

106. As a matter of practice, if the officer has been an officer of the Imperial forces, he conducts the inquiry in the manner in which inquiries are usually conducted under the Imperial regulations; and in this special case, though rather informally constituted, it has been conducted as it would be under Imperial rules?—Yes.

107. Do you think that is the best way?—I think so. In this case, Major Gordon was instructed to report.

108. With respect to the Constabulary Force, how are Courts of Inquiry conducted?—I have the power to assemble a Court of Inquiry to investigate anything brought against an officer.

109. Under what rules?—In the same way as it has been done in this case.

110. Then an inquiry conducted by an officer of the Imperial service would be conducted under the rules and regulations of the Imperial service?—Yes. I do not see any other way of doing it.

111. Do you think it desirable a provision should be made?—I don't think so.

112. Is not a form always adhered to in conducting these inquiries?—No, Sir; because a person can make a voluntary statement.

113. Is not the mode of taking evidence the same as in a Court?—It is just as in a Court-martial, only the witness is not sworn.

114. Is the Presiding Officer bound to give the verdict on his own opinion or on the evidence?—Major Gordon was justified in giving his opinion as he did.

115. Irrespective of the evidence?—No; I do not say that.

116. Is he bound to give a report in accordance with the evidence, or according to his own opinion?—I think in accordance with his own opinion on the whole case, after considering the evidence.

117. Is the officer bound, in making his report or forwarding his conclusions, to base it on the evidence or on his own opinion?—On the evidence.

118. Do you think the officer who conducts the inquiry ought to report his opinions, or the evidence only as it appeared before the Court?—I can only say that he ought to be guided by the evidence.

119. In this particular case do you think the report of the officer was justified by the evidence that was given at that Court?—I really cannot say.

120. Are the Committee to understand that you came to no conclusion after reading the evidence?—I cannot answer. It is asking me to decide between the Hon. Major Atkinson and Major Gordon. I think Major Gordon had reasons for coming to the conclusion he did, and that Major Atkinson also had equal reasons for coming to the conclusion he did.

The Hon. Major ATKINSON examined.

121. *The Chairman.*] Certain charges were preferred against two officers of the Colonial Militia, Captains Schofield and Rowe, and an inquiry was instituted into the charges against Captain Rowe. It appears that the inquiry was conducted by Major Gordon, in command of the Militia District of Auckland. Were the Government satisfied with the manner in which that inquiry was conducted, and with the report of the officer who had charge of the inquiry?—No; thoroughly dissatisfied.

122. In what respect?—I have gone into the particulars in the letter which I wrote to Major Gordon, and I have pointed out that he has not done his duty in one single respect.

123. Was any further inquiry made into that question by the Government?—No. I was temporarily acting for the Defence Minister, and when the report of the proceedings came down, I immediately suspended Captain Rowe, and relieved him of all duty, and called upon Major Gordon for an explanation.

124. When the Government constituted the Court of Inquiry, was it the intention that it should be conducted as a military tribunal?—I am not able to answer that, except that the letter convening it was not the letter which would be written convening a military Court. Of course, in convening a Court, you can direct the officer either merely to inquire into the circumstances, or direct him to inquire into the circumstances, and report his opinion. This letter, directing Major Gordon to inquire into the circumstances, says nothing about his expressing any opinion. Major Gordon, as a military officer, must have known that he had no authority, upon his instructions, to report his opinion.

125. Then, in the manner in which the Court was convened, what had the Presiding Officer to do? Simply to arrive at a verdict in accordance with the evidence?—I should have understood by the letter that it was not a military Court at all. That is the view I have taken all through. He was simply sent up to inquire and ascertain the truth for the Government to act upon, and report the evidence, giving his opinion, if he liked. But, of course, the Defence Minister would be able to give you definite information. That is the view I took when I had to deal with the case. It did not seem to me to be a matter for military inquiry, and as a rule I have a great objection to make these matters of military discipline. It seems to me to be most objectionable, and I have always resisted it.

126. If it had been the intention to constitute a military inquiry, it would have been explicitly stated that it was to be conducted under some Act of the Legislature—the Militia or some other Act?—So I understand it, and by a Court consisting of several members, not one single man. A Court-martial would be the next step to a Court of Inquiry. The thing is absurd on the face of it. We do not want all that paraphernalia with an officer employed there to do road work.

127. Is there no fixed mode of proceeding with reference to inquiries into the conduct of Civil servants?—Yes. You generally obtain two or three officers of equal or higher standing to inquire into any charge against an officer of the Civil Service. That is the ordinary way.

128. Are the proceedings conducted in the same way as in a Court of law? Are the witnesses sworn?—No; I do not think there is any power to swear witnesses ordinarily.

129. Then, if the proceedings are conducted according to the rules of the Imperial service, are witnesses sworn in that case?—I think not in a Court of Inquiry. I think there is no power in a Court of Inquiry to swear witnesses.

130. After reading the evidence in this case, do you think the persons who made the charges were justified in making them?—Yes, quite. I believe the charges were true. In fact, one or two of the