William Pember Reeves, *The Times*, and New Zealand's Industrial Conciliation and Arbitration Act, 1900–1908

SHORTLY AFTER the beginning of this century, there was an intriguing struggle between the representatives of the New Zealand Liberal government and *The Times* of London over the presentation of New Zealand's reforming legislation, most notably compulsory arbitration, to the British public. Not only did that august newspaper frequently contain lengthy articles describing and commenting on the 1894 Industrial Conciliation and Arbitration Act and subsequent amending acts in this period, but there were several occasions when the correspondence column of the newspaper was full of little else. The struggle primarily involved the man who had had so much to do with the passage of the original measure, William Pember Reeves, Agent-General and later High Commissioner for New Zealand in London, and the paper's Wellington correspondent, who took consistently opposing viewpoints. But others to become involved were Richard Seddon (New Zealand's Prime Minister until his death in 1906); British members of parliament, including Liberals such as Harold Cox, Charles Trevelyan and Josiah Wedgwood, and Labour MP Ramsay MacDonald,[1] who, like others in the British labour movement, was suspicious of such reforms by legislative means; and British industrial relations experts. Since the debate inevitably spilled over into an examination of contemporary Australian legislation in this area, it also involved a defence of antipodean interests by several Australians. They included Bernard Wise, a member of the Legislative Council of New South Wales and Attorney-General 1901–4, who was responsible for New South Wales passing an Arbitration Act on the New Zealand model.

New Zealand recognition of British interest in this country's social and labour legislation between 1890 and 1914 is slowly growing, due particularly

1 Harold Cox (1859–1936): economist, Fabian, journalist and Liberal MP for Preston, 1906–9, editor *Edinburgh Review* from 1912. Charles Philip Trevelyan: eldest son of G. O. Trevelyan, and Liberal MP for the Elland Division of the West Riding of Yorkshire from 1899. Josiah Clement Wedgwood: Liberal MP for Newcastle-under-Lyme from 1906.

to the work of the late James Holt.[2] To date, however, writers on British social policy in the period have not taken up the suggestion that that country's legislation was influenced to any great degree by antipodean developments. In fact British legislators and other influential people were not only keenly interested in what was happening in the 'laboratories' of the antipodes, but were also surprisingly well-informed about the reforms of New Zealand and Australia.

In addition to a host of items in *The Times* and other newspapers of the period, there were dozens of articles in the most prominent British periodicals commenting on these aspects of Australasian progress. As a result of the quantity of information, no regular and serious British reader of *The Times* in this period need have been ignorant of the detail of such measures. They would also have been in a reasonable position to form an opinion on whether Britain ought to adopt the same or similar measures. In the end, Britain chose to follow the New Zealand example neither in the method of solving industrial disputes, nor in other areas of social reform. While a main purpose of this article is to try to re-emphasize that British opinion was more aware of developments in this field in New Zealand and Australia than has often been realized, it is also my contention that the failure of Britain to follow New Zealand's example to compulsory arbitration was in some small measure due to the vigorous and unrelenting opposition of *The Times* and its Wellington correspondent to the New Zealand scheme.

From about 1900 the issue of government intervention in wage-fixing, primarily as a means of eliminating sweating, occupied more and more of the time of the House of Commons. Although it no doubt favoured less government as a matter of course, *The Times* remained adamantly opposed to the introduction in Britain of compulsory arbitration on the New Zealand model. When, with the election of the Liberal government in 1906, some kind of more direct state intervention in industrial relations became likely, only very slowly did *The Times* come round to the view that the wages boards system in Victoria had anything to offer the United Kingdom either. So great was the paper's influence[3] that it is likely that not only Liberal and Conservative politicians but also British Labour leaders were swayed in their attitude by its reports.

2 J. Holt, 'The Political Origins of Compulsory Arbitration in New Zealand: a Comparison with Great Britain', *New Zealand Journal of History* (NZJH), X, 2 (1976), pp.99–111, and 'Compulsory Arbitration in New Zealand, 1894–1901: the Evolution of an Industrial Relations System', NZJH, XIV, 2 (1980), pp.179–200.

3 The influence of *The Times* on British government policy in this period is well known, and has been the subject of comment by a number of historians, including most recently P. Kennedy in *The Rise of the Anglo-German Antagonism*, London, 1980. On p.90 he states that the paper's 'special position was compounded by the fact that almost every foreign state believed that, if it was not directly a government paper, its comment had official approval or inspiration'.

One problem Australians and New Zealanders faced in suggesting that Britain might adopt some of the colonial measures was the method by which such developments were unfolded in the British press. While cables giving the bare bones of the passage of important measures of legislation in the Antipodes were reported with remarkable speed, it often took several years for the full details of such acts to emerge. In the meantime, as in the case of the New Zealand Industrial Conciliation and Arbitration Act, readers would probably have formed opinions on the merits or demerits of such measures, and their appropriateness or otherwise for Britain, opinions which were later difficult to change.

Although *The Times* was reporting on developments in the field of social and labour legislation in Australia from 1885 onwards, it was not until 1891, in particular following the election of the Ballance government, that such reports began to come in regularly from New Zealand. While the paper had its own correspondents in Melbourne and Sydney from around 1892, just before the arrival of its famous correspondent Flora Shaw, it was not until 1900 that Malcolm Ross was engaged to perform the same task in New Zealand. On the other hand, while the Australian correspondents appear to have changed frequently, Ross was responsible for communications from New Zealand from then until 1911.[4]

By 1900 Pember Reeves was already well-known in London, and in conservative circles was increasingly the subject of criticism for his support for the New Zealand measure, with which he had had so much to do as Minister of Labour under the Seddon government. In December 1896 he wrote Fabian Tract 74, *The State and its Functions in New Zealand*, a detailed account of the reforms so far by the Ballance and Seddon governments. The *National Review* also published two articles by him in 1896 and 1897 on similar lines. He spoke to the Fabian Society about developments in New Zealand on 8 July 1897, along with Seddon, and later, by himself, on the subject of compulsory arbitration.[5]

The first reference in *The Times* to the presence of Reeves in London as the New Zealand Agent-General came on 10 June 1896, when he was reported as having given a lecture on 'The Labour Legislation of New Zealand' at Toynbee Hall a few nights earlier. On 27 June the newspaper reported that he had spoken at a dinner given by the influential (Liberal)

4 I am grateful to *The Times* for supplying me with this information. Ross (1862–1930) was born in Dunedin, educated at Otago University, and joined the literary staff at the *Otago Daily Times* before going to Wellington to represent that paper on the Press Gallery of the House of Representatives. He became the New Zealand correspondent for *The Times* in 1900. In 1915 he was appointed Official War Correspondent for the New Zealand government in Gallipoli. *The Times*, 16 April 1930, and G. M. Scholefield, ed., *Dictionary of New Zealand Biography*, Wellington, 1940, II, p.259.

5 On 22 October. *Fabian News*, VII, Nos. 6 and 9, 1897; the Melbourne *Age*, 4 December 1897; *The State and its Functions in New Zealand*, London, 1896; 'Five Years' Political and Social Reform in New Zealand', *National Review*, XXVII, (1896), pp.834–50; 'The Working of Compulsory Arbitration in Labour Disputes', *National Review*, XXX, (1897), pp.360–70.

Eighty Club the previous evening. H. H. Asquith had presided, and among those reported present were R. B. Haldane, Herbert Samuel, Charles Trevelyan, A. J. Mundella and Sidney Webb. Reeves reviewed the whole range of experiments made in New Zealand during the past five years, including women's suffrage, factory and shops legislation, and arbitration and conciliation.[6] Thereafter, Reeves often figured in the correspondence columns of *The Times*, always acting as the apologist for New Zealand, especially in defence of its reforming legislation. This was no easy task.

An early battle in the paper concerning the New Zealand Industrial Conciliation and Arbitration Act involved Reeves and Professor Steadman Aldis in March 1898.[7] Aldis criticized Reeves's view that the New Zealand experience might have some value for Britain. He found Reeves's claim that 'the Act has practically put an end to industrial disputes in that colony' unacceptable, along with his recommendation, 'by inference', for 'Englishmen to do likewise'. He listed a number of quarrels between employers and employed which had occurred since 1894, and ended: 'Happily, English legislators have still some sense of responsibility to their country, a sense which in a great many of the State-paid members of the New Zealand Parliament has been rapidly dwindling towards a vanishing quantity'.

A much longer battle between the two was triggered by a report in *The Times* on 3 November 1898 of speeches made at a recent dinner at the Article Club in London, chaired by Reeves. Among some two hundred distinguished guests were the Lord Chief Justice, Sir John Gorst, MP, Sir Charles Dilke, MP, Sir Horace Tozer, the Agent-General for Queensland, John A. Cockburn, Agent-General for South Australia, and British trade union leader, Ben Tillet, who had recently spent time in Australia and New Zealand.[8] Reeves led a discussion on compulsory arbitration in labour disputes. According to the report, he said that:

> He was quite ready to believe that those who framed the English Conciliation Act [of 1896] went as far as they thought they could go, but he could not help believing that so long as human passions were what they were, any attempt to settle labour disputes by voluntary or optional means was doomed to failure from its birth. In New

6 *The Times*, 10, 27 June 1896; see also *Reform and Experiment in New Zealand*, Eighty Club, London, 1897. Asquith, referring to the colonies as 'virile and vital', said in his introductory remarks: 'We look at our colonies and we find in them . . . what I may describe as a laboratory in which political and social experiments are every day being made for the information and instruction of the older countries of the world'.

7 *The Times*, 12, 17 March; 11 April 1898. The first two letters were reproduced in the *British Australian* on 17 and 24 March 1898. William Steadman Aldis was Professor of Mathematics at Auckland University from the 1870s until he was dismissed after a disagreement with the Council in 1893. He then returned to England. *Christchurch Press*, 6, 12 September; 12 December 1890. W. J. Gardner et al., *A History of the University of Canterbury*, Christchurch, 1973.

8 Tillet championed the cause of compulsory arbitration on the New Zealand model to the Trades Union Congress almost annually from 1898 until 1908.

ealand alone had any attempt been made to go further. There a compulsory ırbitration Act had been passed under which some forty labour disputes had been ettled, and during the time that the Act had been in force the country had been more rosperous than at any time during the last twenty years. He thought, therefore, that ome attention was due to such an experiment.

eeves then went on to outline some of the details of the Act.

Gorst was reported as saying that his views 'coincided entirely with those ıf the chairman. For many years he had thought that some plan or other ıught to be tried, and tried without delay.' According to the report, 'He did ıot see why a local arbitration board, as well as an appeal board, should not e established in Great Britain, something on the lines of those established n New Zealand.' The next speaker, Dilke, disagreed on the suitability of he New Zealand plan for British surroundings.[9] He had 'the greatest ıdmiration for the labour legislation of New Zealand, but from the labour oint of view, as it appeared in this country, he had always had great doubt as to the wisdom of adopting a system of compulsory arbitration.' In contrast, the Bishop of Hereford, Dr John Percival, took the view that 'compulsory arbitration, after all, only meant law, and just as it was possible to apply law to all other branches of our common life, so also he hoped it was possible to apply it to these disputes.'[10]

Two letters to *The Times* in mid-December 1898 by Percival began a lengthy debate, which lasted well into the New Year. On 15 December the President of the Board of Trade, C. T. Ritchie, had told a deputation of trade unionists that, in his opinion, industrial disputes could not be remedied by compulsory arbitration. Shortly afterwards, the Bishop complained of this 'impotent conclusion', and suggested that something along the lines of the New Zealand measure be tried in Britain.[11] On 28 December Aldis criticized such a suggestion, quoting from an article in the *Southland Times* by John MacGregor, a member of the New Zealand Legislative Council, in which the latter stated that, having originally supported the concept, he was now having 'grave misgivings' about the Act. Already, MacGregor had written, '"it is coming to be regarded as a nuisance to the community, and as a menace to industry, because of the undoubted fact that its existence provokes disputes in many cases where none would other-

9 If anything, Dilke was even more interested in colonial matters than Gorst. He had made three journeys to Australia, in 1866–7, 1875 and 1887. After the latter, his highly influential *Problems of Greater Britain*, London, 1890, was published. A life-long supporter of the colonies, and a strong advocate at times of applying Australian and New Zealand experiments to Britain, he was a frequent speaker at important gatherings where colonial matters were under discussion. From 1900 he began to introduce annually a Wages Boards Bill into the Commons along the lines of the 1896 Victorian Act. See H. Halevy, *The Rule of Democracy, 1905–14*, 1961 edn, London, pp.251ff.).

10 The speakers, the size and the importance of the audience, as well as the space devoted in *The Times* to a report of the meeting, are indicative of the attention the Antipodean social and labour reforms were beginning to attract in Britain.

11 *The Times*, 23, 26 December 1898. See also *Economic Journal*, IX, 1 (1899), pp.85ff.

wise have arisen''. Aldis himself felt that: 'In any case the industrial disputes in New Zealand are comparatively so trifling, and the working man so master of the position, that no inference could be drawn even from complete success in the colony as to the success of a similar measure in England.' This was the first mention of the suggestion that the scale of New Zealand's industry was not sufficient to make accurate judgements possible as to the suitability of the colony's legislation for Britain. It was an idea taken up by *The Times* and referred to on numerous occasions throughout the years of debate which followed.

Sir Edward Fry[12] also had a letter on the subject published in the columns of *The Times* that day, in which he too argued that it should not automatically be presumed that colonial legislation could simply be transferred to Britain. Fry observed that the results of New Zealand's legislation were described by 'different authorities in the most divergent terms'. Some spoke of them well, others argued that capital had been driven from the colony and that the results were disastrous. 'Is the evidence with regard to this brief experiment such as would induce a wise man to alter the whole system of industrial society in England?', he asked. The letter concluded with an emotional plea that Britain retain its traditions of individualism: 'Imagine an England in which throughout its length and breadth contracts for labour were revised every two years by Courts of arbitration. . . . Either Englishmen would, it seems to me, rebel against such a system. . . or they would lose that freedom of individual action without which England never can continue to be in the future what it has been in the past.'

In the same issue *The Times* ran a lengthy editorial on the subject. Commenting on all three letters, but predictably taking the side of Fry and Aldis against Reeves and Percival, the paper argued that 'the time is too short, the area too small, and the circumstances too exceptional to form any argument for imitating New Zealand legislation here'. It would need more than 'indignant rhetoric' to prove that a 'crude experiment' of this kind ought to be repeated 'upon the vast and delicate organisation of English industry'. If it were tried, and even to succeed, there remained the 'large question' raised by Fry: 'How long would English industry maintain its place in the world were all individual initiative thus buried under the operations of what would be the most oppressive bureaucracy that the world has seen?'

On 31 December Reeves replied in a hard-hitting fashion. Complaining that Aldis had chosen a relatively isolated example of criticism of the Act, Reeves declared: 'If anyone wants quotations from colonial letters and speeches in favour of the Act, I can furnish them in abundance.' He added: 'I am happy that the Act has got to work and has done good service during

12 Sir Edward Fry was a lawyer, High Court judge and leading arbitrator in both industrial and international affairs. Fry acted as conciliator in a number of late nineteenth-century industrial disputes in Britain, but is best remembered for his roles at the 1907 Hague Peace Conference and Permanent Court of Arbitration.

three years of use. . . .' Reeves pointed out that an amending Act[13] had been passed in the last session of Parliament to improve the measure, gaining the approval of the Upper House of the New Zealand legislature in a 'stormy' session, in which no other piece of government labour legislation was passed by the Council. The Agent-General counted this as evidence of the widespread public acceptance of such legislation in the colony. Reeves's viewpoint was supported in another letter to the Editor in the same issue of *The Times* by Trevelyan, who had recently visited New Zealand. He criticized Fry's suggestion that the New Zealand Act was not popular. While conceding that 'there are, indeed, a good many employers who still object' to the Act, Trevelyan nonetheless argued that 'Several leading members of the Opposition declared to me that they approved the general scope and principle of the Act, though they thought it capable of emendation in detail'.

From this debate, readers would have learnt much about the workings of the Act, for many of its details were discussed. On 4 January 1899 *The Times* ran a further editorial on the subject, and there was another letter from Aldis. Criticizing the Bishop of Hereford unkindly as an 'amateur', the paper regretted that the discussion 'shows a tendency to degenerate into an inquiry concerning the working of a compulsory arbitration system in New Zealand'. The experience of that colony was not only 'too brief to serve as a guide', but 'the greatest caution is requisite in drawing conclusions from any industrial experiment, however successful, in conditions differing fundamentally from those obtaining in this country'.[14]

Almost inevitably, this piece provoked an immediate response from Reeves, from whom further lengthy letters appeared in *The Times*'s columns on 6 and 9 January 1899. He was joined on the first of these occasions by the Bishop of Hereford. Thanking the paper caustically 'for allowing an amateur like myself so much of your valuable space', the Bishop again pleaded for legislation in this area. Lord Robert Monkswell, a member of the London County Council, also referred in glowing terms to the New Zealand legislation. New Zealand could claim to be 'the pioneer in the most important and far-reaching new departure ever contrived by the Legislature of any country for coping with the evils of industrial war'. He hoped that, if it was successful, England 'will not be too proud . . . to enter upon the more excellent way that she herself had not ventured to tread'.[15]

The debate continued to rage.[16] On 24 January 1899 three further letters

13 Reported in *The Times*, 14 November 1898.

14 The paper suggested: 'others have brought forward evidence to show that opinions of a precisely contrary kind [to those of Reeves] are held in the colony, and those opinions cannot be disposed of by pooh-poohing a man like Mr MacGregor, who has been converted from a friend into an opponent of the Act'.

15 6 January 1899.

16 On 17 January New Zealand's position received support from Sir Benjamin Browne, a director of a north-eastern firm of shipbuilders and engineers. On 19 January, *The Times* printed another letter from Reeves, criticizing its editorial of 9 January.

were printed on the subject by the paper. Aldis wrote once more, this time criticizing the level of New Zealand government borrowing as well as the nature of the Arbitration Act, particularly in respect of the question of preference being given to union members. But, in a letter which ought to have carried great weight, the first President of the New Zealand Arbitration Court, Judge Joshua Williams,[17] gave it as his opinion that, while the Act was in some ways imperfect, and mistakes had been made in its administration, there were good grounds for hoping that it would ultimately be successful.

Despite the newspaper's anxiety that discussion on the issue of arbitration should not centre on the New Zealand experiment, these differences of opinion were to prove mere preliminary skirmishes following the appointment of Malcolm Ross as New Zealand correspondent.

On 16 August 1902 *The Times* printed a lengthy communication from Wellington, which opened a further major debate on the New Zealand Act. The report noted that, in the course of the last year, various changes had been made to it, including the fact that disputes could now be taken directly to the Arbitration Court. The writer felt that this was 'to some extent, a death blow to the conciliation boards', which, since then, had not had nearly as many cases as formerly referred to them, while the Arbitration Court had been kept very busy. The article also referred to the question, often raised thereafter by opponents of the New Zealand scheme, whether such an Act could work as well in times of depression as in periods of prosperity. Commenting that so far in the life of the Act the employers have 'on the whole, most loyally carried out the awards of Court', the article asked: 'Will the workmen be as loyal should the Court in times of depression refuse their demands, or even, as is quite within the bounds of probability, reduce wages to a lower standard?' This question, too, was to become an important one for opponents of the New Zealand measure in Britain.

Two days later, *The Times* carried a follow-up editorial on the subject, which began by describing New Zealand as 'a country in which many strange statutory novelties are being tested'. Of the New Zealand Act, the paper thought it 'a remarkable experiment', adding, grudgingly, and in the past tense, as though the measure had already outlived its useful life:

> It is fair to the authors to own that all the evil consequences which its adversaries predicted have not come to pass, and that employers have not withdrawn their capital in order to escape what it was said would soon become intolerable tyranny. We are ready to admit that this has been in some degree owing to the good sense of leaders of the trade unions who moderated demands and stopped wholly

17 Williams lived in New Zealand from 1861, and was appointed to the Supreme Court in 1875, when he was posted to Otago to replace Judge H. S. Chapman. He returned to the Supreme Court in 1898, whereupon it became the practice to appoint each new Supreme Court Judge to the Arbitration Court for a period. He was Vice-Chancellor of Otago University 1879–1894, and then Chancellor until 1909.

unreasonable applications. To a much greater degree, however, the success, such as for a time it was, of the Act was due to the long and scarcely interrupted flow of prosperity of the colony.

The article concluded that the New Zealand experience was not conducive to 'any imitation of its labour legislation'. 'What occurs in all young communities which have surmounted initial economical difficulties, and find themselves in possession of much admirable land, and are favoured by a genial and beneficent climate, has been of late years the lot of New Zealand in an almost unexampled degree', the paper argued. 'Without any legislation or organisation of labour it would have had advantages such as few countries possessed.' The last sentence was especially objectionable to Reeves, and it was not surprising that he replied on 27 August. Criticizing the Wellington correspondent's account, Reeves drew particular attention to the fact that, in the seven years of the Act, 'every award under it has been implicitly obeyed by trade unionists'.

On 25 August Harold Cox had joined the debate with a letter on the Act, and what he described as another 'important Australasian experiment' in this area, the Victorian wages board legislation. Setting out in the most instructive fashion for the paper's readers the possible choices facing Britain in considering whether to adopt one of the colonial methods of trying to reduce industrial disputes, the letter said that the New Zealand system for determining labour disputes by means of state action was based upon the principle that 'conciliation must first be tried, and if that fails compulsory arbitration may be employed'. Cox agreed that the conciliation boards had not worked especially well. He referred to the comments made by Judge Backhouse, the man sent by the New South Wales government to New Zealand in 1901 to examine the scheme with a view to introducing similar legislation in the Australian colony. Backhouse had reported that in some cases 'the members of these boards promote disputes for the sake of fees they can earn in attempting to settle them'. On the other hand, Cox noted that Backhouse had also 'testified strongly' to the success of the Arbitration Court, and reported that employers, too, had now come round to recognizing its value.[18]

Since there was much detail in the letters of Cox and others, and since shortly afterwards the paper also ran a series of three articles on the labour question in Australia, the last dealing specifically with compulsory arbitration,[19] close readers of *The Times* would have had a good knowledge of its main facets in the Antipodes. But few cases in which this gradual unfolding of the detail of overseas legislation handicapped British commentators from making an informed judgement were more important than the operat-

18 See also, 'Report of the Royal Commission of Inquiry into the Working of Compulsory Conciliation and Arbitration Laws', *Votes and Proceedings of the New South Wales Legislative Assembly*, VI, 1901, pp.747ff.

19 *The Times*, 23, 25, 30 August 1902.

ion of compulsory arbitration in New Zealand. Copies of the New Zealand Acts of Parliament, parliamentary debates, and the annual Reports of the Labour Department on the workings of such legislation were, of course, received and held in London. Other British periodicals contained greater detail, so that some of those interested would have been very well-informed. But those reliant entirely on their daily newspaper for information would have been operating in shadow, if not darkness, for much of the time.

On 28 February 1903 a cable from Wellington reported that 'Dissatisfaction with the Arbitration Act is evidently increasing.' At a meeting of 'Socialists and trade unionists', a speaker had 'strongly condemned' its working. 'Unionist officials admitted the Act to be a failure, and stated that militant unionism had been killed by it. They would not recommend other countries to adopt the Act.'[20] In the following month *The Times* reported a number of labour disputes in New Zealand. On 6 March it was reported that in Auckland there had been a lock-out of cabinetmakers as a result of an Arbitration Court decision raising wages to 1s.6d. an hour, and on 5 and 11 March the paper reported a dispute among firemen working for the Union Steam Ship Company.

On 18 March, Reeves responded:

> During the last twelve days your Wellington correspondent has sent you a succession of telegrams so worded as to indicate that labour conflicts of a serious nature are disturbing New Zealand. . . . I have done my best to get the facts of the case from the colony, and should have written to you sooner had it not been for the utter triviality of one of the matters referred to by your Correspondent. This has delayed me in getting full details. People at the other end of the world seem hardly able to suppose that the columns of so great a newspaper as *The Times* could be made use of to chronicle such very small beer.

Reeves had ascertained that, of the 50–60 steamers operated by the Union Steam Ship Company in New Zealand and Australian waters, the dispute referred to in the columns of *The Times* on 5 March involved only one. The last really serious dispute involving the Company, Reeves said, was in 1890. Likewise, Reeves complained that the Auckland cabinetmakers' dispute involved fewer than 100 men, whereas the paper had given the impression that the lock-out was a major one. 'I do not protest against your Correspondent's pertinacious efforts to bring the Arbitration Act into disrepute here', he continued. 'What I venture to suggest is that he should not make mountains out of molehills'. In spite of this, on 14 April *The Times* gave no less than half a column to the details of a third dispute surrounding the New Zealand Arbitration Act, this one involving rates of pay for carpenters. And, in another item on the same day, a letter written from Wellington on 12 February, the correspondent concluded: 'it is patent to any impartial observer that there is a considerable amount of dissatisfaction

20 ibid., 28 February 1903.

with the working of the Arbitration Act, and once more the question may be asked — if these things happen in the green tree, what may be expected in the dry?'.

In an editorial on 6 May 1903, marking the tenth anniversary in office of Prime Minister Seddon, *The Times* took the opportunity to have another say on the question of compulsory arbitration. Much of the leader was a paraphrased version of its Wellington correspondent's report, showing how much *The Times* itself was influenced by his writings. The paper commented that: 'His survey of recent developments would seem to place it beyond doubt that there is real discontent and misgiving among the employers'. It concluded:

> Our Correspondent's presentment of this and other matters of the kind in his telegrams has drawn upon him the wrath of Mr Seddon, who, while publicly commenting upon it in New Zealand, has allowed his warmth at times to overstep the bounds of discretion. In the Premier of one of the most democratically governed communities of the world this sensitiveness and resentment of criticism, reflected in the asperity of the tone that characterises the occasional contributions to our columns of New Zealand's distinguished representative to this country, are as remarkable as they are regrettable.

It was hardly surprising that representatives of the Australasian colonies should criticize *The Times* vehemently for its attitude to their social and labour legislation, since the paper spoke with such authority on Antipodean developments. In the same issue, a further letter from Wellington had reported that employers had gone out of business because of the Act, and, since the cost of living had risen with the wage increases which had been granted, workmen had found themselves no better off in many cases. The article continued that, as a result of trade union pressure to do so, Prime Minister Seddon had agreed to the introduction of legislation to give unionists complete preference over non-unionists, instead of relying on the Arbitration Court to grant this in individual cases. The correspondent reported: 'This announcement, while it has been received with jubilation in the ranks of the unionists, has caused feelings akin to dismay among employers, while it has been severely condemned in the Press'.[21] All these were telling points, likely to confirm the views of many readers of the paper.

Reeves replied once more with a letter published in *The Times* on 11 May. He asserted that the paper's Wellington correspondent had made some 'noteworthy admissions'. On the one hand he had suggested that hitherto '"the employers in the colony have remained contentedly quiescent"'. Later on he had conceded that '"there can be no doubt that, up to the present, the majority of the unionists in the colony are satisfied with the Act"'. Since the Act was passed in 1894, 'such a verdict from such

21 This piece had been written on 23 March, and the time-lag created by mail travelling by surface should be borne in mind all through this article.

a quarter in March, 1903, is not one for me to quarrel with. . . .' Reeves continued: 'But your correspondent thinks that things are going to the bad. He had been thinking so, and has been predicting disaster to the Act, for the last eighteen months; but the disaster has not come'. Referring to the Auckland cabinetmakers' dispute once more, Reeves said: 'Happy is the country where such an industrial squabble is the worst which can be pointed to in eight years'.

Perhaps in response to the editorial of 6 June, Richard Seddon now joined the debate in a letter printed on 24 September 1903. It was essentially a further complaint about the accuracy of reports from the paper's Wellington correspondent. Seddon argued: 'There is probably no better measure of the good being effected in New Zealand by labour legislation in general, and by the Conciliation and Arbitration Act in particular, than the flimsy nature of the obstacles alleged to lie in the path of administration of such laws.' He accused the correspondent and paper alike of seizing 'with delight' on the 'smallest and most trivial circumstance', and magnifying it 'to absurd proportions'. Seddon argued: 'there is most certainly no general or widespread dissatisfaction. Here and there employers express themselves as disappointed; now and then workers utter growlings of displeasure. This must be in the very nature of things'.[22]

On the same day, however, *The Times* ran yet another editorial on the subject. This was in general highly complimentary to Seddon himself, but the paper was not inclined to change its views on the Act. The editorial began:

> We have published, from time to time, letters from our Correspondents and other communications tending to show that the Conciliation and Arbitration Act has not worked altogether satisfactorily, and that there had been a great deal of discontent with its results, among both employers and employed. . . . Mr Seddon and those who share his views have not yet made any considerable number of converts at home, though the experiments in this direction which our colonial fellow-subjects are trying are being watched with close attention and no little interest. It is apparent that we have not yet material enough to form a positive and final judgment on legislation which has been on trial for only a short period, and the effect of which can hardly be measured until it has borne the strain of hard times.

The paper remained implacably opposed to compulsion.

Its viewpoint could only have been hardened by a letter published in

22 It was about this time that Ross's views appear to have provoked some comment in New Zealand. Edward Tregear, head of the New Zealand Labour Department, wrote to Reeves in London on 29 September 1903: 'On getting your letter I sent for copies of the Otago Witness and have everything ready should any mention of the subject of *The Times'* correspondent's message to London come up in the House. At present it has not done so, but if it does I will use every effort to see that your cause is properly championed in the legislature, and that justice is done to dear Mr Ross.' Letters from Men of Mark in New Zealand, British Library of Political and Economic Science. Unfortunately, Reeves's letters have not survived.

December from Henry Field, Secretary of the Employers' Federation of New Zealand, who took issue with Seddon on the extent of employer dissatisfaction with the workings of the Conciliation and Arbitration Act. The writer stated that employers in the Wellington area had replied with 'almost complete unanimity' to a questionnaire a year ago that the Act 'was not required, and that it had not been beneficial but injurious'. In reply to this a letter appeared in *The Times*, 2 April 1904, from W. Newton, Secretary of the New Zealand Trades Councils Executive, sent from Wellington. Of Field's letter Newton wrote: 'we entirely dissent from this, and endorse practically the whole of the contentions Mr Seddon has advanced'. He ended: 'Meantime the Act has been, and still is, of undoubted benefit to the workers of New Zealand, and has eliminated the barbarous and inhuman strike . . . which is at present the reproach of many industrial countries'.[23] However, such a letter was only likely to confirm *The Times* and many of its readers in the view that the Act had worked mainly to the advantage of the workforce.

On 25 December 1903 *The Times* published two lengthy letters from the paper's New Zealand correspondent. The first, written on 22 October, made reference to Seddon's communication of 24 September, and suggested it contained 'somewhat misleading statements'. It had clearly been reprinted at length in New Zealand, since Field had made mention of its having appeared in the Wellington *Evening Post*, and the correspondent quoted from the *Otago Daily Times*. Ross dealt with the question of union preference in New Zealand, stating that the subject had recently been debated in the House of Representatives, where the Labour members had shown themselves divided on the question. He reported that 'employers throughout the colony strongly object to such provisions as being likely to prove harassing and oppressive'. Arguing that 'From the foregoing it would seem as not altogether beyond the bounds of possibility that we might yet see the employers and the employees of this fair colony once more confronting each other in armed camps', the second letter, dated 24 October, ended: 'It may also perhaps dawn on the outsider that conciliation laws — at all events in New Zealand — do not always conciliate'.

It was almost a year later before the subject of New Zealand social and labour legislation reappeared. On 30 December 1904, *The Times* carried an article from its Wellington correspondent, concerned mainly with the passage of an amending Shops Act in the course of the last session of the New Zealand Parliament. The writer then had some hard-hitting comments on the manner in which this measure had been enacted, which were typical of his view of much of the New Zealand legislation of the period:

Personally, I think that there would have been little or no objection to the Act were it not for the slip-shod manner in which it was dealt with by Parliament, and the fact that certain necessary exemptions were not made. Altogether, the manner of con-

23 *The Times*, 7 December 1903, 2 April 1904.

ducting the business of Parliament adopted during recent years by Mr Seddon amounts to a legislative scandal. Indeed, so objectionable has it become that even the Government newspapers have been moved to complaint. The important business is kept over till the end of the Session, when it is too often rushed through a tired, sleepy, and more than half-empty House at break-neck speed. . . . Probably, if the British moneylender saw the manner in which his money was being voted, he would think twice about lending it.

This was a serious allegation, reminding Antipodeans of earlier financial crises.

Already the debates in which Reeves had become engaged had been quite acrimonious. One such example was a series of letters he swapped in 1901 with Lord Wemyss. On 7 November *The Times* published a letter from Wemyss, a man who among other things had recently been involved with the activities of some of the right-wing individualist and anti-socialist societies formed in England in the 1890s, including the Liberty and Property Defence League, the Citizens' Industrial Alliance, and the National Free Labour Association.[24] Wemyss wrote that New Zealand was in a mess 'thanks to wild socialistic legislation':

In a letter I have received on the subject from one who knows the writer says, 'Affairs in New Zealand are very bad indeed, and I fully expect the colony will be bankrupt in five years. . . .' He further says that he could 'a tale unfold' as to the tyranny and rapacity of the labour unions, compared to which these in Britain are mere sucking doves. With such an object-lesson before them let us hope that our party statesmen will pause in their party socialistic rivalry and not land us in the New Zealand slough of despond.

On 9 November Reeves objected to the fact that the paper had printed the letter in the first place. New Zealanders were used to seeing 'their colony's credit made a target of by roving guerillas, but as a specimen of wanton "sniping" Lord Wemyss's attack in your issue of November 7 would be hard to beat.' In the midst of a letter on the British Workmen's Compensation Act, Wemyss had suddenly turned upon New Zealand. 'The name of his correspondent he is careful to conceal, and he does not trouble to give one shred of "convincing" facts or argument. Can recklessness go further?' Reeves protested that what he called 'a blazing libel of this description, which, if the writer could get people to believe it, would bring ruin and misery on a loyal and flourishing British colony', had been 'flung upon the world in this airy, irresponsible fashion'.[25]

For all his efforts, Reeves was not necessarily the most effective apologist of Antipodean legislation, being inclined to become emotive in

24 G. Alderman, 'The National Free Labour Association: a Case Study of Organised Strike-breaking in the Late Nineteenth and Early Twentieth Centuries', *International Review Of Social History*, XXI, 3 (1976), pp.309–36.

25 There were further letters from both Reeves and Wemyss in the paper on 16 November, Wemyss adding a swipe at the New Zealand old age pensions Act as well.

his responses. Sometimes Australians did better. In Australia leading people also took seriously the prospect of renewed financial difficulties, following the *The Times* article of 30 December 1904, and an editorial of 22 April 1905, which attacked compulsory arbitration and conciliation in both countries in a particularly critical and alarmist fashion. Bernhard Wise made a most effective reply on 28 April, protesting at 'the caricature of the aims and effects of Australian legislation upon industrial matters which is presented to English readers'. An Act which had 'destroyed sweating' in the clothing trade, and which now applied to three-quarters of the colonies' industries, 'which no party proposes seriously to modify, cannot be considered wholly mischievous or ineffective'. The letter pleaded with *The Times* for more balanced coverage of such matters: 'Meantime, those of us who are sustained in our lifework by the hope that the policy of closer commercial union throughout the Empire . . . may be brought about speedily through mutual understanding and good feeling, cannot but feel deep discouragement at the persistent and unconquerable prejudice which distorts the views of *The Times* about Australian legislation'.[26] On 23 September 1905 the Agent-General for West Australia, Walter James, also complained to *The Times* about unnecessarily critical statements about Australia in the British press.

Yet, although Reeves played down the 'socialistic nature' of the New Zealand legislation in a talk to the Society of Comparative Legislation,[27] reported in *The Times* on 23 July 1906, the paper was not disposed to change its tune. Another lengthy article, 'Labour and politics in New Zealand', from the New Zealand correspondent, was published on 1 September in the same tone. It began: 'It has always been claimed by politicians and economists of a Socialistic bent that the law of compulsory Conciliation and Arbitration in force in New Zealand had removed the labour problem out of the region of bitter personal conflict, and perpetuated a period of industrial calm that is likely to be continuous in its duration. Numerous critics who visited the colony and made a superficial, and sometimes a biassed, investigation into the circumstances rushed into print, declaring, not only that the law was a success, but that both employers and employed were content with its working. . . .' Now, however, the article continued, 'The unions of workers are openly assailing the employers, threatening to ignore the Act altogether and to return to their old methods'.

The same issue of *The Times* had an editorial on this subject, which was

26 See also Wise's defence of the New South Wales Act on 14 April 1905, and of industrial arbitration as a remedy for sweating, in a paper given to the important Anti-Sweating Conference at the Guildhall in October, a conference also addressed by Reeves, Dilke, Sidney Webb and Leo Chiozza Money, MP. The exhibition which accompanied this conference did much to shift British opinion in favour of government intervention in this area. *The Times*, 25, 27 October 1905.

27 As its name suggests, this Society had the specific purpose of informing different parts of the Empire of legislative developments among its members. Justice Williams was also reported as being present at this meeting.

once more largely a paraphase of its Wellington correspondent's report. The paper said: 'The advocates of Socialist and half-Socialist laws in other countries make flying pilgrimages to do homage to it, and, when they have hastily accumulated such evidence as seems to suit their preconceived ideas . . . they hurry home to proclaim that the wise laws of New Zealand have settled the conflict between capital and labour in a fashion which the societies of older States, where all the conditions of life are wholly different, would do well to adopt without delay'. *The Times* once more emphasized that 'The evidence of the discontent of both masters and men with the system is abundant'.

On 7 September, however, Josiah Wedgwood, recently voted into the House of Commons, came to New Zealand's defence in a letter in which he wrote: 'when the writer proceeds to expose to view the hostility to the Act of both employers and workmen because it favours the other party, surely he is proving too much. He is proving that State interference can be impartial'. Of the Wellington correspondent's evidence Wedgwood concluded: 'Surely these quotations alone show that, apart from sporadic criticism, both employers and employed are generally satisfied'. The Act had been followed 'not only by better conditions for labour, but also by an enormous increase of machinery and capital and by 12 years of ever-advancing prosperity in New Zealand'.

In its Financial Supplement of 8 April 1907, *The Times* carried a further lengthy article from its Wellington correspondent on the subject. The article began: 'It is with regret that I have to chronicle the arrival of a crisis of a more than usually serious nature in connexion with the working of our Industrial Conciliation and Arbitration Act, and to report that New Zealand can no longer be called a land without strikes'. Written on 20 February, the article detailed strikes at several New Zealand meatworks. The correspondent quoted a *Christchurch Press* leader: '"In the face of this it is difficult to see how anybody can contend that the system of industrial arbitration has not broken down"'. This was followed by another article from Wellington in the Financial Supplement of 6 May which spoke of John MacGregor once more. 'One of the most assiduous and far-seeing students of conciliation and arbitration in New Zealand', he was said to have expressed the opinion that 'the system of compulsory arbitration as a means of preventing strikes has failed'.

Arguing that the first of these articles 'enables us to note the progress of the experiment', on 10 April *The Times* had carried another leader on the New Zealand position. It began: 'Our Colonies are, it has often been said, true social laboratories, in which are being carried out experiments instructive and reassuring to older and more timid communities.' Of these none was being watched with closer attention than the New Zealand Arbitration Act. The editorial continued: 'It is often stated with confidence that none of the predictions of evil has come to pass; that the measure has been entirely successful; and that employers and workmen alike are satisfied with its operation'. The paper now noted: 'Our

Correspondent at Wellington has from time to time communicated facts altogether inconsistent with this opinion, and proving that the description of New Zealand as "the land without strikes" is the expression of a hope rather than of a reality — a hope, too, which seems to become more and more visionary. . . . Nothing but what was to be expected has occurred. . . . The Act was an excellent fairweather measure. There was bound, however, to come a time when a strain would be put upon the new system. . . .' Clearly the paper now felt that this time had come.

Two days later it printed an exasperated reply from Reeves, now New Zealand High Commissioner. He complained that the letters and telegrams published during the last two months, describing the industrial conflict in New Zealand, 'represent the last phase of your long campaign of over eight years against our Industrial Arbitration Act.' Year after year *The Times* and its correspondents, 'paid and unpaid', had drawn 'more or less dark and alarming pictures of the Act and its effect on industries in New Zealand'. Generally speaking, the Act had been so far from finding favour in the paper's eyes that 'a student trusting solely to your statement of the case must have imagined the industrial position in New Zealand for many years to be little short of lamentable'. Reeves continued that, to judge from the latest article, nothing had changed in the attitude of the newspaper: 'I am afraid, however, that I must once again reluctantly ask for space to endeavour to show that the *The Times* is quite misrepresenting the issue, and that its account of recent occurrences in New Zealand is incomplete in essential particulars, and, therefore, utterly misleading.'

The debate was continued throughout the summer of 1907 in a more bitter tone. On 27 June *The Times* carried an attack on Reeves by its man in Wellington. The article argued that in New Zealand 'prosperity exists not in consequence of compulsory industrial arbitration; it exists in spite of it'. It continued:

> Indeed, it is not difficult nowadays to find evidence that the legislative regulation of our manufacturing industries has acted as a brake upon progress, and that, were it not for the presence of these laws, a great deal more capital would be invested in manufactures than is at present the case. . . . Mr Reeves, however, having fathered the Act and embarked upon a defence of it, finds that it is now too late for him to draw back, though unbiased critics will note with some degree of amusement the abandonment of the dogmatic attitude he was wont to adopt in some of his earlier speeches and writings.

On 14 September Reeves replied to the Wellington correspondent's assertions: 'What I have asserted is that in your settled hostility to the Arbitration Law you have for many years ignored the immense mass of quiet and useful work done by the Act. . . . At the same time you have picked out trivial occurrences which might seem to tell against the Act and have given them an exaggerated importance. The result has been a depressing and incorrect picture of the industrial position in New Zealand.'

It was unfortunate for Reeves, however, that Dunedin's John

MacGregor should have had a letter in the same issue. Referring to the Backhouse Commission and Wise's role in the passage of the 1901 New South Wales measure, MacGregor suggested that 'This report served its purpose in enabling Mr Wise to get his Bill passed, but it also had the unfortunate effect of deluding Mr Reeves into the belief that his own system had proved a success in New Zealand'. He did not doubt Reeves's sincerity in defending the New Zealand measure in the way he had, but he had left the colony immediately after its passage. Even if the fact that Australian states, which had tried the New Zealand method, were now turning away from it was not sufficient to convince Reeves that compulsory arbitration had failed, 'there is one other fact that must clinch the matter — that his successor in the office of Minister of Labour has within the last few weeks intimated his intention of setting up wages boards in New Zealand'. It having proved impossible to enforce the provisions for preventing strikes or punishing strikers, the conclusion was 'inescapable' that 'our system is one-sided'.[28]

On 9 December *The Times* reported in a cable from Wellington the previous day that Labour Minister Millar had announced the reintroduction of the amending Bill into Parliament during the next session, 'which embodies the wages board system instead of conciliation boards'. The cable continued that Millar had said that the present conciliation boards had been an absolute failure: 'If there was no desire for conciliation the sooner the farce of dealing with disputes by conciliation boards was ended and all disputes were sent direct to the Court the better'.

This was more or less the end of the debate, although there was a further article on the subject from the Wellington correspondent on 14 April 1908, and the same issue of *The Times* also carried an editorial, which again revealed the paper's growing preference, if state intervention of any kind was necessary in this area, for wages boards rather than conciliation and compulsory arbitration. When, in February 1908, another Wages Boards Bill was given a second reading in the House of Commons, it was clear that the principle was now accepted by all sides of the House. The Report of a Select Committee on Home Work reported in the summer in favour of such a system, and in the 1909 Session the British Parliament passed a Trade Boards Act.[29]

28 On 24 September 1907 *The Times* contained a reply to MacGregor's letter from Wise. He disagreed that the New South Wales Act had failed: 'It is true that the Act was bitterly opposed during its passage, and that during three years of office its opponents have used every means in their power to render it unworkable. It is true, too, that the Act has never had a friend in the daily Press, and that the Judge (Mr Justice Cohen) has been obliged on several occasions to call attention from the Bench to the misrepresentations by the newspaper of his own judgments and of the operation of the Act. In spite of these obstacles, the Act has destroyed sweating in the clothing trade; and more than one hundred trades, including all the important industries, are working under its provisions. There has been no important industrial disturbance since the Act passed.'

29 *Report from the Select Committee on Home Work, No. 290 1907,* Accounts and Papers, VI, 1908.

There were many reasons why wages boards were chosen other than the opposition of *The Times* and its Wellington correspondent. In Britain the majority opinion, both among unionists and employers, was opposed to compulsory arbitration thoughout these years, and 'as long as this was so no government would consider attempting to establish it'. Trade union representatives especially 'believed they were better off relying on their own resources than the whims of a judge'.[30] The creation of such boards, on an industry by industry basis, was more in keeping with British tradition than national legislation on compulsory arbitration would have been. But *The Times* and its Wellington correspondent's reporting was most unhelpful to the New Zealand cause. In what was in reality an ideological struggle over the role of government in a modern society, the Wellington correspondent used his position to keep up constant pressure on his paper's influential readers. And it is difficult not to conclude that there was little chance of Britain's adopting the New Zealand solution of industrial disputes while such an important an opponent as the 'The Thunderer' remained so implacably opposed.

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30 Holt, 'Political Origins of Compulsory Arbitration', p.105.