

12. *Mr. Bush.*] Then, I understand from you that when the Brother in charge did not report the punishment to the Manager he did not carry out his instructions?—Not only that, but he should have actually consulted—I mean this serious punishment referred to.

13. Are there any particular instructions as to dietary and clothing?—Not in regard to this school. It is exceptional the taking-up of schools like this. We usually have the ordinary day-schools. We sometimes have colleges, but this is the only school of this kind we have in the colonies—I mean the Australasian Colonies.

14. *Mr. Hogben.*] With regard to the position of the school generally, Brother John: is the school in any way under the head house? I understand the head house is in Paris?—Yes, in France.

15. Is this school in any way under the control of the head house?—I cannot say the school is, but members of the Order are.

16. But as regards the management of the school in Stoke?—I have no knowledge that the authorities interfere with the management.

17. Would it, in your opinion, have power to interfere with the management of the school at Stoke?—I cannot suppose it could.

18. Supposing a question were to arise in which the management were expected to conduct it contrary to the rules of your Order, would you have to send that question away for decision?—It is especially laid down that we have to carry on our work in conformity with the laws of our country. The laws in regard to institutions of this kind are a different character. If we cannot carry them on in regard to the laws of the country, then we have to withdraw.

19. If the Government requirements were contrary to the regulations of your Order with respect to the control of schools, you would have to consider your position?—It is a supposition barred by that first condition, that we are bound to conform with the laws of the country.

20. With regard to yourself, can you suppose any case in which the instructions of the Manager might be contrary to the general regulations that you have laid down—for instance, with regard to punishment?—No two managers will absolutely coincide with regard to punishment, and I, therefore, and others might not coincide.

21. But, suppose there was a difference of opinion with regard to the conduct of this school, would you expect the Manager to give way?—I would explain my views to the Manager, and would endeavour to show him the mode followed generally—the mode we follow—and if an absolute deadlock came about it is hard to say what would be the result. I have been twenty-five years in the position I hold and no deadlock has come. It is hard to anticipate a deadlock occurring in the case of Stoke.

22. I am not questioning the discretion of yourself or of the Manager, but I think it is quite possible to understand such a case. For instance, the Manager might think it was desirable that boys, instead of being confined, should be flogged on the body. In your regulations, I understand, you expect them to be merely punished by strokes on the hand. What would be the result of a Manager insisting on that mode of punishment being adopted—punishment on the body?—I should think it my duty to remonstrate with the Manager, to induce him by all possible means to accept the lighter form of punishment. I know that in other cases we dispense with corporal punishment of a severe kind. Punishment on the hands is much lighter in its effect, and is subject to easy detection in the event of abuse.

23. Supposing the Manager says that it is impossible in such a school as this industrial school to maintain discipline without flogging on the body, and insisted on the point, would you recognise his right to enforce the point?—Do the Government regulations admit of that form of corporal punishment?

24. Yes?—Well, that covers the question at once.

25. Do you think in that case —?—That is the justification of it. Our general principle is to conduct the schools in conformity with the laws of the country.

26. In that case, even although your opinion differed, you would feel bound to give way?—Yes, seeing that the laws of the land put it that way.

27. *Mr. Wardell.*] I observe that you used the term “corporal punishment” as distinct from punishment on the hand?—I did not mean to imply it in that sense. By corporal punishment we mean any part of the body, and in that way I include the hands.

28. In this case it is a Government regulation; but, supposing the Manager, while keeping within the Government regulations, on his authority as Manager instructed those on the staff of the school to administer some kind of punishment that you did not approve of, would you recognise his authority to insist on that mode of punishment?—If within the limits prescribed here I would.

29. I am speaking of him acting in his own capacity as Manager?—I should say so, so long as he is within the law.

30. With regard to the status of the schools, I understand that the Order of Marist Brothers took over the control of the school about the year 1890?—About that time.

31. Were you then in the position that you occupy now?—I am twenty-five years in the present position.

32. The school was taken over from the trustees of the Orphanage?—Yes; the Archbishop applied to us; in fact, I may say twenty-five years ago, when I first came to the colony, application was made to us to conduct that school. It was then in its initiatory condition at Nelson, and repeatedly we were applied to to take it, and finally the Archbishop secured our services in 1890.

33. I presume the Archbishop was representing the trustees?—Yes.

34. Do you think that in any way altered the position of Dean Mahoney in the school?—I knew that Dean Mahoney was the Manager, but know nothing of the details of that management.