunals were effectively left to make up their own minds.<sup>53</sup> In addition, there was very little guidance regarding the validity of politically based objections, which, given the prominence of socialist movements in towns such as Huddersfield, were often voiced in the Division.<sup>54</sup> Indeed, the only concrete prescription received by the appeal bodies was a ruling by the Central Tribunal that political opposition to involvement in one particular war did not satisfy the requirements of the Act.<sup>55</sup>

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<sup>49</sup> *W*, 1 April 1916, p. 5.

<sup>50</sup> UK, Military Service Act, 1916, Section 2(1)(d); As Chairman of the Preston Local Tribunal, Harry Cartmell remarked that the Act gave members 'no clear idea as to what constituted a conscientious objection' (H. Cartmell, *For Remembrance: An Account of Some Fateful Years*, Preston: George Toulmin & Sons, 1919, p. 87).

<sup>51</sup> Bonar Law stated that 'if there is any right whatever for exemption on account of conscience, it does not apply to any particular denomination, and is a question of man's heart and conscience' (*H of C*, 5:78, col. 428).

<sup>52</sup> Brock and Young, *Pacifism in the Twentieth Century*, pp. 22, 43; Rae, *Conscience and Politics*, pp. 112-5; Adrian Gregory and Annette Becker, 'Religious Sites and Practices' in Jay Winter and Jean-Louis Robert (eds), *Capital Cities at War: Paris, London, Berlin, 1914-1919, Volume 2: A Cultural History*, Cambridge: Cambridge University Press, 2007, p. 416.

<sup>53</sup> In regard to the many different types of conscientious objections voiced before his Tribunal, Harry Cartmell remarked that "The English are a people of a hundred religions, and only one sauce,' say the French. I do not know about the sauce, but from knowledge gained on the Tribunal, I am not disposed to question the dictum about the religions' (Cartmell, *For Remembrance*, p. 93).

<sup>54</sup> Pearce, *Comrades in Conscience* and 'Shaping a Radical Community – Labour in West Yorkshire, 1906-1918' in Brendan Evans, Keith Laybourn, John Lancaster, and Brian Haigh (eds), *Sons and Daughters of Labour: A History and Recollection of the Labour Party within the Historic Boundaries of the West Riding of Yorkshire*, Huddersfield: University of Huddersfield Press, 2007, pp. 1-23.

<sup>55</sup> Minutes of the Central Tribunal, 2 May 1916, MH 47/1, TNA.

Even more confusing were the Tribunals' instructions regarding the types of exemption that could and should be awarded. According to the Act, 'Any certificate of exemption may be absolute, conditional, or temporary ... and *also* in the case of an application on conscientious grounds, may take the form of an exemption from combatant service only, or may be conditional on the applicant being engaged in some work which in the opinion of the tribunal dealing with the case is of national importance'.<sup>56</sup> Uncertainty quickly emerged as to whether the key word 'also' in this section signified that every form of relief could be awarded to objectors, or whether they could only be issued certificates for non-combatant service or conditional exemption. In his initial circular to the Tribunals, Long stated that the option of absolute relief was open for 'exceptional cases'.<sup>57</sup> However, the members of the Government were not unanimous on this point, with the Home Secretary, Herbert Samuel, insisting that all exempted men 'must do something' for the war effort.<sup>58</sup> A further complication was the Act's stipulation that the only ground of appeal available to conscientious objectors was an unwillingness to perform 'combatant service', which, in the name of consistency, seemed to indicate that the most an appellant could expect was a non-combatant certificate.<sup>59</sup> When one Huddersfield objector demanded that the Local Tribunal award him absolute exemption, the Clerk stated that they could not 'override the Act of Parliament'.<sup>60</sup> Aware of these difficulties, Long wrote to the Tribunals on 23 and 27 March 1916 informing them that they could grant any of the mandated types of relief to conscientious objectors.<sup>61</sup> However, he promptly contradicted himself in the Commons two weeks later, by stating that 'total' exemption was only available if an appellant was engaged in 'work of national importance'.<sup>62</sup> An even more restrictive interpretation was then applied at the High Court on 18 April, when it ruled that

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<sup>56</sup> UK, Military Service Act, 1916, Section 2(3). My emphasis.

<sup>57</sup> LGB Circular R. 36, 3 February 1916, MH 47/142, TNA.

<sup>58</sup> Samuel, *H of C*, 5:78, col. 452; The situation was certainly not as clear cut as Labour MP Philip Snowden suggested. In a pamphlet intended to help prospective appellants interpret the legislation, he wrote that Long's instructions provided that the Tribunals 'must grant a complete and absolute exemption' if they were satisfied that an individual was genuinely opposed to giving any form of alternative service (*The Military Service Act: Fully and Clearly Explained*, Manchester: The National Labour Press Limited, 1916, p. 12).

<sup>59</sup> UK, Military Service Act, 1916, Section 2(1)(d).

<sup>60</sup> *HEx*, 23 March 1916, p. 4.

<sup>61</sup> LGB Circular R. 70, 23 March 1916 and LGB Circular R. 76: 'Military Service Act, 1916: Notes of Conference, 27<sup>th</sup> March 1916', both in MH 47/142, TNA.

<sup>62</sup> Long, *H of C*, 5:81, col. 1460.

the maximum exemption a Tribunal could award was non-combatant service.<sup>63</sup> In June, the Military Service Act, 1916 (Session 2) apparently removed this potential for different interpretations by enshrining in law the fact that conscientious objectors could be granted absolute exemptions.<sup>64</sup> Nonetheless, many applications had already been finally processed by this point, and both Long and the Central Tribunal still insisted that the circumstances of a case would have to be 'very exceptional' for an absolute certificate to be justified.<sup>65</sup> Indeed, the issue was still causing concern as late as January 1918. Here the new President of the Local Government Board, W. Hayes Fisher, wrote to the appeal bodies to inquire if there had been any conscientious objectors who were refused absolute certificates 'not because the Tribunal considered that such exemption was not justified in the case in question, but because the Tribunal were under the impression that they had not power to grant absolute exemption'.<sup>66</sup>

Further difficulties came to light over whether and how the Tribunals could award exemptions that were conditional on the appellant undertaking 'work of national importance'. On the one hand, the major issues were the same as those that bedeviled the question of absolute relief: did the fact that the Act stipulated a conscientious objection to 'combatant service' mean that the most an appellant on this ground could receive was a non-combatant certificate? This was certainly the position indicated by the April 1916 verdict of the High Court.<sup>67</sup> Indeed, the Linthwaite Tribunal refused to grant any conditional certificates on the basis that applications were 'made on the ground of an objection to the undertaking of combatant service', and a similar interpretation was applied by the members of the Middlesex Appeal Tribunal.<sup>68</sup> Another problem centred on the concept of 'work of national importance'. Neither the Act nor Long's initial guidance tried to define this

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<sup>63</sup> 'Rex v. the Central Tribunal, *ex parte* Parton, 18 April 1916', *The Times Law Reports*, vol. 32, pp. 476-7.

<sup>64</sup> UK, Military Service Act, 1916 (Session 2), Section 4(3).

<sup>65</sup> LGB Circular R. 84, 1 June 1916, MH 47/142, TNA; Minutes of the Central Tribunal, 6 July 1916, MH 47/1, TNA.

<sup>66</sup> LGB Circular R. 168: 'Conscientious Objectors', 2 January 1918, MH 10/82, TNA.

<sup>67</sup> Rex v. the Central Tribunal, *ex parte* Parton, 18 April 1916', *The Times Law Reports*, vol. 32, pp. 476-7.

<sup>68</sup> W, 18 March 1916, p. 5; Middlesex Appeal Tribunal Minutes, 29 March 1916, MH 47/5, TNA.

term and simply left the matter to 'the opinion' of the relevant Tribunal.<sup>69</sup> In addition, the Executive failed to develop any method for assigning conscientious objectors to essential occupations. These matters only began to be resolved in late March 1916, when the Government appointed a Committee on Work of National Importance, usually known as the Pelham Committee after its Chairman, T.H. Pelham, who was an Assistant Secretary at the Board of Trade. On 14 April, this body circulated a list of occupations that the Tribunals should regard as being of 'national importance'.<sup>70</sup> However, the Pelham Committee could only make recommendations to the Tribunals. Moreover, the appeal bodies were slow to make use of it, with only 265 applicants having been referred by 11 May.<sup>71</sup> Only with the passage of the Military Service (Session 2) Act in June 1916 did it finally become clear that conscientious objectors could be granted a conditional exemption. It is surely no coincidence that this marked the point where many of the Division's Tribunals first began to award such certificates.<sup>72</sup>

A second factor giving rise to inconsistency was the establishment of such a large number of Tribunals in the Division, many of which had varied and changing memberships. Without any clear or definitive official policies to follow, and with so many important issues to decide upon, it was hardly surprising that the 64 appeal bodies adopted a wide range of procedures. Indeed, even a much smaller number of Tribunals might have struggled to achieve uniformity, given the considerable diversity that existed between members regarding their politics, occupation, and beliefs about the legitimacy of the war and compulsory military service. These variables worked together to generate a whole plethora of attitudes towards conscientious objectors. On the one side were men such as William Armitage, a chartered accountant sitting on the Huddersfield Tribunal, who consistently pressed for the refusal of cases and berated appellants for espousing pacifist principles.<sup>73</sup> In November 1916, having finally lost patience with one particularly

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<sup>69</sup> UK, Military Service Act, 1916, Section 2(3); LGB Circular R. 36, 3 February 1916, MH 47/142, TNA.

<sup>70</sup> Rae, *Conscience and Politics*, p. 125; The Pelham Committee's list comprised various occupations within agriculture, forestry, food supply, shipping, transport, mining, education, and public utility services (Graham, *Conscription and Conscience*, p. 101).

<sup>71</sup> Minutes of the Central Tribunal, 11 May 1916, MH 47/1, TNA.

<sup>72</sup> UK, Military Service Act, 1916 (Session 2), Section 4(3).

<sup>73</sup> *W*, 18 March 1916, p. 3 and 22 July 1916, p. 4; *HEx*, 10 April 1916, p. 4 and 10 July 1916, p. 4.

determined individual, Armitage earned himself the enmity of Labour organisations throughout the Division by stating 'I am opposed to it, and I will never consent to it. I don't believe in the conscientious objector.'<sup>74</sup> At the opposite end of the spectrum were individuals like Councillor Thomas Brook, Chairman of the Holmfirth Tribunal, who expressed the hope that no objector would leave their sittings 'and say that justice had not been done', and Councillor George Brook, who resigned from the New Mill body when it decided to impose the condition of drilling with the Volunteer Training Corps on a socialist.<sup>75</sup> Certainly the voicing of these more extreme positions could result in members becoming isolated. The efforts to secure absolute or conditional exemptions made by the two Labour members of the ECAT were almost always overruled by their more reluctant colleagues.<sup>76</sup> Yet there were undoubtedly times when the views of one or two Tribunal members profoundly influenced the procedures of an entire appeal body. For example, Ben Turner sat as Chairman of the Batley Tribunal for around ten weeks after the Act was passed, during which time two conscientious objectors were granted absolute certificates and the overall exemption rate for appellants on this ground was 75%. Following Turner's departure to sit on the ECAT, no more Batley objectors were awarded absolute certificates and their chances of gaining exemption declined to only 46%.<sup>77</sup>

A final factor explaining the inconsistency of the Division's Tribunals was the localism of their personnel. There can be no doubt that the appeal bodies did consider their instructions when making decisions, with the Act and official correspondence often being quoted directly. However, the members were also beholden, by virtue of their standing and the circumstances of their appointment, to the community in which they lived. This was particularly important during the claims of conscientious objectors, as these individuals usually generated the strongest reactions.<sup>78</sup> There were districts where men who espoused an

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<sup>74</sup> *W*, 4 November 1916, p. 5; Huddersfield Borough Council – General Purposes Committee Minutes, 12 December 1916, KMT 18/12/2/37/17-18, KA; Huddersfield and District Associated Trades and Labour Council Minutes, 22 November 1916, S/HTC/1/4, KA.

<sup>75</sup> *HE*, 1 April 1916, p. 8; *HEX*, 21 July 1916, p. 4.

<sup>76</sup> *HE*, 1 April 1916, p. 3; *W*, 20 May 1916, p. 3.

<sup>77</sup> Batley Borough Council – Local Tribunal Register of Cases, KMT 1, KA.

<sup>78</sup> Kennedy, 'Public Opinion and the Conscientious Objector', pp. 108-17.

opposition to performing military service became pariahs, and some members probably found justification for adopting an aggressive approach in this climate of opinion.<sup>79</sup> Nevertheless, local sentiment sometimes mobilised in favour of certain appellants. One such incident occurred in the Northern Division of the West Riding city of Leeds, where the Local Tribunal's refusal to allow a socialist, Ernest Horner, to read a statement of his beliefs prompted a storm of protest from the gallery. Eventually the Chairman determined that the room would have to be cleared for a private discussion. However, this proved easier said than done, with the spectators only finally being evicted after 15 minutes and with the aid of the police. After more interruptions during the following appeals, the Tribunal decided to adjourn all conscientious objector cases indefinitely. This action prompted cries of 'shame' from the watching public, who also sang a full rendition of 'the Red Flag' to signal their displeasure.<sup>80</sup>

Significant pro-appellant demonstrations also took place in the Division. At the Barnsley Borough Tribunal, a conscientious objector received a lengthy chorus of support from the audience after refusing to answer a hypothetical question. Seemingly panicked by the interruption, the members first conducted the rest of the case in private, then decided to sidestep the issue by awarding conditional exemption on the basis that the claimant was a toolmaker, rather than a pacifist.<sup>81</sup> This avoidance of the more controversial ground of appeal was a commonly employed tactic in the Division and one that points to a belief that the issue was best avoided if possible. A second means of evasion was utilised at Huddersfield in March 1916, by which time the Local Tribunal had already indicated a reluctance to antagonise popular conscientious objectors. The appeals of several men had simply been adjourned or dismissed with a strong entreaty to take the matter before the ECAT.<sup>82</sup> This approach reached a peak during the appeal of Arthur Gardiner, a founding member of the Huddersfield Socialist Party, whose presence drew 'between 300 and 400 persons' into the packed chamber.<sup>83</sup> What followed clearly made several of the Tribunal members extremely nervous. Gardiner was

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<sup>79</sup> *Ibid.*, pp. 107-12; McDermott, *British Military Service Tribunals*, pp. 38-9.

<sup>80</sup> *BC*, 1 April 1916, p. 5.

<sup>81</sup> *Ibid.*, 8 July 1916, p. 1.

<sup>82</sup> *W*, 11 March 1916, p. 3.

<sup>83</sup> Pearce, *Comrades in Conscience*, pp. 163, 296.

able to skillfully parry any questioning of his principles and there were a number of interjections and outbursts of laughter from members of the public. As soon as the case concluded, Chairman Blamires led his colleagues out of the room for a private discussion. When they returned 20 minutes later, the verdict laid bare the depth of their concerns: 'we have made a decision, a majority decision, we believe that the applicant ... has proved that he is entitled to call himself a conscientious objector ... in view of the fact that we believe in the sincerity of his convictions, we are disposed to grant temporary exemption for two months'.<sup>84</sup> At first glance this verdict makes little sense. A man of Gardiner's convictions was scarcely likely to change his views, meaning that the Tribunal would be faced with another confrontation when the certificate was due for renewal. However, factoring in the members' local concerns shows that they had actually made a calculated choice. They knew that Gardiner would accept nothing short of absolute exemption and actively encouraged him to take his case to the ECAT. This is what happened, meaning that the Local Tribunal had managed to avoid refusing the claim, which would have infuriated the watching public, but had also avoided giving in to Gardiner, which would have incited the town's pro-conscriptionists.<sup>85</sup> Over the following months, the Huddersfield body granted temporary exemptions to many more conscientious objectors, with the Chairman remarking that 'The sooner the better the other tribunal deals with these things.'<sup>86</sup>

New Zealand's legislative provision for men who were opposed to performing military service was very different to that in Britain. Whereas the British Act allowed for a broad 'conscientious objection to undertaking combatant service', the New Zealand statute only recognised individuals who, since the outbreak of the war, had continuously been 'a member of a religious body the tenets and doctrines of which ... declare the bearing of arms and the performance of any combatant service to be contrary to Divine revelation'.<sup>87</sup>

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<sup>84</sup> *W*, 25 March 1916, p. 3.

<sup>85</sup> *Ibid.*; Gardiner's appeal is analysed in detail by Pearce, whose study also contains a reproduction of the newspaper coverage of his hearing (*Comrades in Conscience*, pp. 163-6, 247-57).

<sup>86</sup> *W*, 25 March 1916, p. 6.

<sup>87</sup> *New Zealand Statutes (NZS)*, Military Service Act, 1916, Section 18 (1)(e).

The Boards quickly adopted a uniform reading of this section. After considering a few early cases, they determined that only two denominations definitely qualified for exemption: the Society of Friends and the Christadelphians. These groups both possessed long-standing traditions of refusing military service and had, by this point, been officially recognised as genuine religious objectors in Britain.<sup>88</sup> Whenever a member of either denomination appeared before the Boards, he was automatically offered relief upon demonstrating that his affiliation dated back to at least 4 August 1914.<sup>89</sup> However, the Quakers and the Christadelphians were both relatively small groups, with only five of the former and eight of the latter lodging appeals before 24 April 1917.

Furthermore, the fact that a reservist was deemed eligible for exemption was not the end of the matter. Under the Act, a claim could only be allowed if the objector was prepared to sign an undertaking, addressed to the Commandant of the Defence Forces, stating his willingness to perform 'non-combatant work or services, including service in the Medical Corps and the Army Service Corps, whether in or beyond New Zealand'.<sup>90</sup> The Society of Friends held that taking up non-combatant roles was incompatible with their principles, as it entailed 'supporting and becoming part of the vast military machine'.<sup>91</sup> This was precisely the view articulated to the First Auckland Board by Percy Wright, who refused exemption on the basis that 'any service under the direction of the military authorities' would be 'helping on the war'.<sup>92</sup> Likewise, several Christadelphian congregations had previously written to Allen informing him that while they were prepared to 'do ANY CIVIL DUTY', their determination to avoid being yoked within an earthly body meant that 'We cannot enter any Branch of Military Service.'<sup>93</sup> When Herbert Milverton was assured by the Third Wellington Board Chairman that 'all you would be asked to do' would be 'to succour the wounded', he replied

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<sup>88</sup> Rae, *Conscience and Politics*, pp. 72-4; O'Connor, 'The Awkward Ones', p. 124; LGB Circular R. 76, 27 March 1916 and LGB Circular R. 77: 'The Following Notes of Some Cases Decided by the Central Tribunal are Circulated for the Information of Tribunals', 27 April 1916, both in MH 47/142, TNA.

<sup>89</sup> *Otago Daily Times (ODT)*, 18 January 1917, p. 6; *Press (P)*, 13 March 1917, p. 2.

<sup>90</sup> *NZS*, Military Service Act, 1916, Section 18(4); *New Zealand Gazette (NZG)*, 1916, p. 3211.

<sup>91</sup> 'Statement Made at the Invitation of the Auckland Military Service Board', January 1917, AD 1 Box 733 10/407 (part 1), Archives New Zealand (ANZ).

<sup>92</sup> *New Zealand Herald (NZH)*, 27 January 1917, p. 11.

<sup>93</sup> Such to Allen, 10 September 1916, AD 1 Box 733 10/407 (part 1), ANZ. Emphasis in original; See also Dexter to Allen, 3 July 1916, AD 1 Box 733 10/407 (part 1), ANZ.

'No; it would be required that I should become part and parcel of an army.'<sup>94</sup> So despite the appeal bodies' general willingness to afford exemption to Quakers and Christadelphians, the theological scruples of these groups meant that New Zealand's first religious exemption provision was virtually a dead letter. Indeed, by April 1917, only two Quakers had felt able to sign the necessary undertaking.<sup>95</sup>

It was the Defence Department that made the conditions of exemption more acceptable and thereby permitted the Boards to develop a new orthodoxy in the cases of many eligible reservists. On 24 April 1917, regulations were gazetted to modify the undertaking that religious objectors were required to sign by removing any mention of the Medical or Army Service Corps, and by stipulating that the men would not be compelled to wear military uniform.<sup>96</sup> Informally, the Defence Department went even further, with a promise of agricultural work on the state farm at Levin.<sup>97</sup> As well as making exemption more attractive to future appellants, many objectors who had previously rejected it had their cases re-heard to give them the chance to accept the revised form.<sup>98</sup> These measures proved successful for the Christadelphians, to whom the Boards continued routinely to offer exemption. The difference now was that those individuals who had refused the old undertaking proved willing to sign the new one, with all but one member of this denomination, who was subsequently deemed eligible for relief, also choosing to accept it.<sup>99</sup> A slight difficulty did occur in September 1917, when the Third Wellington Board dismissed two Christadelphian claims on the basis that the Act required membership of a religious body prior to 1914, whereas these men had been merely adherents.<sup>100</sup> However, the appeals were swiftly re-assessed and granted after Allen instructed the Boards to follow a section in the defeated

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<sup>94</sup> *Evening Post (EP)*, 13 March 1917, p. 7; See also Gray to Tate, 21 February 1917, AD 1 Box 733 10/407 (part 1), ANZ.

<sup>95</sup> *ODT*, 18 January 1917, p. 6.

<sup>96</sup> *NZG*, 1917, p. 1399.

<sup>97</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), ANZ.

<sup>98</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), ANZ.

<sup>99</sup> *ODT*, 16 May 1917, p. 6; *Wanganui Chronicle (WC)*, 19 July 1917, p. 6; *EP*, 23 August 1917, p. 3.

<sup>100</sup> *EP*, 27 September 1917, p. 8.

Expeditionary Forces Amendment Bill that would have made adherents eligible for exemption.<sup>101</sup>

Another important re-hearing concerned David Jackson, a Seventh Day Adventist. Members of this denomination had previously failed to secure exemption on the grounds that they did not possess a written constitution against bearing arms and 'as a body had not objected to being called up'.<sup>102</sup> This position changed in June 1917, when the Third Wellington Board received documentary evidence from America that proved the Adventist's creed was opposed to combatant service.<sup>103</sup> Jackson was granted, and accepted, exemption at his re-hearing, an outcome that was repeated whenever Seventh Day Adventists appealed to the Boards subsequently.<sup>104</sup>

A rather different situation occurred regarding the Quakers. While they continued to be offered relief in every instance, members of this denomination proved less well disposed towards the amended regulations. The Society's officials were suspicious that farm work had been promised, but not specified, in the new undertaking and concerned that exempted men would still be placed under military authority.<sup>105</sup> These issues were raised at his hearing by John Rigg, who only accepted exemption after the Military Representative warned him that 'Unless you sign that paper the board has no option but to dismiss your appeal.'<sup>106</sup> On the other hand, no amount of pressure was sufficient to sway Edward Dowsett, whose claim had to be disallowed after he asserted that he wanted to continue on as a baker and would refuse to work under military control.<sup>107</sup>

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<sup>101</sup> Robin to Allen, 12 January 1918, AD 1 Box 734 10/407 (part 2), ANZ; O'Connor, 'The Awkward Ones', pp. 124-5.

<sup>102</sup> *P*, 20 February 1917, p. 3; *Manawatu Evening Standard (MES)*, 28 February 1917, p. 5.

<sup>103</sup> *MES*, 7 June 1917, p. 7; See also Meyers to Lillie, 11 July 1917, AD 1 Box 734 10/407 (part 2), ANZ.

<sup>104</sup> *Auckland Star (AS)*, 9 July 1917, p. 2; *MES*, 10 August 1917, p. 3 and 5 October 1917, p. 7; *Waikato Times (WT)*, 4 May 1918, p. 4.

<sup>105</sup> Gill to Tate, 11 July 1917 and Gill to Allen, 20 August 1917, both in AD 1 Box 734 10/407 (part 2), ANZ.

<sup>106</sup> *EP*, 23 May 1917, p. 8.

<sup>107</sup> *NZH*, 3 October 1917, p. 6.

Although these groups were eventually given the chance to benefit from the religious exemption section, the Boards automatically dismissed the appeals of two other large categories of men. The first consisted of individuals who belonged to a religious denomination, but one whose principles were manifestly not opposed to performing combatant duties. In terms of the major denominations, the First Wellington Board refused Robert Jones, who admitted that there was nothing in the Church of England's tenets that prohibited military service, while the Chairman of the Second Auckland Board described Robert Watson as a 'perfect humbug' for suggesting that bearing arms was contrary to the doctrines of the Catholic Church.<sup>108</sup> Baptists, Methodists, and Presbyterians met with the same rebuttal, as did the members of a whole plethora of smaller sects like the Auckland Central Mission, the Christian Scientists, the Church of Christ, and the International Bible Students' Association.<sup>109</sup>

The second category of men who were immediately deemed ineligible for exemption were those who were not affiliated to any religious body. This included a few individuals whose objections were based solely on their own literal or spiritual reading of the Bible. Hugh King was rejected by the Second Wellington Board as soon as he admitted to being guided 'purely by the teaching of the Holy Gospel', while several other appellants who simply referenced the commandment of 'thou shalt not kill' also received short shrift.<sup>110</sup> A much larger proportion of the second category was made up of men who advanced political arguments against joining the army. David Williams was turned down by the Second Auckland Board after asserting that conscription was contrary to the interests of the working classes, and Hugh Gray fared no better before the First Auckland body by stating that, as a Marxist, he objected to killing his German comrades at the behest of the capitalist elite.<sup>111</sup> A different kind of argument, but exactly the same result, occurred in the appeal of Thomas Spillane to the Second Wellington Board. When he advanced a refusal to protect Britain at the same time as its troops were

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<sup>108</sup> *EP*, 13 December 1916, p. 3; *NZH*, 22 April 1918, p. 6.

<sup>109</sup> Baughan to Allen, 17 January 1917, AD 1 733 10/407 (part 1), ANZ; *EP*, 13 December 1916, p. 3 and 28 January 1917, p. 8; *Wairarapa Daily Times (WDT)*, 11 January 1917, p. 3; *NZH*, 22 February 1917, p. 8, 23 March 1917, p. 6 and 14 August 1917, p. 6; *MES*, 7 November 1917, p. 3.

<sup>110</sup> *EP*, 20 April 1917, p. 8; *AS*, 4 May 1917, p. 6.

<sup>111</sup> *NZH*, 21 February 1917, p. 8 and 22 September 1917, p. 6.

oppressing his Irish homeland, Spillane was promptly informed by Chairman Poynton that he had 'no ground for appeal – nothing to sustain it at all'.<sup>112</sup>

The New Zealand appeal bodies also adopted a uniform policy towards three denominations whose standing was slightly less straightforward. In the case of the Brethren, this involved a collective decision that the group did not come within the scope of the Act. One of the main reasons why the Boards reached this conclusion was the testimony given by the appellants themselves, which cast considerable doubt on whether the Brethren were actually opposed to performing combatant service.<sup>113</sup> Whereas one reservist told the First Otago body that it was contrary to the teachings of the group to join the infantry, another admitted to the First Wellington Board that although 'some members' adhered to the principle of not bearing arms 'others do not'.<sup>114</sup> Indeed, the President of the Auckland Brethren Bible Class Union renounced claims that it was against their doctrine to fight, while even the New Zealand head of the denomination informed Allen that it had been decided to leave the question of enlisting up to each individual's conscience.<sup>115</sup> Another significant factor was the apparent contradiction between the Brethren's alleged 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 enlist, but when asked 'how is it some of them have joined', he simply answered 'I don't know'.<sup>116</sup> Rose went on to assert that these men withdrew from the Brethren, but another appellant merely stated that the issue had caused 'a lot of trouble', while Charles Doherty informed the Second Otago Board that membership certainly did not cease upon engaging in combatant service.<sup>117</sup>

The Boards used the same reasoning to reject appeals lodged by members of the Testimony of Jesus and the Richmond Mission. One preacher of the former

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<sup>112</sup> *Hawke's Bay Tribune (HBT)*, 11 May 1917, p. 6.

<sup>113</sup> *MES*, 12 January 1917, p. 5; *P*, 9 January 1917, p. 5.

<sup>114</sup> M.J. Kelly, *Military Board Appeals: Otago Witness, Dec 1916 to Feb 1917*, Auckland: Old News Publications, 1993, p. 13; *Taranaki Herald*, 30 January 1917, p. 7.

<sup>115</sup> *AS*, 1 December 1916, p. 6; Compton to Allen, 9 February 1917, AD 1 Box 733 10/407 (part 1), ANZ.

<sup>116</sup> *EP*, 14 December 1916, p. 3.

<sup>117</sup> *Ibid.*, 14 December 1916, p. 3 and 10 February 1917, p. 5; *ODT*, 7 August 1917, p. 3.

denomination informed the First Canterbury Board that there was no definite doctrine on military service, while another wrote to Allen stating that they had no leader, no headquarters, and had only adopted a name for administrative convenience, given that they were not really a formal body at all.<sup>118</sup> Then, on 25 July 1917, sixteen men from the Testimony of Jesus whose appeals had previously been dismissed were granted a re-hearing to determine finally whether they were eligible for exemption. The Third Wellington Board's questioning centred on whether the denomination was opposed to combatant service. 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 requirements of the legislation. Another reservist further muddied the waters by stating that the gathering had not reached a resolution and that the Testimony of Jesus possessed no definite creed. 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 their 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 inquired why there would be 'any doubt if it is a recognised tenet of your Church'.<sup>119</sup> A similar impasse occurred during hearings involving the Richmond Mission. Here at least the members were consistent in verbally opposing combatant service. However, they were unable to supply any proof that their sect was actually a 'religious body' or that they had any written 'constitution or tenets' against joining the frontline units of the army.<sup>120</sup>

In addition to being of one mind over who was eligible for exemption, the Boards adopted a common approach towards offering a lesser form of relief to some other religious objectors. From January 1917, the appeal bodies began questioning men whose scruples they considered 'genuine', but who were not deemed to come within the scope of the Act, on their willingness to perform overseas non-combatant service.<sup>121</sup> Although an amenable objector still had his appeal

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<sup>118</sup> *P*, 4 January 1917, p. 8; Holtham to Allen, 23 May 1917, AD 1 Box 733 10/407 (part 1), ANZ.

<sup>119</sup> *EP*, 25 July 1917, p. 8 and 26 July 1917, p. 7; *Feilding Star*, 4 August 1917, p. 2.

<sup>120</sup> *P*, 6 February 1917, p. 4.

<sup>121</sup> *EP*, 26 January 1917, p. 8.

dismissed, this was accompanied by a recommendation that the camp commandants should assign him to the Medical Corps.<sup>122</sup> The main proponent of this initiative was again the Defence Department, and particularly the Adjutant-General, Colonel Tate, who secured the active participation of the Military Representatives and the support of the Recruiting Board.<sup>123</sup> In deciding whether to offer a recommendation to conscientious objectors, the Boards applied a number of standard tests. The first was whether an individual troubled to attend his hearing, with the appeal bodies holding that anyone who could not, or would not, defend his principles in person lacked the necessary degree of sincerity. A second point of assessment was whether an objector's beliefs could be traced back to before the war. Under no circumstances would the Boards allow a man to avoid fighting if he had only recently developed conscientious scruples, as they perceived such 'convenient' conversions as *prima facie* evidence of 'shirking'. The final area of investigation was whether a reservist's misgivings were based on religious faith. For the appeal bodies, beliefs that had their roots in the Bible were the only valid form of conscientious objection.

These points of assessment are manifest in the sittings of all nine active Boards. Almost certain to be offered recommendations were the members of those sects which had narrowly missed out on exemption. Here the Second Auckland Board endorsed William Wallace of the Brethren 'on account of his genuine attitude', the First Auckland body offered non-combatant service to Wilfred Davey of the Testimony of Jesus, despite the fact that he was a clerk at the Defence Department, and the First Canterbury Board reached the same decision in the case of Theodore Gibbs of the Richmond Mission.<sup>124</sup> Members of the other Christian denominations, and even those who held only personal religious beliefs, were also likely to be questioned on their willingness to tend to the wounded. Indeed, an increasing number of appellants actually came before the Boards to obtain such

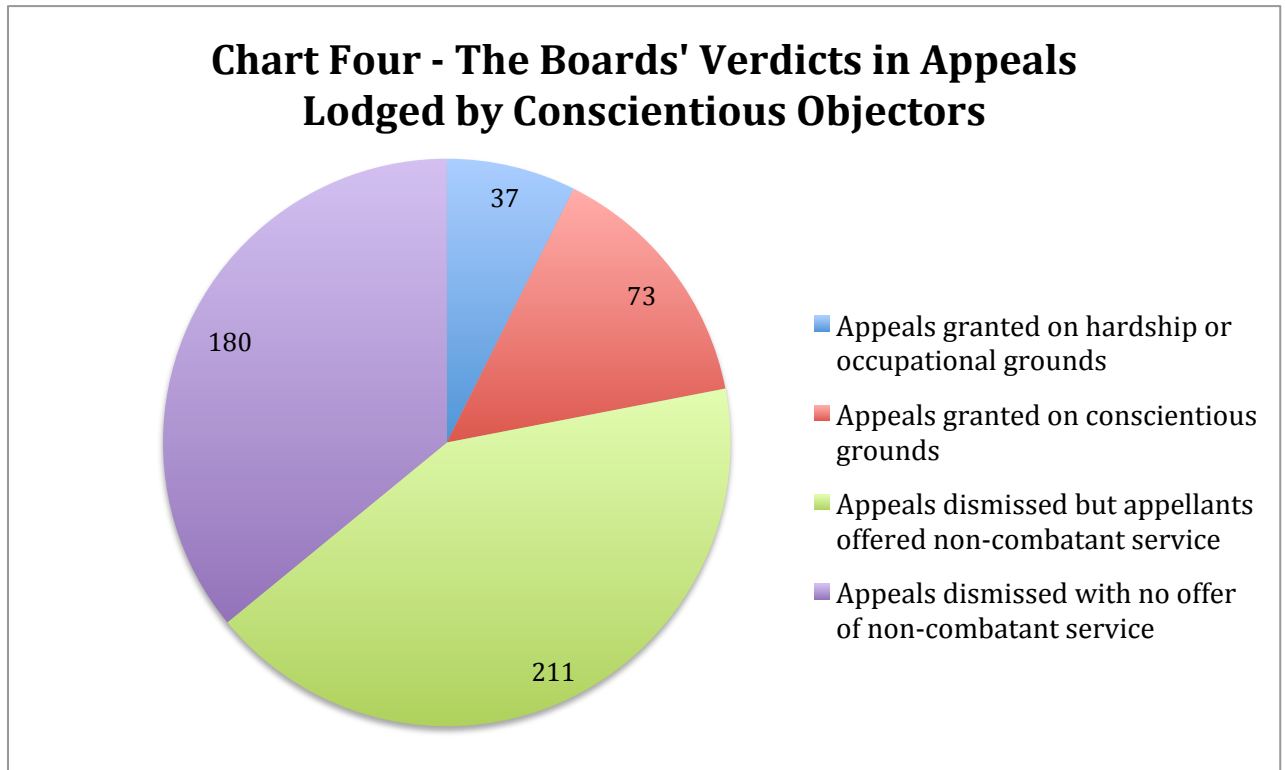
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<sup>122</sup> *MES*, 13 March 1917, p. 2.

<sup>123</sup> *EP*, 10 February 1917, p. 5; Tate to Gray, 5 May 1917 and Gray to Tate, 3 June 1917, both in AD 1 Box 733 10/407 (part 1), ANZ; See also Tate to Board Chairmen, May 1917, AD 1 Box 733 10/407 (part 1), ANZ; 'Recruiting 1916-1918: Report by Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ.

<sup>124</sup> *NZH*, 23 February 1917, p. 8 and 21 August 1917, p. 4; *P*, 6 February 1917, p. 4; See also: *WT*, 15 March 1917, p. 4; *Ashburton Guardian*, 19 June 1918, p. 5, 13 July 1918, p. 3 and 4 September 1918, p. 3.

recommendations, rather than exemption.<sup>125</sup> On the other hand, socialist or Irish objectors were consistently deemed to be undeserving of endorsements for non-combatant service.



Sources: All New Zealand newspapers.

The Boards' uniform approach to cases lodged by conscientious objectors can also be illustrated statistically. Some of the 634 appellants who were reported as appealing on this basis were not considered. The majority of individuals 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 or were classed as medically unfit, making it impossible to determine how the Boards would have treated their claim. Cases that fell into these two categories were, therefore, removed from consideration, which left a total of 503 reservists for analysis. Chart Four indicates that 73 objectors (14.51%) were found eligible for exemption, comprising 36 Christadelphians, seven Quakers, and 30 Seventh Day Adventists. Each of these men had their appeals allowed after they agreed to sign

<sup>125</sup> *MES*, 21 July 1917, p. 2 and 3 October 1917, p. 5.

the relevant undertaking. A total of 391 objectors were found not to come within the Act's provisions and had their claims rejected, while the remaining 37 were granted exemption on the grounds of hardship or public interest. Significantly, of the 391 objectors who had their appeals dismissed, 149 accepted a recommendation for overseas non-combatant service, while another 62 refused the offer after being questioned on their willingness to perform it.<sup>126</sup> These individuals were all members of a Christian denomination or had based their appeals on personal religious beliefs. In contrast, not one socialist or Irish objector was even considered for such an endorsement.

If the verdicts that the New Zealand Boards delivered on claims lodged by conscientious objectors were striking in their uniformity, can the same be said for their attitudes during hearings? Certainly, the appeal bodies do sometimes appear to have neglected the implementation of a common policy in favour of heatedly challenging an individual's beliefs. One objector was bluntly informed that 'Unpatriotic people like you don't deserve to belong to the nation' and a second that his religious ideas were nothing short of 'madness'.<sup>127</sup> Likewise, John Olley, Assistant School Master of Hastings, was advised that 'it is a disgrace to the community that a man holding these views should be teaching our young'.<sup>128</sup> Other appellants were lambasted for a perceived willingness to sit back and enjoy New Zealand's freedom and prosperity while other men fought on their behalf. McLaren of the First Wellington Board told one objector that 'You get all the benefits and good of this earth, but will take no share in the work', while Kellett of the First Otago body charged Jesse Morris with being 'prepared to take all the benefits and stand by and let others bear the brunt of the fighting'.<sup>129</sup> If the Boards' tactics could be brutal, then some of their questions were simply unsavoury. Arguably the worst was that 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

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<sup>126</sup> See for example *EP*, 31 January 1917, p. 8 and 23 March 1917, p. 8; *MES*, 2 July 1917, p. 5 and 21 July 1917, p. 2.

<sup>127</sup> *EP*, 23 August 1917, p. 3; *P*, 6 February 1917, p. 4.

<sup>128</sup> *HBT*, 20 June 1917, p. 2.

<sup>129</sup> *WC*, 19 July 1917, p. 6; *ODT*, 29 September 1917, p. 5; When describing his experiences of being a conscientious objector during the war, Archibald Baxter claimed 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*, Whatamongo Bay: Cape Catley, 1983, p. 11).

attempt to stop them?’<sup>130</sup> As Baker maintains, the knowledge that they would face this kind of treatment is likely to have persuaded some objectors not to appeal.<sup>131</sup>

Nevertheless, the overwhelming impression derived from the Boards’ dealings with conscientious objectors is of a collective and measured approach. On the one hand, the primary focus of the appeal bodies’ efforts was always to determine the appellants’ eligibility for relief, rather than to attack their convictions. The initial part of each hearing was an assessment of an objector’s claim to come within the scope of the Act, during which they were given the chance to state their beliefs, press their arguments, and call numerous witnesses.<sup>132</sup> If this segment of the appeal was inevitably brief when the objector did not belong to a Christian denomination, or was the member of a church that obviously countenanced military service, the extensive investigations into the doctrines of the Brethren, the Testimony of Jesus, and the Richmond Mission demonstrate that the Boards did endeavour to make informed decisions.

When the appeal could not be allowed, the second concern was establishing whether the appellant’s objections were sufficiently ‘genuine’ to warrant a recommendation for 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>133</sup> Under such pressures, the Boards simply did not have the time to undertake a detailed investigation of every objector’s 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.<sup>134</sup> In a similar vein, farmer objectors were asked if they had ‘not

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<sup>130</sup> *MES*, 13 January 1917, p. 7.

<sup>131</sup> Baker, *King and Country Call*, p. 176; See also Baughan to Allen, 8 March 1918, AD 1 Box 734 10/407 (part 3), ANZ.

<sup>132</sup> *EP*, 25 July 1917, p. 8 and 26 July 1917, p. 7.

<sup>133</sup> Assistant Adjutant-General to Moorhouse, 6 March 1917, AD 82 Box 1 1/5, ANZ; *EP*, 5 October 1917, p. 6; *FS*, 22 March 1918, p. 2 and 8 May 1918, p. 2.

<sup>134</sup> *WDT*, 9 January 1917, p. 2.

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>135</sup> Those appellants who explained any apparent inconsistencies by reference to their religious faith were usually given a recommendation for service in the Medical Corps, those who floundered, or who relied on political precepts, were invariably denied one. Moreover, the frequency with which the Boards criticised the beliefs held by objectors has 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 relief.<sup>136</sup> When the ridicule of principles did occur, it constituted a small part of the proceedings, usually only coming after the objector had refused to undertake service in the Medical Corps. The Board members could not comprehend the reluctance of Christian men to help those in distress, with one Chairman remarking that he was at a loss to 'understand how succouring the wounded can be regarded as contrary to the teachings of the Bible'.<sup>137</sup> It was at this point when they sometimes felt moved to challenge an objector's reasoning vigorously.

The Boards' consistent attitudes towards conscientious objectors were compatible with their general efforts to ensure an equality of sacrifice. What the appeal bodies always set out to discover was how much a man could reasonably be expected to do to help the war effort and whether he was prepared to make the necessary sacrifices. If a conscientious objector demonstrated that he came within the Act then he was entitled to exemption, but must be prepared to work on the state farm. If he had personal religious scruples then he should be excused from combatant service, but must be amenable to treating the wounded. If he did not have any 'genuine' objections then the best place for him was serving on the front line. When viewed as a part of the Boards' overall methodology, it becomes apparent that this means of assessing conscientious objectors was largely the same as that used for men who appealed on the other available grounds. Any individual who demonstrated a need to look after his family, or to continue in his occupation, was

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<sup>135</sup> *Ibid.*, 9 January 1917, p. 2 and 11 January 1917, p. 3; The Biblical text most commonly referenced by the appeal bodies' members was the first chapter of the Book of Numbers, which McLaren of the First Wellington Board argued contained 'a practical illustration of conscription'.

<sup>136</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>137</sup> *EP*, 31 January 1917, p. 8; See also *ODT*, 7 August 1917, p. 3; *MES*, 25 January 1918, p. 6.

awarded the appropriate form of relief, whereas one who exaggerated his circumstances or was unwilling to do his bit was dispatched to camp. Indeed, the attacks made on certain conscientious objectors were not fundamentally different from the comments levelled at other individuals whom the Boards perceived as 'shirking'. Families who had sent no sons to the front were berated for letting others make all the sacrifices, miners were sharply criticised for going on strike, and employers who argued their staff could not possibly be replaced were accused of a selfish dereliction of their duty.<sup>138</sup> For the Boards, any man who was reluctant to do his utmost for country and Empire was open to criticism. While objectors were challenged on their beliefs rather than their actions, they were not being singled out especially.

There appear to be three reasons why the New Zealand appeal bodies adopted a much more uniform approach than the Division's Tribunals. The first, and perhaps most important, is that the legislation and subsequent instructions received by the Boards possessed a far greater degree of clarity. Whereas the British Act made allowances for a broad 'conscientious objection' without even defining the term, the misgivings of many New Zealand MPs meant that the wording of the New Zealand statute was progressively tightened. In its final form, the New Zealand Act outlined that a valid objection had to be religious rather than conscientious, had to be held by a body rather than an individual, had to be stated in official doctrine rather than just verbally agreed, and had to have been in existence before the outbreak of the war.<sup>139</sup> This constituted a vast amount of useful guidance and was certainly far in excess of anything that the Tribunals ever had access to. It informed the Boards that the Quakers and the Christadelphians, and later the Seventh Day Adventists, were eligible for exemption, while also definitely excluding every appellant who was not the member of a religious body or whose denomination was not opposed to combatant service. The somewhat ambiguous positions of the Brethren, the Testimony of Jesus, and the Richmond Mission might have caused considerable difficulty were it not for the carefully crafted provisions of the statute, which, according to the Solicitor-General, justified the Boards' insistence

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<sup>138</sup> *WDT*, 14 December 1916, p. 2; *Grey River Argus*, 3 May 1917, p. 4; *EP*, 1 February 1917, p. 7.

<sup>139</sup> *New Zealand Statutes (NZS)*, Military Service Act, 1916, Section 18(1)(e).

that an eligible denomination must possess a written constitution against bearing arms.<sup>140</sup> In determining whether an individual should receive a recommendation for non-combatant service, the Boards were directed to base their decision on whether his scruples were 'genuine'.<sup>141</sup> Although this term was undoubtedly less specific than the legislation, it did indicate to the appeal bodies what type of objector should, and should not, receive consideration. Allen and the Defence Department had always insisted that the only valid form of objection was one based on religious beliefs.<sup>142</sup> Moreover, the Boards were specifically told that an appellant's scruples must have been evident prior to the outbreak of the war.

This differing clarity of official instructions not only had an impact when determining who was eligible for exemption, but also when deciding what type of relief ought to be granted. The Division's Tribunals were subject to confusing and ever-changing directions over whether they could award absolute or conditional exemptions to conscientious objectors. In contrast, it was made readily apparent to the Boards that men who were eligible for exemption had to sign the undertaking to perform non-combatant duties, altered by the April 1917 regulations to agricultural work, whereas those who had 'genuine' scruples outside of the legislation could be recommended for the Medical Corps.

The second factor behind the Boards' more consistent approach was their smaller numbers and similar memberships. Whereas achieving uniformity between 64 Division Tribunals, and hundreds of members, was always likely to prove impossible, the alignment of only nine active appeal bodies in New Zealand was a far more realistic objective. Undoubtedly there were some differences in the Board members' degree of tolerance for conscientious objectors. While Chairman Poynton of the Second Wellington body asserted that men who would do nothing to defend their 'home from destruction, or a child from murder or outrage' belonged in 'a mental hospital', Chairman Earl of the Second Auckland Board claimed to 'respect every man's religious principles, no matter how foolish and

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<sup>140</sup> Tate to Salmond, 16 May 1917 and Salmond to Tate, 22 May 1917, both in AD 1 Box 733 10/407 (part 1), ANZ.

<sup>141</sup> Tate to Board Chairmen, May 1917, AD 1 Box 733 10/407 (part 1), ANZ.

<sup>142</sup> Gray to Adjutant-General, 21 November 1916 and Allen to Baughan, 23 January 1917, both in AD 1 Box 733 10/407 (part 1), ANZ.

futile they may be'.<sup>143</sup> Yet, at the level that mattered most, their attitudes were largely the same. As a result of Allen's rigorously applied selection criteria, there were no anti-conscriptionists or pacifists amongst the Boards' personnel. Instead, all of the members were firm supporters of conscription and ardent believers in the need to win the war. This background ensured that they could be relied upon to apply the Act in the strict manner that most MPs desired, by limiting exemption to the three 'lucky sects'.<sup>144</sup> Moreover, from their actions and statements, it is clear that the members held a common belief that the most a 'genuine' conscientious objector deserved was a place in Medical Corps.<sup>145</sup> In particularly sharp contrast to the situation in the Division, where conflicting opinions were a common occurrence, not a single claim made by a conscientious objector in New Zealand is reported to have resulted in a split decision.

The final contributor to the Boards' greater consistency was their more national conception of the appeals process. If the Division's Tribunals were apt to be swayed, or even intimidated, by local feeling, then the New Zealand appeal bodies listened only to views that emanated from the Government or the Defence Department. Whenever objectors expressed disappointment or anger at failing to secure exemption, the Board Chairman simply referred them to the letter of the Act and the obvious intentions of Parliament.<sup>146</sup> Likewise, they never wavered from an insistence that men must sign the officially mandated undertaking if they wished to secure a form of relief. This national perspective meant the Boards attached a much greater degree of importance to achieving uniformity than their British counterparts. While the Division's Tribunalists rarely mentioned the way that conscientious objectors were being dealt with in other districts, the Boards' sittings were characterised by repeated references to what was taking place elsewhere in the country. When the initial appeal from a member of the Brethren came before the First Canterbury Board, Chairman Evans remarked that their verdict was 'rather an important question', given that the appeal bodies had

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<sup>143</sup> Poynton to Gray, 2 December 1918, AD 1 Box 1046 66/57, ANZ; *WT*, 24 August 1917, p. 4; See also Burgess to Gray, 5 December 1918, AD 82 Box 2 1/11/2, ANZ.

<sup>144</sup> O'Connor, 'The Awkward Ones', p. 124.

<sup>145</sup> *P*, 9 January 1917, p. 5 and 20 July 1918, p. 4; Cosgrove to Third Wellington Board Secretary, 21 March 1917, AD 82 Box 1 1/5, ANZ; Cooper to Gray, 10 December 1918, AD 82 Box 3 1/22, ANZ.

<sup>146</sup> *MES*, 28 March 1917, p. 5; *EP*, 20 April 1917, p. 8.

decided 'to adopt uniformity in those matters upon which the majority were agreed upon'.<sup>147</sup> Indeed, two months later, Chairman Widdowson of the First Otago body dismissed the claim of a Brethren member on the grounds that 'he must hold with the finding of another board'.<sup>148</sup> A further example of this collective form of judgment is the decisions reached in cases involving Seventh Day Adventists. Before June 1917, every man from this denomination was refused. However, as soon as the Third Wellington body decided that the Adventists' doctrine was opposed to combatant service, all of the other Boards immediately fell into line and began offering them exemption under the revised undertaking.

These three factors are crucial to explaining why the New Zealand Boards adopted a more consistent approach towards conscientious objectors than their British counterparts. The Division's Tribunals managed to agree on one point of uniformity: that members of the Society of Friends deserved some form of relief. Yet this was a fairly minor detail when compared to the myriad of different ways in which they defined the term 'conscientious objection', and the whole plethora of procedures they used to decide which forms of exemption should be granted to deserving appellants. Whereas some appeal bodies only considered cases lodged by men who belonged to a pacifist denomination, others were prepared to acknowledge claims based on a personal interpretation of the Bible, or even on political principles. Similarly, a few Tribunals offered conscientious objectors nothing more than non-combatant certificates, but many of their sister bodies granted *bona fide* applicants conditional, or occasionally absolute, exemption from military service. In terms of the manner in which objectors were questioned, this ranged from a formulaic and measured analysis of an individual's claim, to a concerted and hostile attack on all aspects of his principles. These discrepancies stemmed from ambiguous, and even contradictory, instructions, the large number of Tribunals established in the Division, and the community sensitivities of many of their members. The situation regarding the Boards could scarcely have been more different. They collectively determined that only a few small denominations were eligible for exemption, and definitely excluded every appellant who did not

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<sup>147</sup> P, 29 November 1916, p. 3.

<sup>148</sup> Kelly, *Military Board Appeals: Dec 1916 to Feb 1917*, p. 30.

belong to a group that was opposed to its members joining a frontline unit of the army. Moreover, the New Zealand appeal bodies concurred that men who possessed a genuine religious faith could be given a recommendation for non-combatant service, but always refused to grant such endorsements to politically motivated individuals. This uniform effort was facilitated by clear and concise government instructions, by the existence of fewer appeal bodies, and by the national, rather than local, perspective adopted by the Boards' members.

These findings differ substantially from those voiced in most of the existing historiography. They suggest that British studies should move away from drawing general, predominately negative, conclusions about the Tribunals' dealings with conscientious objectors, and instead focus on the idiosyncrasies of each individual appeal body. On the other hand, there is a need for New Zealand historians to view the Boards' attitudes towards these cases as part of a wider context; one that involved a concerted effort to both secure an equality of sacrifice and to ensure that uniform decisions were reached across the country.

## Chapter Seven: Work or Fight

### The Verdicts Delivered

The claims of overt conscientious objectors constituted only a small fraction of the British Tribunals' and New Zealand Boards' workloads, with the vast majority of cases being lodged on domestic, business, or occupational grounds. Having been introduced to try to guarantee a constant supply of soldiers, and a more efficient allocation of manpower generally, the success or failure of conscription in both countries was, therefore, heavily contingent on the verdicts delivered by the appeal bodies across all of these different types of exemption claims.

While there are several exceptions, historians have usually contended that the verdicts delivered by the British Tribunals were characterised primarily by their harshness. From the Armistice through to the present day, most studies have contained assertions, or at least implications, that relatively few exemptions were granted. Representative examples of this opinion are Charles Messenger's insistence that the 'majority of applicants ... had their appeals rejected' and Caroline Moorehead's portrayal of 'one small business after another ... being picked off'.<sup>1</sup> In contrast, the notion that the appeal bodies adopted a lenient approach has only emerged fairly recently and is confined to two specific types of study. During their analyses of official manpower policy, Ralph Adams and Philip Poirier, Ian Beckett, David Bilton, and Keith Grieves have all argued that the military authorities regarded the decisions reached by the Tribunals as an obstacle, rather than an accessory, to their efforts to meet the army's demands for

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<sup>1</sup> Charles Messenger, *Call-To-Arms: The British Army, 1914-18*, London: Cassell, 2005, p. 136; Caroline Moorehead, *Troublesome People: Enemies of War, 1916-1986*, London: Hamish Hamilton, 1987, p. 33; See also Hilary Crowe, 'Keeping the Wheels of the Farm in Motion: Labour Shortages in the Uplands during the Great War', *Rural History*, 19:2 (2008), pp. 207-9; K.W. Mitchinson, *Saddleworth, 1914-1919: The Experience of a Pennine Community during the Great War*, Saddleworth: Saddleworth Historical Society, 1995, pp. 63-5; A.J. Peacock, *York in the Great War: 1914 to 1918*, York: York Settlement Trust, 1993, pp. 533-4; John Rae, *Conscience and Politics: The British Government and the Conscientious Objector to Military Service, 1916-1919*, London: Oxford University Press, 1970, p. 63; Alan G.V. Simmonds, *Britain and World War One*, Abingdon: Routledge, 2012, p. 54; A.J.P. Taylor, *English History, 1914-1945*, Oxford: Clarendon Press, 1965, p. 54; Bonnie White, 'Feeding the War Effort: Agricultural Experiences in First World War Devon, 1914-17', *Agricultural History Review*, 58:1 (2010), pp. 106-7; Denis Winter, *Death's Men: Soldiers of the Great War*, London: Penguin, 1978, p. 34.

men.<sup>2</sup> Furthermore, some historians who have investigated the operations of individual appeal bodies have maintained that the proportion of successful claims was reasonably high.<sup>3</sup> It has even been averred that conscripts who appeared before certain Tribunals were more likely to be granted exemption than to be sent into camp.<sup>4</sup> Contradicting both sides of this argument is the perspective advanced by James McDermott, who maintains that the fact each appeal body operated within specific local circumstances has created a situation where ‘few meaningful *comparative* deductions can be drawn from the fragmentary statistics of the Tribunal system’.<sup>5</sup>

The suggestion that the majority of cases were refused is even more prevalent in New Zealand. This is particularly apparent where studies have focused on the Boards’ treatment of agricultural and pastoral claimants, with Sonia Inder, Lisa James, and Kerry Stratton all arguing that such individuals received little sympathy.<sup>6</sup> When considering the Boards’ overall verdicts, Ian McGibbon concludes that the members ‘tended to approach their task as defenders of

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<sup>2</sup> R.J.Q. Adams and Philip P. Poirier, *The Conscription Controversy in Great Britain, 1900-18*, Columbus: Ohio State University Press, 1987, pp. 199, 206; Ian F.W. Beckett, *Home Front, 1914-1918: How Britain Survived the Great War*, Kew: National Archives, 2006, p. 39; David Bilton, *The Home Front in the Great War: Aspects of the Conflict, 1914-1918*, Barnsley: Leo Cooper, 2003, p. 62; Keith Grieves, *The Politics of Manpower, 1914-18*, Manchester: Manchester University Press, 1988, p. 27.

<sup>3</sup> Adrian Gregory, *The Last Great War: British Society and the First World War*, Cambridge: Cambridge University Press, 2008, p. 102; Keith Grieves, ‘Mobilising Manpower: The Audenshaw Tribunal in the First World War’, *Manchester Region History Review*, 3:2 (1989), pp. 24-7 and ‘Military Tribunal Papers: The Case of Leek Local Tribunal in the First World War’, *Archives: The Journal of the British Record Association*, 16:70 (1983), p. 150.

<sup>4</sup> Gillian Ashley-Smith, *Kineton in the Great War, 1914-1921*, Studley: Brewin Books, 1998, p. 22; Robin Barlow, ‘Military Tribunals in Carmarthenshire, 1916-1917’ in Nick Mansfield and Craig Horner (eds), *The Great War: Localities and Regional Identities*, Newcastle: Cambridge Scholars, 2014, p. 18; James G.M. Cranstoun, ‘The Impact of the Great War on a Local Community: The Case of East Lothian’, PhD Thesis in History, Open University, 1992, pp. 115-7; 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. 122; Philip Spinks, ‘“The War Courts”: The Stratford-upon-Avon Borough Tribunal, 1916-1918’, *The Local Historian*, 32:4 (2000), p. 214.

<sup>5</sup> James McDermott, *British Military Service Tribunals, 1916-1918: ‘A Very Much Abused Body of Men’*, Manchester: Manchester University Press, 2011, p. 220. Emphasis in original.

<sup>6</sup> Sonia Inder, ‘Middlemarch, 1914-1918’, PG Dip Research Essay in History, University of Otago, 1992, p. 36; Lisa James, ‘Doing Their Duty: The Impact of Conscription on Farming Families in New Zealand during the Great War’, Research Essay in History, Victoria University of Wellington, 2006, p. 21; 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, pp. 102-3.

conscription, and rejected most appeals'.<sup>7</sup> From the first ballot, Gwen Parsons finds that the Boards initially allowed or adjourned 52% of Ashburton cases and 37.9% from Dunedin men.<sup>8</sup> Yet she contends that the 'process provided appellants and their families with little certainty', as very few outright exemptions were granted and *sine die* (indefinite) adjournments were always subject to review.<sup>9</sup> Similarly, although Paul Baker acknowledges that the Boards became increasingly liberal, his figures still indicate that they dismissed far more cases than they allowed.<sup>10</sup> The only historian to mount a strong defence of the appeal bodies' record is Keith Scott, who insists that they usually acted 'with considerable leniency'.<sup>11</sup>

Comparing the verdicts reached in the East Central Division with those delivered in New Zealand demonstrates that both the Tribunals and the Boards were highly likely to afford at least temporary relief to the appellants who appeared before them. The reasons for these liberal approaches appear to be the extensive protection of essential industries and the localism of the Tribunal members in Britain, and a determination to follow central directions and achieve an equality of sacrifice in the case of the Boards. If provisional or inconsequential decisions are removed from consideration, then the surviving records indicate that the Division's Tribunals conducted their operations with a striking degree of leniency. Appellants stood a far greater chance of being exempted than of having their conscription confirmed, while only a very small proportion of them failed to obtain at least a period of grace before they were required to mobilise. Moreover, there are *prima facie* grounds for believing that such a generous outlook was the norm amongst the Tribunals operating throughout the rest of the country. These charitable practices appear to have derived from the substantial protection that the British exemption system afforded to many occupations and the localist sentiments of the appeal bodies' members.

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<sup>7</sup> Ian McGibbon, 'Conscription' in Ian McGibbon (ed.), *The Oxford Companion to New Zealand Military History*, Auckland: Oxford University Press, 2000, p. 118.

<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. 36, Appendix 1.

<sup>9</sup> *Ibid.*, p. 49.

<sup>10</sup> Paul Baker, 'New Zealanders, the Great War, and Conscription', PhD Thesis in History, University of Auckland, 1986, p. 258.

<sup>11</sup> Keith Douglas Scott, *Before ANZAC, Beyond Armistice: The Central Otago Soldiers of World War One and the Home They Left Behind*, Auckland: Activity Press, 2009, p. 215.

The most notable feature of the Boards' verdicts is again how prepared they were to grant relief from military service. While the proportion of exemptions awarded was lower than that for the Tribunals, the New Zealand appeal bodies still delivered a positive 'concrete verdict' on over half the occasions where it was both possible and relevant for them to do so. Furthermore, as most dismissals were accompanied by a period of leave, the vast majority of appellants obtained at least a temporary relaxation of their obligations under conscription. This liberal approach can be explained by the official directions that the Board members received and by their conviction that exemptions should be used to equalise the burden of maintaining the war effort. Comparing the decisions reached by different British and New Zealand appeal bodies can undoubtedly generate significant conclusions, but it is important to acknowledge the limitations to what a statistical analysis can divulge.

It is possible to use the verdicts delivered by some of the Division's appeal bodies to assess the likelihood of exemption being granted. For two reasons, it was necessary to restrict this appraisal to those Tribunals for which minute books, annotated sitting agendas, or case registers are available. The first rationale concerned the practice adopted in Britain whereby the Military Representative and local Advisory Committee conducted a preliminary evaluation of every claim.<sup>12</sup> Several Tribunals automatically confirmed the recommendations made by these War Office appointees, meaning that the relevant appeals never came up for a formal hearing and were, therefore, not mentioned in the newspapers.<sup>13</sup> Secondly, the press coverage within the Division tended to focus on only a handful of the more 'interesting' or 'informative' cases from each sitting, leaving the majority unreported.<sup>14</sup> A combination of these factors means that relying on newspaper evidence alone would provide only a very partial account, whereas minutes, agendas, and registers detail most, or sometimes all, of the verdicts reached in the

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<sup>12</sup> Director-General of Recruiting, *Group and Class Systems: Notes on Administration*, London: HMSO, February 1916, p. 17, MH 47/142, the National Archives (TNA).

<sup>13</sup> See for example Huddersfield Local Tribunal Minutes, KMT 18/12/2/52/1, Kirklees Archives (KA).

<sup>14</sup> See for example *Huddersfield Examiner (HEX)*, 11 January 1917, p. 3; *Cleckheaton & Spenborough Guardian (CSG)*, 14 June 1918, p. 2.

County Borough of Huddersfield, the Borough of Batley, and the Urban Districts of Birstall, Marsden, and Spenborough.<sup>15</sup>

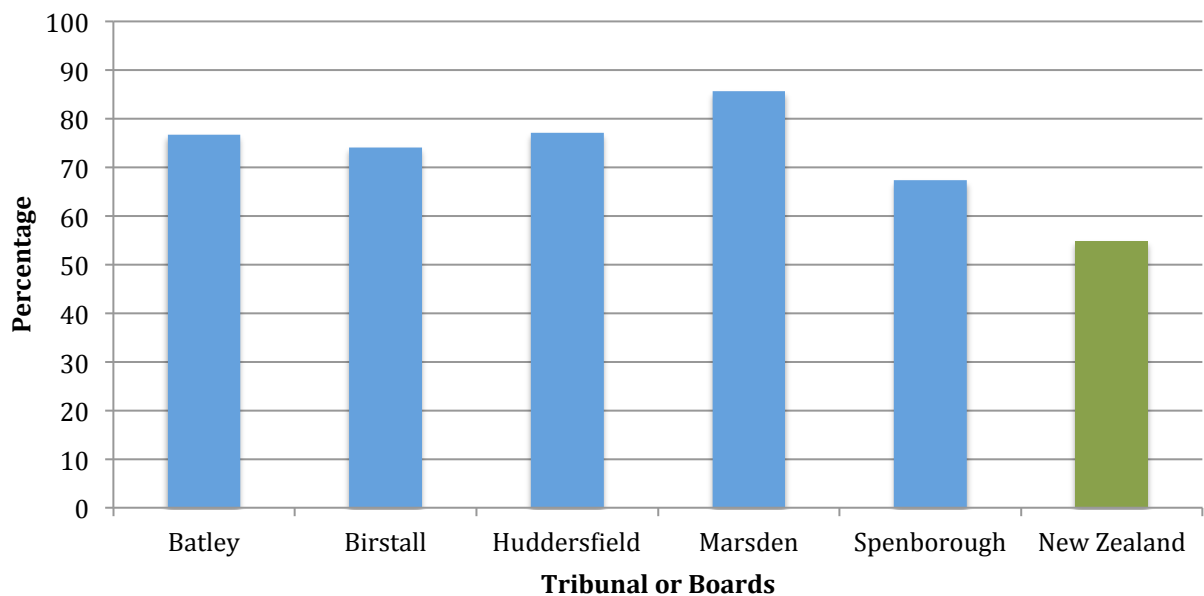
It was necessary to apply three filters to the appeal bodies' decisions in order to remove potential distortions. The first concerned those instances where the Tribunals simply adjourned cases to a later date. By following this course, the members were expressing uncertainty over how the claim should be treated and a desire for more evidence to be obtained before a definite verdict was reached. As the *Batley News* explained: 'In cases of doubt [the] Tribunal defers a decision for independent enquiries. At the adjourned hearing the result sometimes establishes the claimant's case, sometimes not.'<sup>16</sup> Due to this inherent flexibility, it would have been unreasonable to count temporary postponements either for or against an appeal body's record of awarding relief. Instead, only the 'concrete verdicts' of exemptions and dismissals were included. A different rationale underlay the discounting of cases that were refused owing to the appellant having been medically rejected for any type of military service. Here the Tribunal's decision was effectively redundant, as the individual's condition meant that he would be absolved from joining the army anyway. Dismissing his claim was simply an administrative means of ensuring that he would not be called up again unless his health improved. The final category to be removed from consideration was cases that were withdrawn before a hearing could take place. This occurred when the appellant decided that he was prepared to join the colours immediately or where proceeding with a claim was found to be unnecessary owing to the man already possessing another form of exemption, such as a badge or a protection certificate. In either case, the outcome was taken out of the Tribunals' hands and they were never given the opportunity to judge the appeal on its merits before dismissing it.

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<sup>15</sup> Huddersfield Local Tribunal Minutes, KMT 18/12/2/52/1, KA; Batley Borough Council – Local Tribunal Register of Cases, KMT 1, KA; Agendas for Tribunal Sittings and Tribunal Minutes, Birstall Urban District Council – Local Tribunal Files (BLTF), RD 21/6/2, KA; Agendas for Tribunal Sittings, Papers of Mr Harris Hoyle Concerning his Membership of the Marsden Military Service Tribunal (HHP), S/NUDBTW/34, KA; Spenborough Local Tribunal Minutes, KMT 39/1/2/1/1, KA.

<sup>16</sup> *Batley News (BN)*, 22 July 1916, p. 1.

**Chart Five - Positive 'Concrete Verdicts' as a Proportion of All Verdicts Delivered**

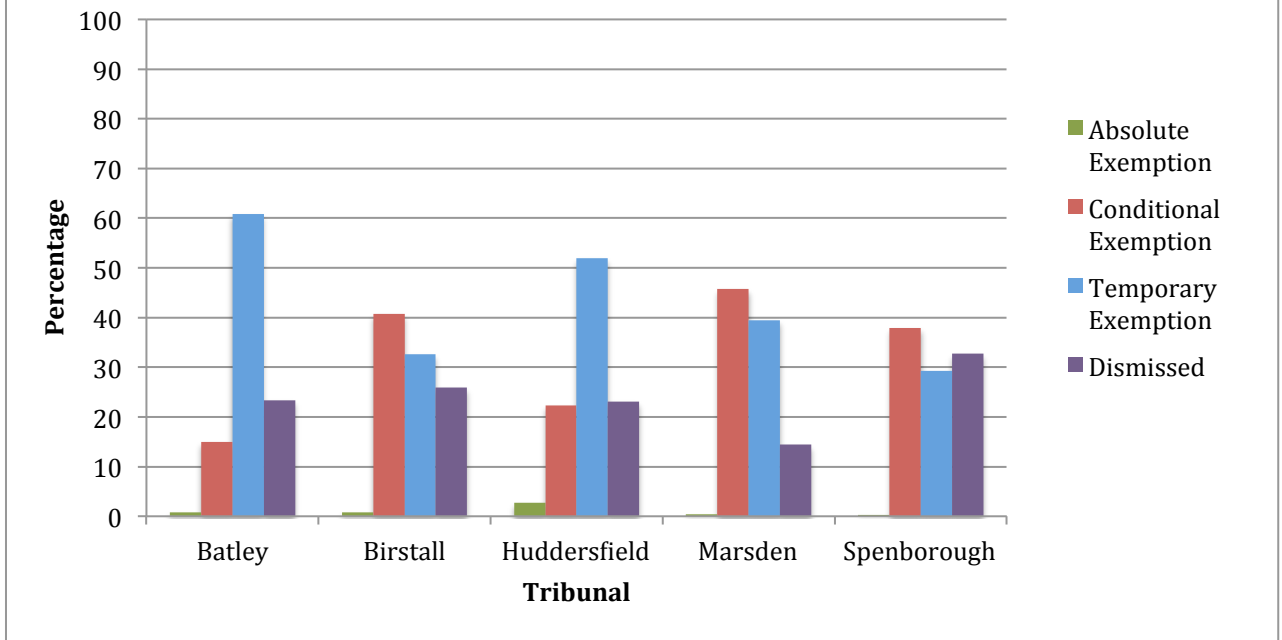


Sources: Batley Borough Council – Local Tribunal Register of Cases, KMT 1, KA; Agendas for Tribunal Sitings and Tribunal Minutes, BLTF, RD 21/6/2, KA; Huddersfield Local Tribunal Minutes, KMT 18/12/2/52/1, KA; Agendas for Tribunal Sitings, HHP, S/NUDBTW/34, KA; Spenborough Local Tribunal Minutes, KMT 39/1/2/1/1, KA; All New Zealand newspapers.

By employing this methodology, Chart Five demonstrates that the Division’s Tribunals conducted their operations with a substantial degree of leniency. Crucially, all five of the appeal bodies awarded absolute, conditional, or temporary exemptions with much greater regularity than they dismissed cases. The most liberal amongst them was the Marsden Tribunal, which returned positive ‘concrete verdicts’ in a striking 85.56% of cases. In addition, both the Batley and Huddersfield bodies granted exemptions in over three-quarters of the cases they determined, while the Birstall Tribunal was only slightly less favourable to appellants, recording a total of 74.14% positive decisions. Even the Spenborough members, the strictest in the sample and described by one solicitor as ‘the smallest sieve people had to go through’, only refused around one-third of all the claims that came before them.<sup>17</sup> Arguably the most significant conclusion to be drawn from Chart Five is that, across these Tribunals as a whole, 74.77% of the ‘concrete verdicts’ afforded the appellant an absolute, conditional, or temporary exemption from military service.

<sup>17</sup> CSG, 30 March 1917, p. 7.

**Chart Six - Types of 'Concrete Verdict' Delivered by the Division's Tribunals**



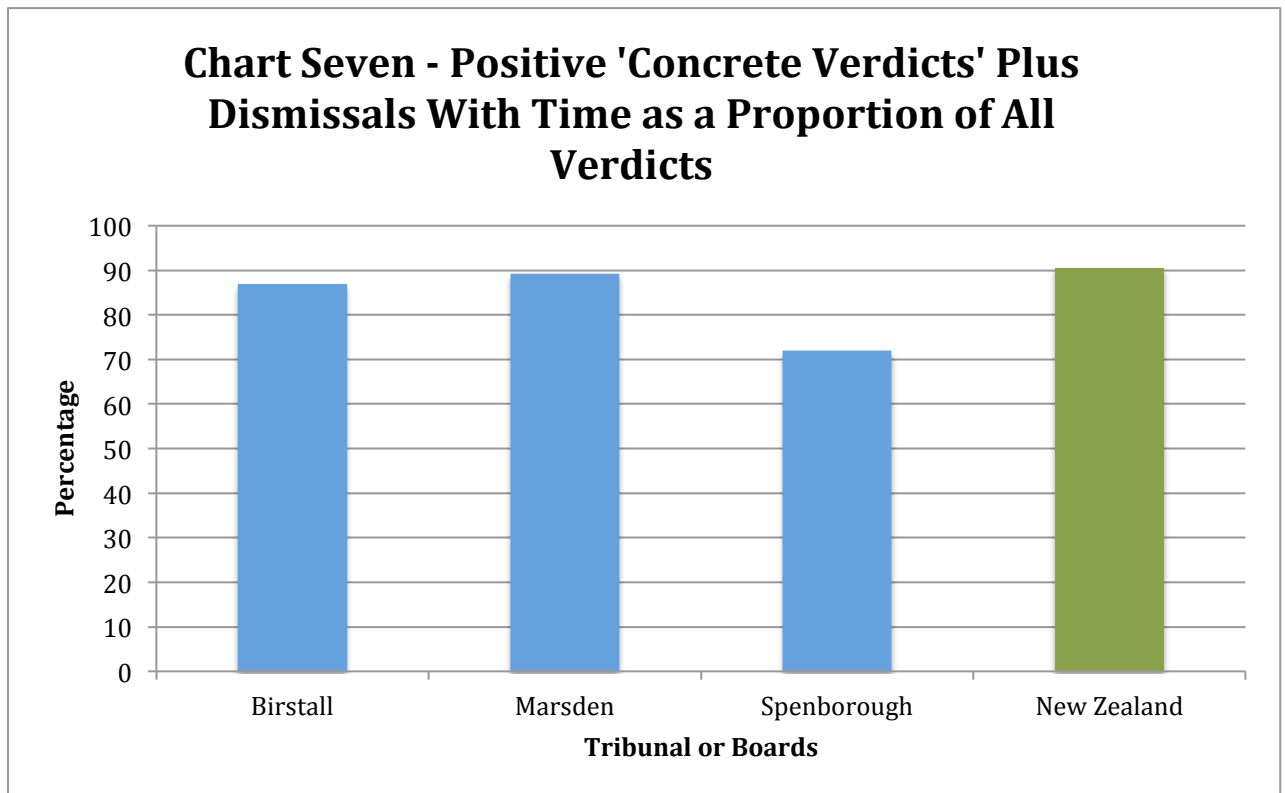
Sources: Batley Borough Council – Local Tribunal Register of Cases, KMT 1, KA; Agendas for Tribunal Sitings and Tribunal Minutes, BLTF, RD 21/6/2, KA; Huddersfield Local Tribunal Minutes, KMT 18/12/2/52/1, KA; Agendas for Tribunal Sitings, HHP, S/NUDBTW/34, KA; Spenborough Local Tribunal Minutes, KMT 39/1/2/1/1, KA.

Chart Six provides a fuller breakdown of the ‘concrete verdicts’ delivered by these Division Tribunals. It illustrates that absolute exemption was something of a rarity, with the highest proportion being the 2.73% of decisions reached at Huddersfield. Although some Tribunals were quite prepared to issue this form of certificate at the start of their operations, its use quickly became restricted to claims where the appellant was palpably unfit to serve in any military capacity.<sup>18</sup> Conditional exemptions were always far more common and constituted the most frequently awarded type of relief at Birstall, Marsden, and Spenborough. These certificates tended to go to men engaged in essential wartime occupations, and usually required the bearer to remain in his present employment, or to individuals who already had several family members serving in the army.<sup>19</sup> Despite the relative ubiquity of conditional certificates, temporary exemptions were the most popular verdict delivered at Batley and Huddersfield, and, indeed, across the five Tribunals

<sup>18</sup> Huddersfield Local Tribunal Minutes, KMT 18/12/2/52/1, KA; *BN*, 26 February 1916, p. 4 and 4 March 1916, p. 2; *HEX*, 20 March 1916, p. 4.

<sup>19</sup> Batley Borough Council – Local Tribunal Register of Cases, KMT 1, KA; Spenborough Local Tribunal Minutes, KMT 39/1/2/1/1, KA; *HEX*, 8 March 1916, p. 2 and 28 June 1916, p. 2.

as a whole. The stipulated period of relief could be anywhere from one week to six months, but typically excused a man from reporting to camp for around eight weeks. Unless the temporary exemption had been noted as ‘final’, it was always open to the appellant to apply for a renewal, at which point his case would be re-heard by the relevant Tribunal to see if the circumstances had changed during the interim.<sup>20</sup>



Sources: Agendas for Tribunal Sitings and Tribunal Minutes, BLTF, RD 21/6/2, KA; Agendas for Tribunal Sitings, HHP, S/NUDBTW/34, KA; Spenborough Local Tribunal Minutes, KMT 39/1/2/1/1, KA; All New Zealand newspapers.

Yet even these striking conclusions do not reveal the full extent of the Tribunals’ leniency. From mid-1916, most of the Division’s appeal bodies began to deliver a new class of verdict whereby a claim would be refused, but with the proviso that the recruiting authorities would only call the appellant up for military service after a specified period of ‘grace’ had elapsed.<sup>21</sup> Although clearly a less favourable outcome than a temporary exemption, as there was no possibility of applying for a renewal, this decision did allow individuals a valuable opportunity to arrange their

<sup>20</sup> ‘Military Service (No. 2) Bill’, 6 January 1916, WO 32/9348, TNA; UK, Military Service Act, 1916 (Session 2), Section 4(1); Local Government Board (LGB) Circular R. 85: ‘Military Service Regulations (Amendment) Order, 1916’, 1 June 1916, MH 47/142, TNA.

<sup>21</sup> *BN*, 3 June 1916, p. 8 and 24 February 1917, p. 8.

domestic or business affairs, while giving employers the chance to hire or train replacements. Indeed, a few weeks or months to attend to these matters were all that many appellants asked the Tribunals to provide. Therefore, a comprehensive analysis of an appeal body's verdicts requires a distinction to be drawn between dismissals with and without grace. While the surviving records for the Batley and Huddersfield Tribunals do not divulge the necessary information, the relevant figures are obtainable for the other three Division bodies. On the one hand, the Marsden Tribunal afforded grace to only 42 out of 165 refused men, perhaps due to the fact that its members awarded so many exemptions anyway, while only 148 out of 1,076 individuals were granted extra time at Spenborough.<sup>22</sup> In sharp contrast, the Birstall Tribunal utilised the option of grace far more readily, attaching it to 105 dismissals from a total of 216.<sup>23</sup> Chart Seven shows that taking these decisions into account can have a significant impact on an appeal body's record. The Marsden members are revealed to have been even more lenient than was previously suggested, granting a form of relief to 89.24% of the men who came before them, while the figure for Spenborough demonstrates that only around a quarter of the appellants to that body actually left their hearing with nothing. Most illustrative of all is the situation regarding the Birstall Tribunal, which granted exemption in 74.14% of cases, but awarded at least a period of grace fully 86.89% of the time.

To what extent do the decisions reached by these Division Tribunals reflect a wider pattern? Unfortunately, it is impossible to say for sure. There are no surviving records that provide a breakdown of the 'concrete verdicts' delivered throughout Britain and those Tribunals that have been the subject of detailed investigation on an individual basis constitute only a small fraction of the total. Nevertheless, analysing the sources that are available does offer strong *prima facie* grounds for suggesting that the lenient approach evident in the Division was the norm rather than the exception. According to official statistics supplied to the Cabinet, there were a remarkable 1,120,656 Tribunal-issued exemptions in force

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<sup>22</sup> Agendas for Tribunal Sittings, HHP, S/NUDBTW/34, KA; Spenborough Local Tribunal Minutes, KMT 39/1/2/1/1, KA.

<sup>23</sup> Agendas for Tribunal Sittings and Tribunal Minutes, BLTF, RD 21/6/2, KA.

on 1 October 1916.<sup>24</sup> Although this figure had declined to 926,400 a month later, the period from 9 September 1916 to 6 December 1916 witnessed an overall increase of 94,432 in the number of exemption certificates awarded by the appeal bodies.<sup>25</sup> This is a particularly significant finding, as late 1916 saw the Tribunals come under intense pressure from both the Executive and the military to release more men for the army.<sup>26</sup> Even after further comb-outs, and the review of all certificates held by men under 31 years of age, there were still 779,936 Tribunal exemptions in existence on 30 April 1917.<sup>27</sup>

A similar picture emerges from the verdicts delivered by appeal bodies operating outside of the Division. In Warwickshire, the Stratford-upon-Avon Tribunal only reached a negative 'concrete verdict' in 14.81% of cases that were not withdrawn or dismissed for medical reasons, while the relative total for the Calne Rural Tribunal in Wiltshire was a meager 9.15%.<sup>28</sup> If the approaches of the Scottish Haddington Burgh and East Lothian County Tribunals, and the Audenshaw Tribunal in Lancashire, were slightly less liberal, they still afforded exemption to 82.76%, 75%, and 74.77% of appellants respectively.<sup>29</sup>

Further evidence of the Tribunals' overall leniency can be found in the actions and communications of official agencies. The fact that the Government felt it necessary to direct the appeal bodies so frequently to dismiss more cases is a compelling indication that substantial numbers of exemptions were being granted.<sup>30</sup> Indeed, it only took twelve months of conscription before the Executive began considering

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<sup>24</sup> 'Statement for the War Committee, Showing the Numbers of Men due to the Army and the Number of those Remaining in Civil Life. Also the Requirements of the Army on 1<sup>st</sup> October 1916', 24 October 1916, CAB 17/158, TNA.

<sup>25</sup> 'Third Report of the Man-Power Distribution Board to the War Committee', 9 November 1916, CAB 17/156, TNA; 'Memorandum by the Adjutant General on Recruiting Prospects So Far as they Can Be Foreseen', 10 January 1917, CAB 17/158, TNA.

<sup>26</sup> LGB Circular R. 97, 26 August 1916, LGB Circular R. 102, 29 September 1916 and LGB Circular R. 107: 'Men under 26 Years of Age', 1 December 1916, all in MH 47/142, TNA.

<sup>27</sup> HMSO, *Statistics of the Military Effort of the British Empire during the Great War, 1914-1920*, London: HMSO, 1922, p. 367.

<sup>28</sup> Minute Book: Calne Rural District War Relief Committee and Calne Rural District Local Tribunal on Recruiting, G3 119/8, Wiltshire & Swindon History Centre (WSHC); Spinks, 'The War Courts', p. 214.

<sup>29</sup> Cranstoun, 'The Impact of the Great War', pp. 115-7; Grieves, 'Mobilising Manpower', p. 28.

<sup>30</sup> See for example LGB Circular R. 107, 1 December 1916, LGB Circular R. 113, 20 January 1917 and LGB Circular R. 114: 'Men under 31 Years of Age', 20 January 1917, all in MH 47/142, TNA.

proposals to remove the claims of young single men from the Tribunals' jurisdiction.<sup>31</sup> This measure was eventually implemented by using the 'clean cut' method to terminate automatically the certificates of men below a certain age.<sup>32</sup> By March 1918, the new Minister of National Service, Sir Auckland Geddes, had become so frustrated by the appeal bodies' perceived tardiness that he drafted legislation that would have abolished the existing system of exemptions and replaced the Local Tribunals with more pliable county advisory committees.<sup>33</sup> There would have been no need to formulate these schemes, or to impress continually on the Tribunals the 'urgent' requirements and 'immediate demands' of the army, if a high proportion of appellants were already being sent to the front.<sup>34</sup>

Of even greater significance are the views advanced by the military. Many historians have described the recruiting authorities as the appeal bodies' kindred spirits, or even as their controlling agency.<sup>35</sup> Yet far from perceiving the Tribunals as partners in a collaborative effort to meet the army's demands, the War Office actually saw their members as overly sentimental obstructionists who did considerably more to hinder the national cause than to advance it. Why would the

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<sup>31</sup> 'National Service: Second Report of the Director-General of National Service to the War Cabinet', 3 February 1917, CAB 1/23/14, TNA; 'War Cabinet: Exemptions by Tribunals (A Note by the President of the Local Government Board)', 9 February 1917, CAB 1/23/27, TNA; Despite having left the Local Government Board for the Colonial Office, Walter Long strongly opposed any suggestion of reducing the Tribunals' authority. He asserted that doing so would only 'delay' matters and 'give mortal offence to our great local authorities' ('War Cabinet: Memorandum by the Secretary of State for the Colonies', undated, CAB 1/23/28, TNA).

<sup>32</sup> UK, Military Service Act, 1918, Section 2; 'Statutory Rules and Orders, 1918, No. 459: Military Service: Proclamation, dated April 20, 1918, under Section 3 of the Military Service (No. 2) Act, 1918 (8 Geo. 5, c. 5) Withdrawing Certain Certificates of Exemption from Military Service', 20 April 1918, MH 47/142, TNA.

<sup>33</sup> Memorandum by the Minister of National Service, 26 March 1918, CAB 24/46/4036, TNA.

<sup>34</sup> LGB Circular R. 122, 1 March 1917 and LGB Circular R. 167: 'One-Man Businesses: Cases of Hardship: Co-Operation', 17 December 1917, both in MH 47/142, TNA.

<sup>35</sup> Lois S. Bibbings, *Telling Tales About Men: Conceptions of Conscientious Objectors to Military Service during the First World War*, Manchester: Manchester University Press, 2009, pp. 30-1; D. Boulton, *Objection Overruled*, London: MacGibbon & Kee, 1967, p. 134; Peter Brock and Nigel Young, *Pacifism in the Twentieth Century*, Syracuse: Syracuse University Press, 1999, p. 43; Will Ellsworth-Jones, *We Will Not Fight: The Untold Story of the First World War's Conscientious Objectors*, London: Aurum, 2007, p. 64; John W. Graham, *Conscription and Conscience: A History, 1916-1919*, London: George Allen & Unwin, 1922, p. 66; Mitchinson, *Saddleworth*, p. 61; Cyril Pearce, *Comrades in Conscience: The Story of an English Community's Opposition to the Great War*, London: Francis Boutle, 2001, p. 161; Rae, *Conscience and Politics*, pp. 17-18; Adrian Stephen, 'The Tribunals' in Julian Bell (ed.), *We Did Not Fight: 1914-18 Experiences of War Resisters*, London: Cobden-Sanderson, 1935, p. 379.

military hierarchy feel compelled to meet with the Tribunal Chairmen in an attempt to stiffen their resolve if the appeal bodies were already dismissing most of the claims that came before them?<sup>36</sup> As early as March 1916, Lord Derby was lamenting the 'disquieting attitude of certain Tribunals' in refusing to send married men to the front, while a correspondent for *The Times* noted that 'exemptions are being freely granted, despite the protests of the representatives at the tribunals of the Military Authorities'.<sup>37</sup> These complaints became increasingly bitter as the war went on. The Army Council lambasted the appeal bodies for being 'only too anxious' to exempt men for personal and family reasons, and the Adjutant-General greeted the overall increase of Tribunal certificates during late-1916 with undisguised fury.<sup>38</sup> An even greater sense of betrayal is apparent amongst the army's generals, who portrayed the appeal bodies as working with government departments such as the Ministry of Munitions, to 'nullify to a great extent the object of the Military Service Acts'.<sup>39</sup>

There are two significant explanations for the Tribunals' willingness to grant relief. The first is the extensive protection that the British appeals system afforded to many industries. Despite a series of reductions, the scope of the List of Certified Occupations remained substantial throughout the conscription period and there can be little doubt that the Tribunals attached considerable importance to its content.<sup>40</sup> One reason why the Government waited so long before implementing the 'clean cut' method was a belief that the only young men who were receiving exemption were those whose retention was absolutely essential to the wartime economy.<sup>41</sup> Moreover, during both November 1916 and April 1917, official statistics indicate that the number of British men holding Tribunal certificates on

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<sup>36</sup> *BN*, 21 October 1916, p. 1; See also: *HEX*, 17 October 1916, p. 4; *BN*, 21 October 1916, p. 5; *Holmfirth Express (HE)*, 28 October 1916, p. 6; *CSG*, 6 June 1917, p. 3.

<sup>37</sup> Derby to Long, 27 March 1916, Political Papers of Walter Hume Long, 1<sup>st</sup> Viscount Long of Wraxall, GB 947/497, WSHC; Michael MacDonagh, *In London during the Great War*, London: Eyre & Spottiswoode, 1935, p. 99.

<sup>38</sup> K.W. Mitchinson, *Defending Albion: Britain's Home Army, 1908-1919*, Basingstoke: Palgrave Macmillan, 2005, p. 152; Memorandum by the Adjutant-General, 10 January 1917, CAB 17/158, TNA; McDermott, *British Military Service Tribunals*, p. 219.

<sup>39</sup> 'Memorandum by the Military Members of the Army Council to the Secretary of State for War', 28 November 1916, CAB 37/160/25, TNA; See also 'Memorandum by the Army Council Regarding the Supply of Men for the Army', 2 February 1917, CAB 23/1/55, TNA.

<sup>40</sup> McDermott, *British Military Service Tribunals*, pp. 25-8.

<sup>41</sup> 'War Cabinet: Exemptions by Tribunals (A Note by the President of the Local Government Board)', 9 February 1917, CAB 1/23/27, TNA.

the basis of being engaged in a protected occupation exceeded the total exempted on all of the other appeal grounds combined.<sup>42</sup> The Division's Tribunals certainly shared this wider appreciation of the need to safeguard essential industries. While agreeing with the local Military Representative that employment in a certified occupation should not guarantee an appellant's exemption, the Chairman of the Spenborough body contended that it nevertheless put him 'in a strong position, and makes your case more difficult to prove'.<sup>43</sup> Likewise, the Dewsbury members signaled their intention to always have 'regard to the importance of the work' men were doing when reaching their decisions, and the Chairman of the Marsden Tribunal stated that the overarching purpose of his body was to keep vital industries functioning.<sup>44</sup> The appeal bodies also held frequent meetings with the representatives of major firms, partly to establish how many men they could afford to release, but also to ensure that an indispensable minimum was always retained.<sup>45</sup> These practices exhibit a belief that supplying men for the army was not the be all and end all of the country's war effort; even the most bellicose Tribunal members only ever asserted that meeting the needs of the military was their *primary* concern, or that each man who could *possibly be spared* should serve. On this basis of indispensability, the Wakefield Borough Tribunal excused several employees of the District Light Railway Company, as 'they could not run the risk of workmen not being able to get to their work, especially when they were doing important war work'.<sup>46</sup> Likewise, a member of the Goole Urban body asserted that 'It is no use getting an army if it is going to cripple industry', the Featherstone Chairman opined that a coke-oven bricklayer was '100 times more valuable to the country where he is than he would be' at the front, and Mr Radley of the Whitwood Tribunal supported the exemption of a farm hand on the grounds that 'If we don't get food they will have to stop fighting altogether'.<sup>47</sup>

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<sup>42</sup> 'Third Report of the Man-Power Distribution Board to the War Committee', 9 November 1916, CAB 17/156, TNA; HMSO, *Statistics of the Military Effort*, p. 367.

<sup>43</sup> *CSG*, 5 October 1917, p. 3.

<sup>44</sup> *BN*, 19 May 1917, p. 6; *HEx*, 23 November 1916, p. 3.

<sup>45</sup> *BN*, 3 June 1916, p. 8.

<sup>46</sup> *Wakefield Express*, 14 October 1916, p. 2.

<sup>47</sup> *Goole Times (GT)*, 28 September 1917, p. 4; *Pontefract & Castleford Express (PCE)*, 21 July 1916, p. 5 and 15 June 1917, p. 3.

A second contributor to the Tribunals' liberal approach was the localism of their members. If adhering to the List of Certified Occupations can account for a sizeable proportion of the exemptions granted, it does not explain why men engaged outside of protected industries were given certificates on employment grounds, or why individuals were relieved on the basis of domestic or business hardship. The most persuasive rationalisation for the high volume of these other awards is that the Tribunal members were local men (and occasionally women) who had been appointed by virtue of their standing in the community. Largely prominent businessmen or manufacturers, it would have been counterproductive for them to reduce trade by forcing the widespread closure of local enterprises. Likewise, involvement in charitable and patriotic organisations would have given most members a fulsome appreciation of the difficulties that the war had already caused to many families in their area. Self-interest is also likely to have exercised a degree of influence on the verdicts delivered. Being mostly elected individuals, the Tribunal members needed to retain the goodwill of their district's population. Refusing to send any men to the front would undoubtedly have seen them charged with a lack of patriotism, but depriving families of their breadwinners, or local industries of their essential workers, must surely have struck the members as being equally damaging to their political ambitions.

A desire to balance these imperatives is manifest in the statements made by Tribunal members during appeal hearings. At Batley, Chairman Turner asserted that his body would do their best to supply the army with men, but only 'without unduly harassing the trade of the town and district'.<sup>48</sup> Similarly, the Goole Urban members signaled their intention to protect, or even revive, trade through the town's port and a Holmfirth Tribunal member worried over the 'serious' implications of ruining local businesses.<sup>49</sup> Ultimately, the most compelling evidence that localism was behind the members' liberal approach lies in the fact that their critics clearly believed this to be the case. One War Office memorandum

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<sup>48</sup> *BN*, 21 October 1916, p. 5; At Preston, Harry Cartmell remarked that his Tribunal had been 'especially anxious to meet the requirements of the cotton trade', given its crucial importance to the local economy (*For Remembrance: An Account of Some Fateful Years*, Preston: George Toulmin & Sons, 1919, p. 69).

<sup>49</sup> *GT*, 22 April 1917, p. 4; *HE*, 2 December 1916, p. 6; See also *PCE*, 24 May 1918, p. 2; *GT*, 5 July 1918, p. 5.

remarked that there was 'an inherent objection to a body appointed ... by a small local authority, having committed to it the decision whether men shall be sent to the Army'.<sup>50</sup>

The verdicts reached by the Boards were examined in order to discern the relative likelihood of obtaining exemption in New Zealand. While the available sources necessarily restricted the scope of investigation to a few of the Division's Tribunals, the surviving evidence pertaining to the Boards made it possible to analyse their work as a collective. New Zealand's exemption system contained no Advisory Committees to hold formal preliminary hearings, while the press coverage of appeal sittings was far more comprehensive and detailed than that produced in Britain. Therefore, studying the reports carried by a range of New Zealand newspapers divulged a sample of 'concrete verdicts' (25,347) that constitutes a sizeable proportion of the total number delivered.

Nonetheless, it was still deemed necessary to discount several types of decision from consideration. The first was where claims were temporarily adjourned. Such a postponement certainly indicated a belief that the case for exemption had not been fully substantiated, but it also pointed to a need to consider the matter further, and the Board might well have granted the appeal at a later date. Counting temporary adjournments against the percentage of appeals granted would ignore this later eventuality and effectively identify these decisions as refusals. A second category of excluded verdicts was instances where an appeal came up for hearing after the reservist had already been classed as medically unfit. Here the Board's decision did not affect the individual's situation, as the state of his health had already afforded him a *de facto* exemption from overseas military service.<sup>51</sup> To allow the appeal would have been counter-productive as, unless the man was found to be outside the parameters of the Military Service Act, he would have returned to the reserve and been eligible for re-balloting whilst still unfit. The remaining options of a dismissal or a *sine die* adjournment would produce the same result; the individual would remain at home as long as he was unfit and, if he

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<sup>50</sup> 'Note on Amendments Desirable in the Present Military Service Acts', undated, WO 32/5614, TNA.

<sup>51</sup> Tendall to Gray, 14 September 1917, AD 82 Box 2 1/11/1, Archives New Zealand (ANZ).

was later reclassified, his right of appeal would be reinstated.<sup>52</sup> The third point of omission was where the appellant failed to attend his hearing without giving advance notice.<sup>53</sup> The Boards understandably felt compelled to dismiss these cases, as the man's absence made it impossible to assess his circumstances through questioning. A non-appearance was seen as an indication that the appellant had either withdrawn his claim, was not committed to it, or had opted to default.<sup>54</sup> Whatever the reason, the reservist had failed to fulfil his role in the appeals process. A final exclusion encompassed those claims 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.

Having made these various omissions from the sample verdicts, Chart Five demonstrates that the New Zealand Boards were more reluctant to grant exemption than their British counterparts, but still delivered a positive 'concrete verdict' to a majority of the appellants who came before them. Whereas the proportion of absolute, conditional, and temporary certificates awarded in the Division ranged from 85.56% to 67.34%, the New Zealand Boards are shown to have been noticeably stricter than all five of these Tribunals, with only 54.83% of cases being allowed or adjourned *sine die*. Nevertheless the most important conclusion to be drawn from Chart Five is that, despite extensive public pressure and the constant need for men at the front, the Boards were more likely to grant a man's appeal than to order him into camp.

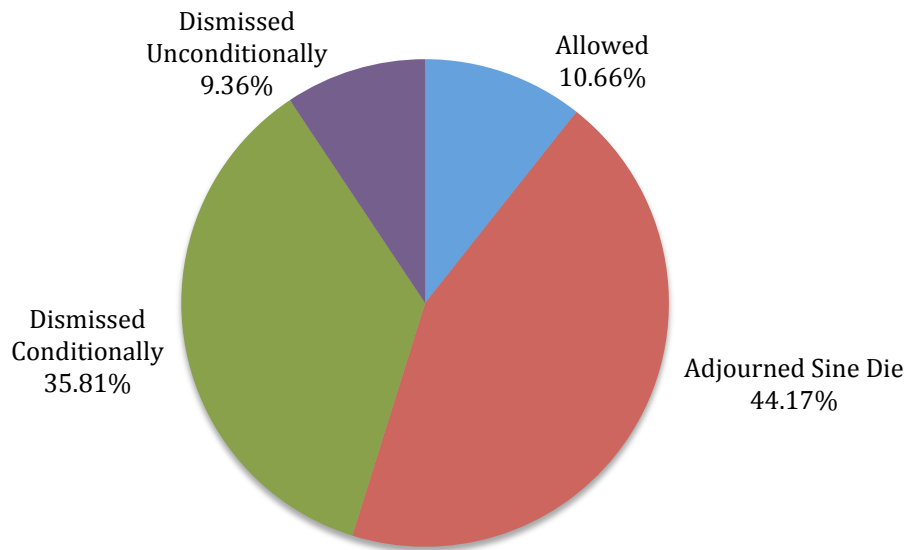
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<sup>52</sup> 'Recruiting 1916-1918: Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ; Chairman Poynton of the Second Wellington Board explained to some disgruntled appellants that there were two meanings to an appeal being 'dismissed'. First, the appellant had failed to substantiate his case and was, therefore, ordered to proceed 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 (*Wairarapa Daily Times*, 1 February 1917, p. 4).

<sup>53</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 (*Evening Post (EP)*, 6 February 1917, p. 8).

<sup>54</sup> *EP*, 28 February 1917, p. 7.

### Chart Eight: Sample 'Concrete Verdicts' Delivered by the Boards



Sources: All New Zealand newspapers.

Chart Eight provides further details on the sample 'concrete verdicts' delivered by the New Zealand appeal bodies. It shows that relatively few claims, 10.66%, were allowed outright, a statistic that seems to validate the claim that their decisions afforded appellants 'little certainty'.<sup>55</sup> However, this largely resulted from the wording of the Military Service Act, rather than intransigence on the part of the Boards. The legislation only permitted the granting of complete exemptions to men who were deemed not to be 'a member of the Reserve': those outside of the military age or who were not British subjects. Otherwise, allowing an appeal would see an individual become eligible for subsequent ballots.<sup>56</sup> In contrast, a *sine die* adjournment remained in force until the relevant Board made a conscious decision to review the case, with some claims never coming up for re-assessment.<sup>57</sup> Therefore, in many instances, a *sine die* adjournment actually afforded the

<sup>55</sup> Parsons, 'The Many Derelicts of the War', p. 49.

<sup>56</sup> *New Zealand Statutes*, Military Service Act, 1916, Section 28; See also Gray to Board Chairmen, 20 February 1918, AD 82 Box 1 1/5, ANZ; *Feilding Star*, 25 November 1916, p. 2 and 6 January 1917, p. 4.

<sup>57</sup> Gray to Board Chairmen, 20 February 1918, AD 82 Box 1 1/5, ANZ; 'Recruiting 1916-1918: Report by the Director of Recruiting', 31 March 1919, AD 1 Box 712 9/169 (part 2), ANZ.

appellant a longer period of exemption.<sup>58</sup> This is a vital factor to bear in mind as, at 44.17% of the total, indefinite postponements were the most common 'concrete verdict' reached in New Zealand.

Moreover, many of the negative 'concrete verdicts' delivered by the Boards still awarded appellants a period of relief from military service. Like their British counterparts, the Boards possessed the ability to refuse a claim while simultaneously stipulating that the man would not be expected to enter camp before a certain date. Known as 'conditional dismissals', these decisions typically granted appellants between one and six months of unpaid leave to put their affairs in order. It is vital to separate these partial refusals from claims that were dismissed outright for two reasons. Firstly, many appellants only wanted a temporary respite from military service and, if this was all they requested, then the Boards could hardly be expected to give them more when the army's need for men was so pressing.<sup>59</sup> Secondly, granting leave was clearly a more liberal act than dismissing a case unconditionally, so not distinguishing between these two verdicts obscures some of the Boards' willingness to afford relief.<sup>60</sup> Chart Eight illustrates that, in the sample, some 79.27% of dismissals were conditional rather than unconditional, a much greater ratio than for any of the Division's Tribunals. Furthermore, when the positive 'concrete verdicts' and conditional dismissals are combined, it becomes apparent that 90.64% of the Boards' decisions granted at least a temporary reprieve from joining the army. This is a higher figure than even that for the Marsden Tribunal in the Division, and is only exceeded by the Calne body amongst all of the British Tribunals whose verdicts have been analysed thus far.

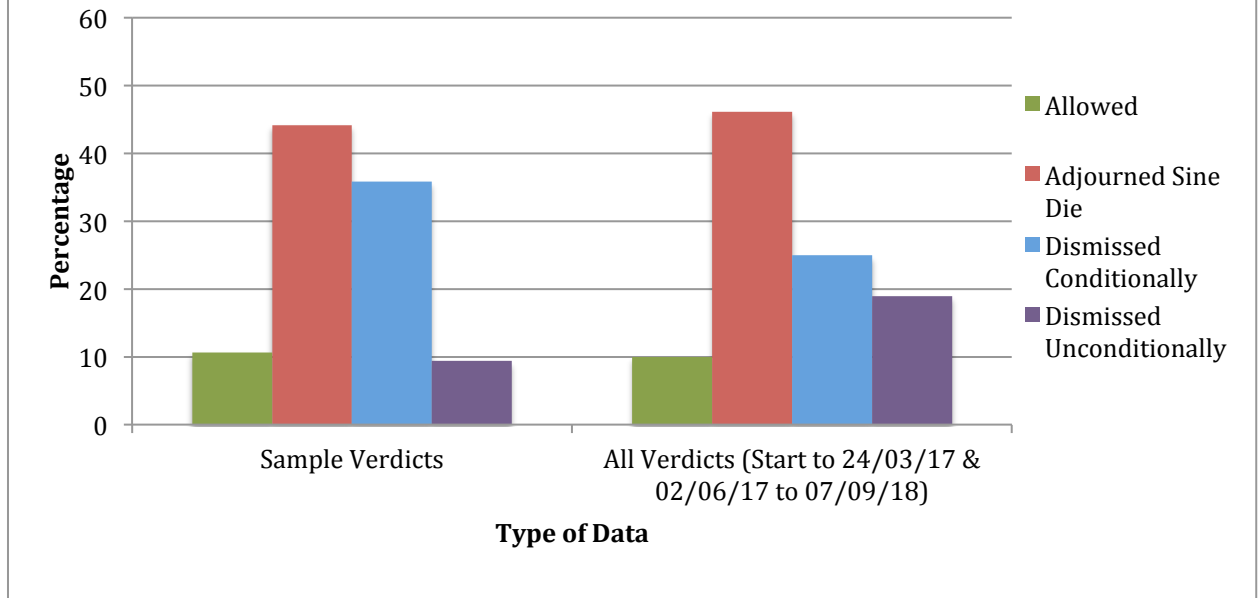
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<sup>58</sup> Indeed, the decision to grant the Boards the ability to indefinitely postpone cases arose from the Government's desire to secure the exemption of men employed in essential industries. Concerned that allowing the appeals of these reservists could see them being re-balloted on multiple occasions, Minister of Defence James 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' (Allen to Massey, 1 September 1916, Sir James Allen Papers, ALLEN 1 Box 9, ANZ).

<sup>59</sup> Paul Baker, *King and Country Call: New Zealanders, Conscription and the Great War*, Auckland: Auckland University Press, 1988, p. 119.

<sup>60</sup> In this regard, the simple distinction made by one historian between men who were 'let off' and 'not left off' is especially problematic (Stevan Eldred-Grigg, *The Great Wrong War: New Zealand Society in WWI*, Auckland: Random House, 2010, pp. 232-3).

**Chart Nine: Sample 'Concrete Verdicts' Compared to All 'Concrete Verdicts' Delivered by the Boards**



Sources: 'Observations on Returns of 14<sup>th</sup> April 1917', AD 1 Box 1038 64/12, ANZ; NZH, 19 September 1918, p. 6; All New Zealand newspapers.

To what extent are these sample verdicts representative of all those delivered in New Zealand? Although it is impossible to provide a comprehensive answer, analysing two returns prepared by the Defence Department does allow a conclusion to be drawn for 20 out of the 25 months that the appeal bodies held sittings. Chart Nine illustrates some noticeable differences, but also a crucial similarity. The sample verdicts contain a higher percentage of allowed appeals, but marginally fewer *sine die* adjournments. However, the most significant divergence concerns the two types of dismissal. The sample 'concrete verdicts' include 35.81% conditional refusals and only 9.36% unconditional. In contrast, the overall figures indicate a much closer ratio: 24.93% conditional dismissals against 18.97% unconditional. Yet in terms of positive and negative 'concrete verdicts', the two data sets are remarkably similar. In the sample, 54.83% of the 'concrete verdicts' were allowed or adjourned *sine die*, compared to 56.1% overall. The effect of these similarities and differences becomes apparent when the New Zealand decisions are compared to those reached by the Tribunals. While the sample verdicts suggest that the Boards awarded at least temporary relief with greater regularity than any of the Division's bodies, the overall figures indicate that both the Birstall and

Marsden Tribunals were more liberal. Nonetheless, whichever of the New Zealand figures is used, it is evident that the Boards granted exemption in over half of their verdicts, and afforded at least some form of relief to the vast majority of men who came before them.

There seem to be two major factors behind this lenient approach, with the first being the directions that the New Zealand appeal bodies received from the Government. Whereas the British Tribunals were constantly asked to dismiss more appeals, several of the Boards' instructions encouraged them to afford a virtually blanket exemption to certain groups. This included granting *sine die* adjournments to all *bona fide* slaughtermen, all members of the merchant marine with at least twelve months service, and, for most of the conscription period, all coal miners.<sup>61</sup> Other occupations singled out for preferential treatment included farmers, railway workers, clerics, shearers, ship builders, and men employed in leather, boot, and dairy factories, while the Minister of Justice himself appeared before the appeal bodies to plead for the exemption of all policemen.<sup>62</sup> Although these directions covered fewer occupations than the British List of Certified Occupations, they still informed the Boards that they were expected to offer exemptions to a sizeable number of reservists. There can be little doubt that the Boards attached considerable weight to these instructions. Many sittings held in Wellington saw swathes of essential men being given exemptions and *sine die* adjournments were the most commonly delivered verdict in New Zealand. Moreover, the Chairman of the First Otago body stated that 'As long as a man was carrying on an essential industry he would not be disturbed', while Chairman Evans insisted that his First Canterbury Board 'quite recognised that the industries of the country had to be carried on'.<sup>63</sup>

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<sup>61</sup> Allen to Niall, 16 January 1918, AD 82 Box 8 74, ANZ; *EP*, 14 February 1917, p. 8; Allen to Webb, 2 September 1916, AD 82 Box 7 28/1, ANZ.

<sup>62</sup> *New Zealand Herald (NZH)*, 24 November 1916, p. 8; Gray to Board Chairmen, 23 March 1917, 31 March 1917 and 5 May 1917 and Gray to South Island Board Chairmen, 25 June 1917, all in AD 82 Box 2 1/11/1; Grey to Military Service Board Chairmen, 12 October 1917, AD 82 Box 2 1 1/5, ANZ; 'Classification of Industries, Professions, and Occupations, as Approved by Government', *Appendices to the Journal of the House of Representatives*, 1917, H43-B.

<sup>63</sup> M.J. Kelly, *Military Board Appeals: Otago Witness, Dec 1916 to Feb 1917*, Auckland: Old News Publications, 1993, p. 57; *Press (P)*, 20 December 1916, p. 9.

However, the fact that many other individuals were afforded relief despite being employed outside of these essential industries suggests that the Board members' desire to achieve an equality of sacrifice also played a substantial role. At the heart of this philosophy was a belief that married men carried far greater domestic and business responsibilities than their single counterparts and were, therefore, less likely to be in a position to serve immediately. During 1916 and 1917, when unmarried individuals lodged the majority of claims, the proportion of positive 'concrete verdicts' in the sample was 50.74%, while some form of relief was granted 89.18% of the time. In contrast, once the appeal bodies started hearing cases from large numbers of Second Division men throughout 1918, the statistics rose to 59.55% and 92.32% respectively.

These attempts to equalise the degree of sacrifice were not only focused on an appellant's marital status. In March 1917, one Board member remarked that his appeal body had always examined 'each case in the light of the consideration whether a man could be more useful as a fighter or a producer'.<sup>64</sup> Likewise, the Chairman of the Third Wellington Board asserted that although they 'did not want to keep a man back who should be [at the front]', equally important was that they 'did not want to send any man who should not go'.<sup>65</sup> The high rate of favourable decisions delivered throughout the conscription period strongly suggests that these statements were not just an attempt at self-justification. That nearly half of the overall verdicts ordered a man to camp means that the Boards cannot be said to have granted exemptions lightly. However, the statistics also show that they held true to the other side of their mantra: that relief would be awarded if the circumstances demanded it and that many appellants had too many responsibilities, or were too important to the country's economy, to be sent into the army straight away.

If compiling data on the Tribunals' and Boards' verdicts reveals crucial similarities and differences, it is important to acknowledge that numbers only divulge so much. In stating that 'few meaningful *comparative* deductions can be drawn' from

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<sup>64</sup> *Marlborough Express*, 27 March 1917, p. 3.

<sup>65</sup> *EP*, 31 January 1917, p. 7.

the surviving statistics relating to the Tribunals, McDermott surely overstates the case.<sup>66</sup> By contrasting the ratios of positive to negative 'concrete verdicts', it is possible to draw illuminating conclusions on the appeal bodies' relative willingness to grant exemption, and thereby inform an analysis of how closely they followed government policies regarding the release of men. Adopting a trans-national perspective makes the use of comparative statistics even more vital, as it helps identify the degree to which differing circumstances and imperatives affected the operation of the exemption system. Where McDermott's cautionary note does appear to carry merit is in critiquing those historians who have treated the fact that an appeal body granted more claims than it refused as an indicator of 'fairness'.<sup>67</sup> Such an extrapolation is deeply flawed, not least because it is anachronistic. Many observers, particularly in New Zealand, asserted that the appeal bodies were granting too many exemptions. These individuals wanted the awarding of relief to be strictly controlled, so that it did not hinder the flow of men to the front, and would have certainly rejected the concept that granting a high volume of positive verdicts was being 'fair'.<sup>68</sup>

A second consideration is that affording plentiful exemptions does not necessarily mean that the 'correct' verdicts were being reached. Indeed, statistics relating to an appeal bodies' decisions only provide information on the results of exemption claims. They do not divulge the circumstances surrounding cases or the factors that played a part in the outcome. The relief of certain individuals in both the Division and New Zealand prompted extensive protests, or even accusations of bribery and corruption. Moreover, there were continuous arguments that pitted town against country, district against district, Protestant against Catholic, and working class against middle class over which sections of society were more deserving of exemption.<sup>69</sup> Given this lack of consensus over whether decisions were justified, it seems overly simplistic to apply a value-laden description like 'fair' to an appeal body just because it allowed a certain proportion of claims.

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<sup>66</sup> McDermott, *British Military Service Tribunals*, p. 220.

<sup>67</sup> Spinks, 'The War Courts', p. 214.

<sup>68</sup> See for example *P*, 12 January 1917, p. 6; *EP*, 2 February 1917, p. 6; *Ashburton Guardian*, 28 February 1918, p. 5; *NZH*, 1 May 1918, p. 4; *PCE*, 19 July 1918, p. 5; Cartmell, *For Remembrance*, p. 84.

<sup>69</sup> Baker, *King and Country Call*, pp. 119-32.

Notwithstanding this proviso, the surviving statistics do provide compelling evidence that both the Division's Tribunals and New Zealand Boards were highly likely to afford at least temporary relief to the appellants who came before them. By removing several categories of irrelevant or provisional verdicts from consideration, it is possible to gain a more accurate appraisal of the Tribunals' methods. Within the Division, their approach can only be described as one of striking leniency. All five of the featured bodies granted exemption more than two-thirds of the time, while even many dismissals were accompanied by a period of grace before the appellant was required to mobilise. Furthermore, the evidence strongly suggests that such a liberal outlook was common across the rest of Britain, with the Tribunals coming in for constant criticism from the military authorities for their perceived reluctance to release enough men to the army. These liberal practices appear to have derived from the substantial protection that the British exemption system afforded to many occupations and the community sentiments of the Tribunals' members. The situation regarding the Boards contained more similarities than differences. Certainly they were less likely to grant exemption than their British counterparts. However, of greater importance is the fact that the Zealand appeal bodies also delivered a positive 'concrete verdict' on over half the occasions where it was both possible and relevant for them to do so. Given that most dismissals were accompanied by a period of leave, the vast majority of appellants obtained at least a temporary relaxation of their obligations under conscription. This lenient approach can be explained by the instructions that the Board members received from the Government and by their firm desire to achieve an equality of sacrifice. If comparing the verdicts reached by different appeal bodies can undoubtedly generate significant conclusions, it is vital to recognise that numbers only indicate outcomes, rather than the principles and policies behind them.

These assertions strongly contradict those expressed in most of the existing historiography. Whereas the tendency in Britain has been to portray the Tribunals as striving to meet the demands of the military authorities, the suggestion here is that the appeal bodies actually aroused the ire of the War Office and the army's

generals by conducting their operations with a substantial degree of leniency. Similarly, most studies of the Boards have portrayed their record as unduly harsh, given that they afforded relief to such a high proportion of appellants.

## Conclusions

In July 1917, the then British Director of Recruiting, Auckland Geddes, advised the War Cabinet that the current method of issuing exemptions was preventing an efficient release of men to the army. His explanation concerned the Tribunal members' predisposition to base their verdicts 'almost entirely on individual or local considerations', an approach that was causing serious inconsistencies of procedure and decision from one district to the next.<sup>1</sup> Four months later, the Rodney Chamber of Commerce passed a resolution criticising New Zealand's appeal process. Its delegates asserted that the military's needs would be better served by prioritising the opinions of local people, who, unlike the travelling Board members, possessed 'the requisite knowledge of the facts' and were responsive to community sentiment.<sup>2</sup> These two remonstrances encapsulate the main findings of this thesis.

The current historiography of the British Tribunals and the New Zealand Boards implies too great a similarity between their operations. This has largely come about due to the overwhelming focus on those appellants who cited conscientious objections, who, it has been correctly argued, were often denied exemption and subjected to hostile questioning in both countries. Yet such a narrow scope ignores the overwhelming volume of the Tribunals' and Boards' work, as overt conscientious objectors were a tiny minority compared to individuals whose claims rested on hardship or occupational grounds. By adopting a wider perspective, it becomes clear that localism and decentralisation were the defining characteristics of the British exemption system. Although government departments repeatedly issued statements of official policy, most of the Division's Tribunal members continued to insist that local circumstances must be their overriding concern when judging appeals. Given that New Zealand introduced conscription several months later, one might anticipate that its exemption system

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<sup>1</sup> 'The Theory and Practice of Recruiting', 23 July 1917, CAB 24/20, The National Archives (TNA).

<sup>2</sup> *Rodney and Otamatea Times, Waitemata and Kaipara Gazette*, 7 November 1917, p. 5; See also NZ Farmers' Union Dominion Meetings and Conferences - Minutes, 1 August 1918, MSY-0238, Alexander Turnbull Library; Interestingly, the Chief of Staff of the New Zealand Army recommended that, in the event of any future war, the determination of exemption claims should be carried out by 'an appeal committee set up in each Regimental District' (Powles to Fraser, 22 August 1923, AD 1 Box 1046 66/57, Archives New Zealand).

would have simply followed the British example. However, this was decidedly not the case. The Dominion's Government had both the will and the ability to exert a substantial influence over the course of appeal hearings. Moreover, the frequent use of this prerogative occurred with the general compliance of the Boards' members, who believed that executive directions were of vital assistance in their efforts to achieve uniformity. This thesis identifies only one major parallel between the Tribunals' and Boards' operations, and does so by directly contradicting most existing studies. While it has been frequently argued that a large proportion of British and New Zealand men had their claims rejected, both sets of appeal bodies were actually far more likely to grant some form of relief from military service.

Significant disparities between the two exemption systems were created at the very beginning. The voluntary period saw decentralisation and an emphasis on local participation emerge as the primary facets of British recruitment policy. To forestall potential opposition, these principles were then further embedded in the legislation and regulations that introduced conscription. Over two thousand Local Tribunals were established to determine claims, each staffed by local people chosen by the local councils. The task of administering the appeal bodies was entrusted to the Local Government Board, whose President, Walter Long, was a firm believer in their capacity to reach sound judgments. Not every member of the Executive shared Long's faith, as several important checks were placed on the Tribunals' discretion. Yet by involving a whole range of agencies and government departments, these measures actually increased the amount of delegation in the appeals process. The War Office had no authority to control the Tribunals and even its Military Representatives and Advisory Committees were prone to putting the interests of their locality before those of the army. The situation in New Zealand could scarcely have been more different. Here only ten Boards were established, meaning that each of them had a vast area of jurisdiction. When combined with the fact that it was the Government who appointed their members, this automatically made the Boards less local and easier to monitor than the Division's Tribunals. The Executive demonstrated a willingness to circumscribe the Boards' discretion by issuing extensive directions regarding the relief of men employed in essential industries. Moreover, while the military possessed only a limited degree of

influence in Britain, it was the Minister of Defence, James Allen, who became the *de facto* head of New Zealand's exemption system.

Contrasting approaches were also evident when it came to appointing personnel. In Britain, both the legislation and Long's ambiguous instructions effectively left the local authorities to make up their own minds. As a consequence, the council's internal dynamics, the nature of local politics, and the structure of an area's economy all played a substantial role in determining who was chosen to sit on any particular Tribunal. With each of these factors varying across the Division's 63 districts, it was inevitable that the selection process would produce substantial inconsistencies. Most members were male, middle-class, local-government elected members who fully supported the war effort, but there were also women, trade unionists, anti-conscriptionists, and individuals who had never before taken on a prominent community role. Similarly, the men chosen as Military Representatives and members of the Advisory Committees differed from district to district by their occupation, background, and level of involvement with the army. On the other hand, the New Zealand appointments were made in a highly centralised manner. Although the Government received a large number of applications from prominent individuals and organisations, Allen decided that local imperatives should not be allocated any importance. Instead he imposed a rigid selection criterion that was designed to filter out undesirables and give each appeal body a uniform constitution. The resulting Boards were largely identical in terms of their occupational profiles and their members' attitudes towards the war. Likewise, the selection of Military Representatives deliberately fell on individuals who shared a common background, but who were not residents of the area in which they operated.

These initial decisions led to further discrepancies once sittings began. The Tribunals received a huge volume of instructions from official agencies, the majority of which implored them to send more men to the front. While the Division's appeal bodies were usually prepared to dismiss the claims of young, single, and medically fit individuals, directives that made stronger demands often met with resistance. Tribunal members protested the frequency with which their

decisions were overturned and the injustice of being asked to refuse men with dependents at a time when government departments were protecting thousands of single men. This unrest was partly motivated by a sense of undermined authority, but also had more fundamental origins. As men who lived within, and who had been appointed by, their community, the Tribunal members believed that only they had the local knowledge and moral sanction to reach verdicts. They strongly resented the inequities caused by interference from ill-informed 'outsiders' and feared that their own reputations would suffer by association.<sup>3</sup> For the same reasons, the Tribunals' relationship with their Military Representatives and Advisory Committees could easily be damaged by a perception that these War Office-appointees were too quick to place the army's needs above those of the district. This state of affairs did not exist in New Zealand. Its military commitment declined over the conscription period, meaning that the Boards came under far less pressure to refuse appeals. The majority of official directives were actually designed to ensure that men from essential industries, particularly the 'strategic unions', would be guaranteed exemption. Having been appointed by the Government, and lacking an immediate connection to the areas in which they operated, the Board members adopted a very different outlook to their British counterparts. Rather than highlighting the unique requirements of a locality, they instead looked to the Executive for overall guidance. This approach also facilitated amicable relationships with the National Efficiency Board and the Military Representatives. Indeed, the only time that the Board members jibbed at outside involvement was in the case of the Farmers' Trustees, who they perceived as being tainted by local sentiment.

The format of the respective exemption systems also led to disparities in how the Tribunals and Boards approached appeal hearings. Most of the Division's members shared a belief that young, single, and high category men were the best able to serve, and that families who were unrepresented in the forces deserved scant consideration. However, this marked the limits of a common approach. The Tribunal members could not even agree on the underlying purpose of their work.

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<sup>3</sup> For another example of local interests and customs trumping central direction, see Nadja Durbach, 'Roast Beef, the New Poor Law, and the British Nation, 1834-83', *Journal of British Studies*, 52:4 (2013), pp. 963-89.

Some felt that obtaining soldiers should be the overriding concern, while others advocated balancing the military's needs against the individual merits of each claim. Such inconsistency resulted from the chaotic state of national manpower policy and the sheer number of agencies responsible for implementing it, which meant that the Tribunals received a mass of ambiguous, even contradictory, directions. Furthermore, it was never realistic to expect so many appeal bodies to work as a collective, particularly when they had diverse memberships and tended to prioritise the unique circumstances of their districts. These issues did not affect the New Zealand Boards, whose members were united in trying to achieve an equality of sacrifice. They undoubtedly believed that every man should join the army unless he had clear grounds for exemption, but also acknowledged that many eligibles could not be expected to serve. This mutual understanding was partly enabled by clear and definitive guidance. In addition, bringing only nine active appeal bodies into line was a relatively simple task, particularly when the Board members believed that following official policy, and seeking uniformity, was the best way to spread the war's burdens equally.

Further divergences are apparent between the rates of appealing, although here the underlying reasons are rather more troublesome to discern. A majority of eligible British men became the subjects of exemption claims. In contrast, less than a third of all balloted New Zealanders appealed or had appeals lodged on their behalf. Degrees of confidence in the national exemption system, the chances of obtaining at least some form of relief, the varying scales of conscription, the omission of Maori from appellant statistics, the more rural structure of New Zealand society, Britain's relative proximity to the frontline, and the differing financial hardships associated with military service all seem to be inadequate for explaining the degree of this variance. Of seemingly much greater import was the wide-ranging protection that the British system afforded to essential industries and the stigma attached to appeals by the New Zealand public. The fact that both British and New Zealand historians have overwhelmingly focused on those appellants who cited conscientious objections has obscured the fact that they were a tiny fraction of the total. A much greater proportion of claims were based on domestic, business, or occupational grounds, with the vast majority of reservists

insisting that they were quite willing to fulfill their patriotic duty. Although the possibility that some men opted to conceal a reluctance to serve cannot be discounted, there is evidence to suggest that most of them were genuinely prepared to go to the front if the circumstances allowed it.

There can be no doubt that the Tribunals were far more inconsistent than the Boards in their dealings with conscientious objectors. The Division's appeal bodies were all able to agree that Quakers deserved some form of relief. Yet beyond this was a whole range of interpretations over what constituted a 'valid' objection. Many Tribunals only allowed cases lodged by the members of pacifist denominations, whereas others accepted personal interpretations of the Scriptures, and others still recognised socialist precepts. Even where uniformity was achieved on this issue, the Tribunals frequently differed over what types of relief could and should be available. Some bodies refused to award anything more than non-combatant certificates, but their counterparts elsewhere in the Division were willing to grant conditional, or even absolute, exemptions from military service. Likewise, the way in which conscientious objectors were questioned ranged anywhere from detailed and methodical investigations, to relentless and vitriolic personal attacks. These inconsistencies arose from the same factors that divided the Tribunals' attitudes towards other appellants: ambiguous instructions, the large number of appeal bodies within the Division, and the local sensitivities of their members. The situation in New Zealand was virtually the opposite. Here the Boards unanimously determined that only the Society of Friends, Christadelphians, and Seventh-day Adventists were eligible for exemption. They also concurred that other men who possessed genuine religious scruples could be given a recommendation for non-combatant service, but always refused to grant these endorsements to politically motivated individuals. This cohesive approach came about from a handful of straightforward official directions, by the existence of fewer appeal bodies, and by the national, rather than local, perspective adopted by the Boards' members.

The only substantive similarity between the Division and New Zealand was that both sets of appeal bodies adopted a generous approach towards awarding

exemptions. Analysing the decisions reached at Batley, Birstall, Huddersfield, Marsden, and Spenborough demonstrates that all five of these Tribunals conducted their work with considerable leniency. They afforded at least some form of exemption over two-thirds of the time, while even their rejection of claims was regularly mitigated by permitting the reservist to spend several weeks at home before he was required to mobilise. The available statistics further indicate that a broadminded outlook was the norm across Britain, especially given that the Tribunals were the targets of constant criticism from both the War Office and the army's generals over their perceived reluctance to release men. These liberal practices derived from the protection that the British exemption system afforded to many occupations and the local sentiments of the Tribunal members. The situation regarding the Boards was very similar. Certainly they were less likely to grant exemption than their British counterparts. However, the New Zealand appeal bodies also delivered a positive 'concrete verdict' on over half the occasions where it was possible and relevant for them to do so. In addition, the fact that most dismissals were accompanied by a period of leave meant the vast majority of appellants obtained at least a temporary relaxation of their military obligations. This lenient approach can be explained by the instructions that the Board members received from the Government and by their belief that many individuals were already doing enough for the war effort.

The historiographies of Britain and New Zealand during the Great War must take the Military Service Tribunals' and Military Service Boards' operations into account. As one New Zealand MP prophesied, their verdicts became 'the pivot' on which the success or failure of conscription revolved.<sup>4</sup> It was the appeal bodies who decided how many men would be available to army and industry at a time when the conflict's demands were biting ever deeper. Without their cooperation, any manpower policy was always destined to fail, regardless of what the Government, War Office, or Defence Department may have desired. However, it would be a mistake to perceive the exemption systems merely as bureaucratic sorting machines. They actually provided the setting for some of the most striking human dramas of the war, with individuals from all classes and backgrounds being

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<sup>4</sup> Wilford, *New Zealand Parliamentary Debates*, vol. 178, p. 717.

brought together to decide how young men could best serve their country. There were scenes of joy and despair, of relief and disappointment, and of rancour and hilarity, mostly played out in full public view. Some men were sent to fight and die while others were allowed to remain at home, and it is no surprise that everyone had an opinion on whether these decisions were 'right' or 'wrong'. Therefore, accounts of exemption hearings provide an almost unparalleled view of British and New Zealand society at war. By comparing what took place in these two countries, it is possible to gain a much fuller understanding of the policies, attitudes, and prejudices that had such significant impacts on their home fronts. Although this thesis has endeavoured to look beyond the East Central Division when analysing Britain, it would be revealing to conduct further investigations into how its findings correspond to the situation in other parts of the country. On the evidence from the Division, one would expect to find a prioritising of local circumstances, some resistance to central directions, and a willingness to exempt a sizeable proportion of the appellants.

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