

1913.
NEW ZEALAND.

JOINT DEFENCE LEGISLATION COMMITTEE

(REPORT OF THE) ON THE PETITION OF C. R. N. MACKIE, OF CHRISTCHURCH, PRAYING FOR INQUIRY INTO MATTERS RELATIVE TO THE DETENTION OF CERTAIN YOUTHS ON RIPA ISLAND.

(MR. STATHAM, CHAIRMAN.)

Report brought up on the 13th Day of November, 1913, together with the Minutes of Evidence, and ordered to be printed.

ORDERS OF REFERENCE.

Extracts from the Journals of the Legislative Council.

WEDNESDAY, THE 30TH DAY OF JULY, 1913.

Ordered, "That Standing Order No. 295 be suspended, and that a Select Committee be appointed, consisting of ten members, with power to confer with any similar Committee appointed by the House of Representatives, to consider the amendments made in the defence legislation by the Act of 1912 in their relation to military custody, punishment, alternative service, and such other matters as may be referred to it by the Government: the Committee to have power to call for persons and papers, and to report to this Council within twenty-one days, three to be a quorum: the Committee to consist of the Hon. Mr. Anstey, the Hon. Dr. Collins, the Hon. Mr. Duthie, the Hon. Mr. George, the Hon. Mr. Hardy, the Hon. Major Harris, the Hon. Mr. Rigg, the Hon. Sir W. R. Russell, the Hon. Mr. Smith, and the mover."—(Hon. Mr. BELL.)

TUESDAY, THE 9TH DAY OF SEPTEMBER, 1913.

Ordered, "That the name of the Hon. Mr. Johnston be added to the Defence Legislation Committee."—(Hon. Mr. BELL.)

THURSDAY, THE 2ND DAY OF OCTOBER, 1913.

Ordered, "That the name of the late Hon. Sir W. R. Russell be discharged from the Joint Defence Legislation Committee, and that the name of the Hon. Mr. Callan be added thereto."—(Hon. Mr. Bell.)

Extracts from the Journals of the House of Representatives.

THURSDAY, THE 17TH DAY OF JULY, 1913.

Ordered, "That a Select Committee be appointed, consisting of ten members, with power to confer with any similar Committee appointed by the Legislative Council, to consider the amendments made in the defence legislation by the Act of 1912 in their relation to military custody, punishment, alternative service, and such other matters as the Minister of Defence may refer to it; the Committee to have power to call for persons and papers, and to report to this House within twenty-one days; three to be a quorum: the Committee to consist of Mr. Bradney, Mr. Coates, Mr. Davey, Mr. Escott, Mr. Isitt, Mr. Myers, Mr. E. Newman, Mr. Statham, Mr. Veitch, and the mover."—(Hon. Mr. ALLEN.)

THURSDAY, THE 21ST DAY OF AUGUST, 1913.

Ordered, "That the petition of C. R. N. Mackie be referred to the Defence Committee."—(Mr. OKEY.)

WEDNESDAY, THE 3RD DAY OF SEPTEMBER, 1913.

Ordered, "That Standing Order No. 219 be suspended, and that the name of the Right Hon. Sir J. G. Ward be added to the Defence Committee."—(Hon. Mr. ALLEN.)

REPORT.

THE Joint Defence Legislation Committee, having carefully considered the petition presented on behalf of the National Peace Council of New Zealand by Charles R. N. Mackie, of Christchurch, and having heard the evidence of the petitioner and other witnesses thereupon, and upon the conduct of the Detention Barracks at Ripa Island generally, has the honour to report as follows:—

A. With regard to the allegations contained in the petition, the Committee finds,—

(1.) With reference to the question of punishment, that, while under the regulations the young men to whom the petition refers should have been confined in separate rooms or cells, the officer in charge treated them with leniency and did not at first so confine them; that on their refusal to work the regulation referring to confinement was more closely observed; that the rations were reduced under medical advice in view of the fact that men doing no active work do not require so full a diet as those actively employed.

(2.) That as the said young men refused to go out to drill or to work when ordered to do so, they remained confined in their rooms, except during the hours set apart by the regulations for exercise, when they were taken out for the purpose of such exercise.

B. With regard to the further allegations made in the written statement by the said Charles R. N. Mackie on behalf of the National Peace Council, supplementary to the petition, the Committee finds,—

(1.) That the complaints about accommodation are without justification, the accommodation having been certified to be suitable by two duly qualified medical officers, the rooms occupied by the young men being, in fact, those used and occupied by officers during the annual camp.

(2.) That the statement that the rooms in which the young men were confined were not properly ventilated has been absolutely disproved.

(3.) With regard to the sitting of the Magistrates' Court held at Ripa Island on the 2nd July, 1913, before Mr. T. A. B. Bailey, S.M., that as the young men were already in custody it was not necessary to serve them with summonses before bringing them before the Magistrate; that legal assistance was never refused them; that they had ample notice of the sitting of the Court; that they were allowed absolute freedom in the matter of correspondence, and could, had they so desired, easily have communicated with their solicitors; and that the public was not excluded from the Court.

(4.) With regard to the case against William George Robson, before Mr. H. W. Bishop, S.M., at Lyttelton, on the 24th July, 1913, that the prosecution failed only because no judicial proof was produced that the regulations under which these proceedings were taken were prescribed by the Commandant of the Forces with the approval of the Minister of Defence. But the Committee finds that, as a matter of fact, the regulations were so prescribed and approved, and that they had, therefore, full legal force and effect, and, further, that it was not necessary that such regulations should be gazetted.

(5.) That the said regulations were duly read over to the said young men on their arrival at Ripa Island and were posted up in the place of detention as prescribed by the regulations, but that they were frequently torn down and defaced and had to be replaced.

In view of the above findings the Committee has the honour to report that it has no recommendation to make.

13th November, 1913.

Chairman.

MINUTES OF EVIDENCE.

WEDNESDAY, 1ST OCTOBER, 1913.

Colonel HEARD examined. (No. 1.)

1. *The Chairman.*] Colonel Heard, will you now give us your evidence?—Of course, you will understand that as regards the question of detention and the want of powers in the officer commanding the barracks, the question cannot very well be settled until this petition is settled and done with.

2. *Hon. Mr. Allen.*] I would like Colonel Heard to explain to the Committee exactly what the difficulties are as found in the administration of the Act?—If I may be allowed to go back a little bit, I would like to point out (it is a repetition, I know) that the Defence Act is a civil Act—that on the infringement of the Defence Act in any of its clauses the offender is not treated by the military authorities, but is reported for the breach of that clause to the police. The police then take the case in hand and the offender is brought before a Magistrate. The Magistrate, if the offender is guilty, imposes a fine. If the offender refuses to pay the fine the Magistrate naturally imposes a punishment of imprisonment for a term; so that from first to last the military have nothing to do with the matter, and the punishment is a civil punishment in the ordinary Court of law for refusing to pay a fine. Now, on account of the objection of a certain section of the community to the punishment of imprisonment, which is a punishment for a civil offence, this detention was introduced last year. Detention is a military punishment entirely. Military detention as we have it at Home consists of the offender being kept in what is practically a military prison, but instead of (as in the old days) his turning a crank and such useless things, he now is obliged to do a certain amount of military drill, physical exercises, and so forth, to keep him fit, and beyond that he does indoors a certain amount of useful work in the way of making mattresses for military barracks, &c. None of his work is unproductive; it is all of use, and it is entirely military work. Now, in this case here you have for a civil offence enacted that the offender shall be punished in a military fashion, which, to my mind, is a little inconsistent. An offender in all other cases goes to prison, and is dealt with there by people who have the necessary powers to enforce discipline and obedience to the rules; but in our case here the authorities who have to carry out the detention have no powers whatever to enforce discipline or to see that the rules of the detention barracks are carried out, and, to my mind, it is an impossible position. We are placed in a humiliating position; we are open to all kinds of insult, to all kinds of acts of insubordination, and are perfectly helpless. I speak very strongly about it because I feel very strongly. It is not a position in which military officers should be placed. An Imperial officer like Colonel Collins, who went to report on certain allegations made by certain people, was insulted in the most gross manner by men who are supposed to be soldiers, which in European armies and in our own Army at Home would be dealt with in the most severe fashion possible. In this case Colonel Collins had to bear the insult and nothing could be done to punish the offenders. You see what our position is: this sort of thing cannot conduce to military efficiency, and only encourages those who are insubordinate. These young men are encouraged in all their insubordination and everything that they ought not to do by people in Christchurch who have abused the privileges that have been given them—that is to say, these young men have been allowed to receive visits periodically from relatives, and those that are not relatives, provided they behave themselves. These privileges have been taken advantage of by Mr. Mackie and his friends, who have come there and encouraged these young men, and we have no hold on them whatever. I think, in view of this impossible situation, something must be done to put it right. It is causing a great deal of trouble. It will get worse, I am certain, unless it is put a stop to. I am perfectly satisfied that Mr. MacDonald and the men under him in Ripa Island are doing their duty in a most tactful manner, most long-suffering and humane. If they were civilians they would have the power of dealing with them themselves, but being soldiers their hands are tied, and it is not fair, gentlemen—I do not think it is fair. I hope this Committee will come to some conclusion by which you will mitigate our humiliating position and help us to bring order where disorder now reigns. The only suggestion I can make is that if you cannot trust us to carry out the necessary powers which we hope you will give us to enforce discipline—if you cannot trust us to do that, well, I hope you will take the matter out of our hands altogether: if these young men will not be subordinate, then that they be taken away altogether and relegated to prison, where they can be dealt with and where discipline can be maintained. That is all I have to say, gentlemen.

3. I should like you to make it clear what are the powers you have exactly?—Colonel Collins has got the details of them.

4. *The Chairman.*] Will you give us these particulars, Colonel Collins?—Section 8, subsection (1), of the Defence Act, 1912, deals with this: “Every person who is in military custody as aforesaid shall be subject to such military training, discipline, and duties as the Commandant of the Defence Forces with the approval of the Minister from time to time prescribes or appoints, either generally or in any particular case or classes of cases, and shall obey all lawful orders received by him in respect of such training, discipline, and duties received by him from any

officer or non-commissioned officer of the Defence Forces." And subsection (2): "Every person who while in military custody as aforesaid fails or refuses to submit to or perform such military training, discipline, or duties, or to render obedience to any such orders, or is guilty of insolent, disorderly, or insubordinate conduct, shall be guilty of an offence punishable on summary conviction before a Magistrate, and may on such conviction be sentenced to a further term of military custody not exceeding twenty-eight days." And subsection (3): "The provisions of subsections three, four, and five of section six of this Act shall extend and apply to any such prosecution or conviction." So that really the effect of that is that a man who is insubordinate or disorderly can only receive more of the same punishment that he is already undergoing, and that before a Magistrate.

5. *A Member.*] Could that go on repeating itself?—*Ad infinitum*, I believe.

6. What power have you got to make regulations?—Under section 97 of the principal Act the Commandant can prescribe regulations, which receive the sanction of the Minister of Defence: "All orders relating to any particular branch of the Defence Forces given under the authority of or in the execution of this Act by the Commander-in-Chief, or by any officer of the said Forces, shall be valid and effectual if given verbally on parade, or by advertisement in a newspaper circulating in the district, or by a printed or written notice affixed at a place previously appointed for that purpose, or issued in any other manner customary in His Majesty's military service, unless in cases where this Act specially requires any such order to be in writing." Under the powers conferred by that section (97), the Commandant of the Defence Forces, with the approval of the Minister, prescribes the detention regulations.

7. Where is that power to make regulations?—Under section 4 (1) (b).

8. Now, I want to know whether under these clauses of the Act you consider you have power to make regulations dealing with detention in these detention barracks?—I may say that before we promulgated these regulations that question was decided by the Crown Law Officer. The regulations were submitted to him and he passed them as correct.

9. Do you consider that you have power to make regulations to put men in confinement?

10. *Hon. Mr. Smith.*] Would that not come under section 8 of 1912?

11. *Hon. Mr. Allen.*] Supposing they committed a breach of discipline whilst in detention, what powers of punishment have you?—None at all; but I may say that the first regulations under which these people were placed in solitary confinement included confinement in separate rooms or cells: that is to say, the solitary confinement was part of the punishment detention.

12. Have you power to make the regulations that they be detained in separate rooms or cells?—*[Colonel Heard]* In some instances, as in barracks here, you cannot do otherwise. Those who are in detention each have a separate room—you cannot help it; it is not a punishment; it is actually a part of the routine.

13. *A Member.*] The Minister raised the point as to under what section of the Act you made that regulation?—*[Colonel Collins]* Under section 8 (1) of the Defence Act, 1912.

14. *Hon. Mr. Allen.*] Under that section you have power that they may be detained in solitary confinement: you have some power to punish in detention if that is so?—*[Colonel Heard]* No, sir, not in the sense as understood as a punishment. Solitary confinement as a punishment is confining a man to a dark cell—that we have no power to do. I think that is according to the present regulations. In solitary confinement a man is shut up for the best part of a day in a solitary small cell and fed on bread and water—that is a punishment. The mere fact of living in a cell by themselves is not a punishment—it is part of the detention.

15. What powers have you under subsection (1), clause 8?—*[Colonel Collins]* No power. The point is, you cannot punish a man for breach—you cannot make his punishment more severe.

16. I would like you to tell us what your experience is in regard to these young fellows in detention from the point of view of discipline?—It did not appear to me that any of them were anxious to undergo any form of detention.

17. That is natural, I suppose. Were they obeying the rules and regulations?—No, sir, they were not. They were not parading, they were not performing physical drill, nor fatigues; as far as I could see they were doing nothing except remaining in the rooms in which they had been shut.

18. They claim that they did certain work that was not military?—They may have; possibly that is so. Until the non-military work gave out I believe they were engaged on it, but when there was no more the officer in command said they must undertake such work as cleaning guns, armaments, &c.

19. When they refused, what happened to them—was there any punishment inflicted on them?—No, sir, there was not. They may have thought that they were punished, because the detention regulations lay down that offenders are to be confined in separate rooms or cells. In the first instance they were not so confined: there were several of them in a barrack-room. On their declining to work they were then placed two in a room—I think in one case there was one man in a room—so that the officer in command treated them more leniently at first than the regulations laid down; but when he found that they were giving trouble he adhered more strictly to the regulations.

20. What about half-rations?—As regards that, the officer in command, Lieutenant MacDonald, said it seemed wrong that these people who were idle should live like fighting-cocks when they were taking no exercise. He consulted the medical officer, who advised a reduced scale of rations for men in idleness.

21. Then that statement that they had only one slice of bread was not right?—So far as I could ascertain it was not right.

22. You believe you have power to cut down the ration, and you believe you have power to confine in one room?—We had then such power. The regulations were submitted to you again, and you thought it desirable that men unwilling to work should be given ample food.

23. I want to know whether you believe you have power?—If it was prescribed by the Commandant it would be approved by the Defence Minister and would then be in order.

24. What, regulations cutting down rations?—I think that would be a point for the doctor.

25. Apart from those two points, the cutting-down of the rations on the recommendation of the doctor and the confining in one room, what other powers could you obtain under existing law to enforce discipline?—I do not know. The law as at present existing is that if a man commits an offence he must then be taken before a Magistrate, and that takes a very long time—I am advised it takes about a fortnight.

26. What suggestions have you got to make in regard to discipline? Do you think that it is a fair thing that the military should be called upon to carry out this system of detention?—No, sir, I do not; it is really a civil matter. The Royal New Zealand Artillery are not professional gaolers. Detention in the Mother-country is detention of a man who belongs to the service: he is an Army man, and is therefore under the discipline of the Army. Now, detention here, I take it, is detention not of a man who will submit to our law, but of a man who is opposed to our law—who will not give services.

27. Are these men opposed to the law altogether—opposed to military services?—I believe the majority are.

28. Is it a fair thing to ask the military to have all the worry and trouble of the detention of these men when the offence is not an offence against military law, but against civil law?—I think not, sir.

29. *Mr. Coates.*] I am not quite clear about one point, and that is, would not the shortening of rations and the confining of a man to a cell be a punishment to a man who is in detention—ordinary military detention under the Act?—Confinement in a separate room or cell was the normal procedure in the case of a man committed to detention, so that if a man went into detention, when not at work or drill, he was, so far as possible, placed in a room by himself. Under ordinary conditions he would be in a room by himself.

30. Would it not be a punishment if you shortened his rations?—Well, I think it was for the sake of his health. This man declined to work at all, and with no exercise, and with the necessity to be kept confined out of harm's way, the shortening of rations was to keep him in health.

31. Do you not think it would be a punishment to have your allowance of food cut down?—I do not think it would, sir. I should myself be very sorry to spend three days in a room and eat as much as I would when at work.

32. Did this man conform to the spirit of the Act up to the time that they were asked to clean guns, armaments, &c.: were there no complaints up to that time?—I am afraid I cannot say. I do not really remember about that. I could perhaps refer to Lieutenant MacDonald's report and find something about it.

33. From the report I make out that there were no complaints at all?—My impression is that that is the case, but I cannot say at this distance of time.

34. *Mr. Bradney.*] Do you not think the boys should be removed from civil jurisdiction—that a line should be drawn between the civil and military law—that they should be placed under strict military discipline and isolated altogether?—I think that is rather a matter of policy.

35. I want to get an opinion from you. If you had it entirely in your own control, do you think, instead of their going before a Magistrate, they should come before a court-martial?—No, I think it would do more harm than good.

36. *Mr. Veitch.*] What are your suggestions for improving matters: do you suggest that the whole matter of punishments for breach of law be taken out of the hands of the military authorities altogether?—I think perhaps it might be possible to have a separate division for offenders against the Act. If it is left in our hands, and if the offenders in detention are insubordinate, I think that then they should be taken before a Magistrate, and the Magistrate should have power to order them to finish the rest of their sentence in a civil gaol. I believe that would stop a good deal of this nonsense.

37. Do you think it will ever be possible to do anything with these people?—No, I do not.

38. *Hon. Mr. Smith.*] Colonel Collins, do you agree that the punishment under this Act should be entirely with the civil authorities, or that they should be under the military authorities, but with similar powers to those that are given under the present regulations?—You do not mean the general powers?

39. No. Which would you prefer—that you should have increased powers similar to those given under the present regulations, or that it should be vested in the civil authorities?—If it could be done I would prefer the civil authorities; but against that I think it would cause unnecessary delay, and perhaps it would be better that the officer in charge of the detention barracks should have some of the powers of a Visiting Justice.

40. You know that there is a very strong objection to sending these young fellows to the civil prison: would that be got over by keeping them in military custody but giving the military authorities the same powers as given to the present officials, or similar powers?—[*Colonel Heard*] If we have got to keep them we would like to have the necessary powers to deal with them, but on the other hand I would like to point out that officers and men who are concerned in looking after these young men in detention are doing work which is interfering with their own duties. That is to say, men of the Royal Artillery are concerned in artillery work, and most of their time is wasted in looking after these boys in detention; and, further than that, it is a great deal of expense, and it is money which, if it has to be spent, we would far sooner see spent in training

Territorials. We do not get fines back into our Department, so that we are spending but getting nothing in return, and the whole question of detention is most unsatisfactory. Either revert to civil punishment, or we must have a special department to deal with detention.

41. If a military department were added to the Prisons Branch in some way?—It would ease us entirely. You see, the detention department is a quite separate organization in itself; it is not carried out by soldiers at all.

42. *Hon. Mr. Anstey.*] I understood, in reply to the Minister, that you said our system was similar to the English: is it not a fact that the English system is a voluntary one?—Yes.

43. Very well, our system is compulsory. In England if a man has a conscientious objection he need not join; here he must join, and he must violate his conscientious conviction. The two positions are not alike. In England a man voluntarily binds himself, including military punishment; but here the position is different?—If you are to have a military organization it is quite impossible to run that organization and run it efficiently unless it is governed by certain rules and regulations.

Hon. Mr. Anstey. I am not asking that point at all, Colonel. I understood you to say that the Military Defence Act is a civil Act: then offences are civil offences. These people say they have conscientious objections. I think I understood you to say that you have really no alternative except imposing military punishment, which still further violates their conscientious objections—there is no alternative. Having committed a civil offence, the punishment ought to be civil, or the whole thing ought to be placed under the military law. Clearly, now, there is a civil offence and there is no alternative but to impose military punishments, which still further violates the conscience. We have to devise some means for punishment for a civil offence.

44. *Hon. Mr. Smith.*] Do you think it is reasonable to make the performance of that duty a part of his punishment? Do you think it is a reasonable thing if a man is subject to punishment for a certain offence to make the performance of that which he is punished for not doing part of his punishment?—Well, it is rather a peculiar position. His duty is to obey the regulations while in detention. One of those regulations is that he shall do a certain amount of drill. Presuming that he is a soldier he may go in there because he has refused to drill. Well, that is only part of his punishment.

45. Well, of course, I do not dispute your duties, but I ask, given a conscientious objector, do you not think we get to an impossible position?—Yes, but that presupposes that you recognize his right to having a conscientious objection. At present there is no such recognition. His conscientious objection, according to law, is not recognized. You have to deal with him according to law.

46. Can you make these people drop their conscientious objections and drill—are you likely to be able to make them do that? Is it going to pay?—Well, no, it is not; but the presumption is that if these lads in Ripa Island can be successfully insubordinate it encourages lads of the same kidney to become insubordinate also, and the consequences are that in Christchurch you have a very large number of passive resisters who are opposed to any form of military work, not from conscientious objections, I think, but they find that they can evade military service and also not be punished. I think, if you recognize conscientious objections—which I do not mean to advocate entirely—you should find these conscientious objectors adequate and other kind of work, but ensure that they do that work: then I think you would find their conscientious objections would very soon disappear. There is, however, danger in recognizing conscientious objectors as such.

47. *The Chairman.*] You think this system at present very unfair to the military authorities?—Yes.

48. Suppose the military authorities were able to try the cases and award the punishment, do you think the country would accept that situation?—Well, I have my doubts. I do not think the country is sufficiently educated yet in military matters. Of course, in England it is different; it may be voluntary, but that is not the point. The point is that we deal with our own cases; we have our own courts-martial. There are no depositions and complaints about men in detention—nothing of that sort.

49. *Hon. Mr. Smith.*] If you did recognize conscientious objections, and impose alternative services, would you not cut the ground from the shirker?—Yes, sir, provided that you had an organization which would ensure that they did their alternative services, and did it as it should be done; but we cannot undertake that.

50. *Hon. Major Harris.*] How are you going to find out what are genuine conscientious objections?—It is a very difficult matter. You cannot get inside a man's head and mind to determine whether his conscientious objection is really a conscientious objection or whether he is shirking or malingering. Take the Swiss system: there are there people exempt from military service, but that does not free them from liability to do something for their country. Every man who is exempt from service in Switzerland has to pay a sum in proportion to his income, so that he does not get out of it.

51. *Mr. Veitch.*] Well, that would enable the rich man to buy out?—Yes, but the exemption is limited. Only for certain good reasons is he exempted.

52. Is it not a fact that nearly all the drill there is done on Sundays?—A great deal of it. Switzerland is a very democratic country, and they do far more service than we do, and there is not much objection.

53. In your experience of the objections, do they come mostly from the employers or from the men?—Well, of course, we can deal with the employer who objects; according to the law the employer who prevents his employee from rendering personal service can be dealt with. The parent is in a great many cases the influence that acts on the young man and prevents him from

giving personal service. You will find the influence of the parent is the cause of many of those lads who refuse to register and take the oath.

54. Are you of the opinion that it is those who do not want to serve, or the employers, who throw the greatest number of obstacles in the way?—I think the employer is playing up very well indeed. I think that really the employer deserves a great deal of credit, and there are very few indeed who are either against the Defence Act or are doing anything to throw obstacles in the way. I really think the employers of this country have played the game. On the other hand, I must say this: that he gets better young men in years to come. He knows that he will get a better class of young men to deal with under the influences of discipline; he will make a better employee—that I am certain of.

55. Are these young men in constant employment?—I am not prepared to say.

56. Do you know of the occupations of any of them?—I know some of them were young men who, to render it impossible that their wages should be garnisheed, went away and lived in a camp so that they should have no wages to be attached.

57. *A Member.*] What about these single cells?—The only place I know of where we have single cells is here, in the Alexandra Barracks. At Ripa Island we have no single cells; they are double cells.

58. *Hon. Mr. Allen.*] There is a point which does not concern what we are dealing with now, but will show you how unfounded a good many of these grievances are—a letter from a man named Burns, as follows: “13th September, 1913.—To the Honourable Minister of Defence.—Sir,—I, the undersigned, wish to bring before your notice the fact that young men are being released from Ripa Island and forced to undergo that long and tedious journey (fifteen hours) from Lyttelton to Greymouth, and are only supplied with a cold lunch of six small sandwiches to eat *en route* (sandwiches forwarded with this letter for inspection). Now, honourable sir, I submit that, seeing that the young men are travelling from 6.45 a.m. to 9.30 p.m. over one of the coldest and roughest journeys in New Zealand, such treatment is unhumanitarian and criminal, and I trust that when these facts are placed before you you will take immediate action and have this barbarious treatment remedied.—I am, thanking you in anticipation, one of the sufferers, HENRY F. P. BURNS.” To which was replied: “I have to acknowledge receipt of your letter of 15th instant. I have seen the sandwiches, and think that when they were given to you they were excellent and quite sufficient for the journey.” These are the sandwiches which were given to the man. They have been in my keeping nearly ten days, and they have got a bit mildewy now. There is butter and ham between them. I myself have lived many a day in my life on far less than that. Most of these grievances are nonsense.

WEDNESDAY, 8TH OCTOBER, 1913.

Witnesses Mackie, Worrall, and Williams were called in and the petition was read, also Colonel Heard's report and the regulations.

C. R. N. MACKIE examined. (No. 2.)

1. *The Chairman.*] Mr. Mackie, will you give us your evidence—will you now make a statement to the Committee? What is your full name?—Charles Robert Norris Mackie. I propose to read out the statement that I sent to the Secretary of this Committee as being our case in this particular instance; I presume it has not been before you.

The Chairman: That statement has been read. Would any one like to hear it again?

Hon. Mr. Anstey: I think it would be better that it should be read now.

Statement of the Case in connection with the Ripa Island Detention Barracks concerning which a Petition was presented to Parliament by C. R. N. Mackie, on behalf of the National Peace Council of New Zealand.

First Case.—That on the 18th June, 1913, Edward Hannan, Walter James Hooper, Thomas Nuttall, Harold D. Thackwell, Reginald Williams, and James Kirkwood Worrall, all of Christchurch, who were in military detention under the Defence Act, were ordered to unload and carry coal from the Ripa Island Fort wharf. The coal was contained in sacks and weighed about 1½ cwt. to a sack. The lads refused to carry and unload the coal, and as a punishment for this refusal the officer commanding the fort ordered the said lads to be placed in solitary confinement in cells measuring about 8 ft. by 10 ft., and containing two or more fixed wooden bunks. The exercising-space was about 4 ft. by 10 ft. The lads were put on “short rations,” consisting of one small slice of bread for breakfast and a similar slice for tea, and a piece of meat and some potatoes for dinner. At each meal one half-pint of tea was supplied. The weather was bitterly cold during the two days of confinement, and there was no means of heating the cells, consequently the lads felt the cold intensely. Half-an-hour's exercise in the yard was given in the morning, and half-an-hour's exercise in the afternoon. No blankets were permitted during the daytime. The windows of the cells were tightly fastened, so preventing the ingress of fresh air. The officer commanding the fort informed the lads that he had no power to punish them. According to section 8, subsection (2), of the Defence Amendment Act, 1912, “Every person who while in military custody as aforesaid fails or refuses to submit to or perform such military training, discipline, or duties, or to render obedience to any such orders, or is guilty of insolent, disorderly, or insubordinate conduct, shall be guilty of an offence punishable on summary conviction before a Magistrate, and may on such conviction be sentenced to a further term of military custody

not exceeding twenty-eight days." No powers are herein given to the officer commanding any military detention barracks to punish lads under his charge, and in punishing the said lads the officer commanding the Ripa Island detention barracks not only exceeded his jurisdiction, but assumed a jurisdiction which he did not possess.

Second Case.—That on the 30th June, 1913, John Coppersmith, Edward Edwards, Edward Hannam, Walter James Hooper, Henry Gutherdt, John McTaggart, Robert McTaggart, James Nuttall, Thomas Nuttall, William George Robson, Harold William Thackwell, Edward Reginald Williams, and James Kirkwood Worrall refused to perform drill, clean guns, and do semaphore signalling. Seven of the lads reside in Christchurch and six on the West Coast. The officer commanding the Ripa Island detention barracks ordered the said lads to be kept in confinement, two in a cell except in the case of Edward Reginald Williams, who was placed in a cell by himself, as punishment. Again short rations were served, and the lads were informed that until they obeyed the orders of the officer commanding they would be kept on short rations. On learning this the lads decided upon a "hunger strike," and accordingly they refused all food. This measure proved successful, and the lads were put back on ordinary rations. In this instance, as in the first case, the officer exceeded his jurisdiction.

On the 2nd July, 1913, a Magistrate's Court was held upon Ripa Island before Mr. T. A. B. Bailey, S.M., when the said lads were charged "That on the 30th June, at Fort Jervis, Ripa Island, while in military custody, they did refuse to render obedience to Bombardier Moir, to wit, to clean armaments and to drill." No summonses were served on the lads, no legal assistance was permitted although asked for by the lads, no public permitted. All the lads except William George Robson were sentenced to seven days' extra detention, notwithstanding that they had already been punished by the officer commanding. Owing to William George Robson being ill the Magistrate adjourned the case.

On the 24th July, 1913, Robson was brought before Mr. H. W. Bishop, S.M., at Lyttelton Police Court. The defence argued that, as the defendant was being charged under section 8 of the Defence Amendment Act, 1912, it was clear that the Magistrate was the only person authorized to deal with the case. There was no judicial proof that the regulations as produced had received the approval of the Minister of Defence. Mr. Bishop upheld this contention, and dismissed the case. This decision proved that the sentence of seven days' extra detention imposed upon the twelve lads by Mr. T. A. B. Bailey on the 2nd July was an error in law and that the lads had been wrongfully punished.

"To resist the unlawful exercise of Executive authority is the right if not the duty of every citizen," said Mr. Justice Williams recently (16th June) in Dunedin, in giving judgment in the case of Ruben Walter Coulson and John Charles Sanders against their conviction in an appeal from the decision of Mr. W. R. Haselden, S.M., for failing to render personal service required under the Defence Act. The National Peace Council, recognizing the importance of this statement and the legal weight behind it, feels that in the interest of the lads who have already been in detention, and of those who may yet be committed, it cannot do less than resist this unlawful exercise of Executive authority.

Military Inquiry.—In connection with the military inquiry which was held on Ripa Island, the National Peace Council points out that the officers conducting the inquiry did not report upon the first case at all. With regard to the second case, it is virtually admitted that punishment was given by the officer commanding in (1) reducing rations, (2) ordering confinement in cells for twenty-three hours per day. No notice of the military inquiry was given to the lads so as to enable them to prepare a statement of their case, and, as the officers making the inquiry did not hear the evidence supporting the lads' grievances, the National Peace Council refuses to be satisfied with such an inquiry.

Gazetted Regulations.—The first case of alleged insubordination heretofore set out happened on the 18th June, 1913, and the second case as heretofore set out on the 30th June, 1913. The regulations in reference to offenders committed to military custody received the approval of the Minister of Defence on the 30th July, 1913, and were gazetted on the 1st August, 1913, or nearly nine months after the coming into force of the Defence Amendment Act, 1912, establishing the detention-barrack system and nearly six months after the first commitment to military detention had been made by a Magistrate. The regulations governing detention barracks should have been approved and come into force contemporarily with the Defence Amendment Act, 1912. The National Peace Council submits that all acts performed by the officers in command of military detention barracks previous to the gazetting of regulations approved by the Minister of Defence were illegal. (*In re* Mr. H. W. Bishop's decision in Robson's case). Further, the National Peace Council would point out the regulations provide for the "posting-up in places of detention" the table of routine, together with a list of seventeen offences against which the lads in detention are warned. The said routine and list of offences was never placed in the premises occupied by the lads in detention on Ripa Island.

Accommodation.—Section 1 of the Schedule in the gazetted regulations specifies that "accommodation for those committed to military custody must be certified as suitable from a medical point of view by a medical officer." During the time that the lads in the Ripa Island Detention Barracks were in confinement for alleged insubordination the windows of the cells were barred from the outside, and so effectually closed against the ingress of fresh air. After Drs. Newell and Upham ordered the windows to be unfastened the bars were removed. (Report by Lieutenant D. MacDonald, R.N.Z.A., O.C., Det. R.N.Z.A., Lyttelton, *Hansard* No. 4, p. 413, July, 1913). Clearly one of two things must have happened: either the windows were fastened up after the lads were placed in detention, or else no medical inspection of the premises was made previous to the lads being confined in the barracks.

The National Peace Council presents this statement in support of the petition already submitted, and asks for its careful consideration by the Joint Committee.

Signed on behalf of the National Peace Council.

CHAS. R. N. MACKIE, Secretary.

That is my statement, sir, and that really is the whole of our case.

2. *Hon. Mr. Allen.*] The first thing mentioned was the refusal to carry coal. Do you know whether the R.N.Z.A. themselves carry that coal?—I believe so.

3. Did they regularly carry it?—I do not know.

4. You know that they did carry it?—I believe so.

5. Then why could not these men carry it?—There were two reasons: one was because there were wharf labourers out of work who should have had the work, and the second was that they considered it military duty.

6. Military duty to carry coals to cook their own meals?—It was under military detention.

7. That is another story. Now, you dealt with cases that came before Mr. Bishop, the Magistrate, and I think I understood you to say that Mr. Bishop dismissed the case because the regulations had not been gazetted?—That was so, sir.

8. Do you mean to infer that they were not legal?—That is the only inference we could draw; that was what Mr. Bishop said.

9. Will you produce his words?—That as the regulations had not been gazetted under the provisions of the Defence Act, the boys could not be charged with the offence, unless the regulations had been properly gazetted. Mr. Bishop asked Lieutenant MacDonald to produce his regulations, and he produced a typewritten copy. He said he must have a gazetted copy.

10. Can you produce his remarks in print: that is simply your statement?—I cannot. That was why he dismissed the case, though.

11. Well, I think at this stage I ought to produce the Solicitor-General's opinion. I will read it myself: "I have perused the draft regulations submitted in reference to offenders committed to military custody, and approve same as altered in red ink. These regulations do not require to be gazetted, but must be prescribed by the Commandant of the Defence Forces with the approval of the Minister of Defence. They should be posted up in the place of detention so that the offenders may see clearly what orders they have to obey and what constitutes an offence against the detention regulations. Of course, it is for the Magistrate to say whether what an offender does constitutes an offence within the meaning of section 8 of the Defence Amendment Act, 1912, but I think that the Magistrate would take these regulations as a guide, and would uphold a breach of any of them as a breach of discipline or insubordinate conduct. I also enclose a form of attachment order and two forms of warrants of commitment to military custody, and a regulation to be gazetted prescribing the forms." And then this further opinion: "These regulations do not require to be printed: they should be posted up in the place of detention so that the offenders may see clearly what constitutes an offence against the regulations." Were these posted up in the place of detention?—Not so that the boys could see them. Not so far as I know.

12. Then we will get evidence on that elsewhere. Do you say that the Commandant has no power to make regulations?—It depends. I say that under the Defence Act he has no power to make regulations for punishment—most distinctly.

13. Where?—Section 8.

14. Has he power to make regulations for discipline?—I do not think so.

15. Then what is the meaning of the first four lines of section 8: will you read that section?—"Every person who is in military custody as aforesaid shall be subject to such military training, discipline, and duties as the Commandant of the Defence Forces, with the approval of the Minister, from time to time prescribes or appoints, either generally or in any particular case or class of cases, and shall obey all lawful orders received by him in respect of such training, discipline, and duties from the officer or non-commissioned officer of the Defence Forces."

16. Does not that give power to the Commandant to make regulations?—Yes, with your approval.

17. Were the original regulations approved by the Minister?—I presume not, because the gazetted regulations were published afterwards.

18. You presume that they were not approved. If they were approved then your case falls to the ground?—It does if they were properly approved.

19. *Mr. Callan.*] You say, Mr. Mackie, that the regulations were not posted up in the places where the boys were confined?—Yes.

20. How do you know?—I was there.

21. Did you look to see whether the regulations were posted up?—Yes.

22. You would swear that the regulations were not posted up?—So far as I saw they were not posted up.

23. In regard to the cells the windows of which were closed, was there any medical examination of these cells or rooms?—There was not.

24. Were the doors closed?—Yes, the doors of the cells were locked.

25. You are sure that they were locked?—The witnesses say so; I did not see them locked myself.

26. How large did you say the rooms were?—About 8 ft. by 10 ft.

27. How high?—Some of them were just partitions about 6 ft. or 7 ft. high, and then there was a sloping roof above.

28. Partitions going up to the top?—In some of them.

29. There was a good deal of ventilation at the top?—Oh, yes.

30. *Hon. Major Harris.*] Have you seen the cells? Did they take their food in the cells?—I believe so, sir; I think the only time they were out was during exercise.

31. You are sure about the food?—Yes; they had the quantity I mentioned. They were on half-rations.
32. *Mr. Myers.*] Do you know if the boys' health suffered?—Yes.
33. You are sure on that point?—Yes, the cold was very intense.
34. Have you any evidence to produce?—I have one of the boys here.
35. As secretary of the National Peace Society we may, I suppose, take it for granted that you are not in favour of this Act—that you would conceive it your duty to do everything possible to hold it up to ridicule?—We do everything possible to bring any illegalities to light.
36. You have already stated to the Minister that if he had approved of these regulations your case falls to the ground. It was on the supposition that these regulations were illegal, in your opinion?—Certainly, sir. Well, probably I ought to qualify that. I do not think under the Act that the officer in command has any right to punish a boy. The officer in command has no authority whatever to punish any boy under detention—that has to be done by the Court. It is specified distinctly in section 8, subsection (2), "shall be guilty of an offence punishable on summary conviction before a Magistrate." The Officer Commanding Detention Barracks has no right whatever to punish any boy under his command.
37. You think that you as a citizen of New Zealand have a right to instruct any boy not to comply with the commands of a Commandant of the Forces or his officers?—No, certainly not; the officer has a perfect right to do as he likes.
38. What instructions would you give to a boy detained?—I do not know that I should advise him at all. We have never advised the boys either way.
39. Do you think that a boy who is detained should carry out orders received?—Entirely a matter for his own conscience. I should not presume to dictate.
40. You would not then advise him to do anything that would justify him being charged with insubordination?—I say it would be entirely a matter for his own conscience. We do not set out to advise boys in any way.
41. *Hon. Mr. Duthie.*] What was the weight of these sacks of coal?—About 1½ cwt., more or less probably: the boys judged them to be that.
42. Were they asked to lift these singly or with the assistance of another?—I understand they were asked to lift them exactly as they liked. The boys can tell you better themselves under examination. I understand that they were simply asked to carry the coal up, and I believe that the officers told them they could carry it lump for lump if they liked.
43. You do not think there was any exceeding burden?—No, I do not think so.
44. *Hon. Mr. Smith.*] They refused to carry this coal because they considered it military duty?—Partly, and partly because they did not believe in doing work for nothing—that it was the duty of the wharf labourers.
45. There was no labour available there, was there?—I suppose it could have been got.
46. You say they complained of the intense cold: if they refused to carry coal to cook their own meat and to warm their own buildings, do you not think that was unreasonable?—No; there were no heating-arrangements.
47. Do you know what the ages of the petitioners are?—About sixteen or seventeen. I do not think there were any under sixteen.
48. Then they were Senior Cadets. Do you know whether they are Senior Cadets or Territorials?—These are Territorials.
49. You would hardly describe them as boys?—No; we speak of them collectively, of course, in the petition.
50. You say you have never advised them to refuse to carry out orders?—Yes, sir, that is what I said.
51. As a Peace Council you do not want the Act amended—you are utterly opposed to it?—Yes.
52. And opposed to any amendment?—We have nothing to do with the amendment.
53. *Hon. Mr. Anstey.*] In regard to the second case, is it a fact that the Commandant inflicted a penalty of seven days' detention?—No.
54. I understood you to say that the Commandant inflicted that penalty?—No, Mr. Bailey. I think that on account of the regulation not having been gazetted he was exceeding his duty.
55. The Magistrate?—Yes; Mr. Bishop in a subsequent case decided that way.
56. You complain of the military officers exceeding their duty?—The Commandant only.
57. Then it is not the solitary confinement you say is illegal?—Any punishment.
58. Not the seven days extra?—That is perfectly legal.
59. Then it is the solitary confinement only?—Yes.
60. *Mr. Veitch.*] I understand, Mr. Mackie, that you are secretary of the Peace Society. You oppose the military Act on principle?—Yes, sir.
61. Now, presuming that the Act were amended providing for alternative non-military service for your members, what view would your society have of that?—I do not think I should be called upon to answer that.
62. I only thought that the question would help you?—I am not here to suggest amendments or to approve of them.
63. What would be your own attitude?—My own attitude—I should most certainly and decidedly oppose it; it is military duty under another form.
64. *Hon. Mr. Callan.*] Might I ask you, if this country were attacked to-morrow, would you not defend your home or family?—I am not here to answer that.
65. You refuse to answer that?—I do.
66. You would sit quietly and do nothing?—Well, I cannot say what I should do.

67. *Hon. Mr. Smith.*] Your attitude would probably be the attitude of the members of your society?—I do not think so; probably the majority might—I could not say for certain.

68. You yourself have condemned alternative service?—Yes, I do myself.

69. No suggestion of alternative service would satisfy your society?—I do not think so. Of course, we have a very large number of members, and I do not know what might be the general opinion.

70. *The Chairman.*] What personal knowledge of the condition of things did you have at Ripa Island?—I visited there once, and every week regularly other members of the Council went.

71. How long did you stay?—Half an hour.

72. So that as far as your own personal knowledge is concerned it is restricted to half an hour?—Yes.

73. You say there was no medical inspection?—I said if there had been a medical inspection the windows must have been closed up afterwards.

74. The complaint made by you, so far as the military authorities are concerned, is that the lads were put on short rations and that they were confined in separate cells or rooms: do you know that the regulations provide for that?—No, only for sleeping-accommodation.

75. Do the regulations say that?—There is no regulation providing for punishment at all.

76. Is not the whole detention a punishment?—Yes, the detention is a punishment; but they are being punished wrongly if they are punished again unless the punishment is inflicted by a Magistrate.

77. The regulations say that offenders are to be kept confined in separate cells. Were you not aware that is part of the ordinary punishment?—No, sir; if you read that in connection with the drilling, exercising, &c., they would have to be drilled in their cells. The regulations are not regulations for punishment.

78. *Hon. Mr. Allen.*] Were they regulations for discipline?—Yes.

79. *The Chairman.*] You say that these regulations, or, rather, actions of the military authorities, were illegal, and also that Mr. Bailey made a mistake in his law when he punished some of the boys for having disobeyed regulations. Now, is not the position this: that when this case was heard before Mr. Bishop at Lyttelton the prosecution failed only on the ground of failure to prove that the regulations were properly made by the Commandant and Minister, because the prosecuting party did not prove that the regulations had been prescribed by the Commandant and the Minister?—Mr. Bishop asked for the regulations. He said, "I cannot accept anything that has not been gazetted."

80. You say here there was no judicial proof that the regulations had received the approval of the Minister, so that was why they failed?—Yes. The gazetted regulations were not approved until some months afterwards.

81. I want you to give us some proof?—I can prove that these particular regulations that were gazetted were not the regulations in force then, and these regulations were not gazetted until the 31st July: they differ in two or three points.

82. Well, the fact remains that this case failed only from want of proof that the regulations had been prescribed by the Commandant and approved by the Minister?—Yes. Mr. Bishop's point was that he must have the gazetted copy.

83. You do not say so here [referring to the petition]. If Mr. Allen had happened to be in Lyttelton that morning then the regulations would have been proved?—It would depend entirely upon what "legal proof" means. According to Mr. Bishop it meant that it must be gazetted.

The Chairman: I am afraid, Mr. Mackie, you have made a mistake there.

84. *Hon. Mr. Smith.*] Do you know that the ration issued was actually in excess of the ration prescribed by the doctor?—I do not know that.

85. You speak of the windows being not opened: is it not a fact that after the boards were removed and the windows could open, that those in confinement did not open the windows?—I understand that is not so.

86. *Mr. Veitch.*] Your association is called the "National Peace Council"?—Yes.

87. Do you oppose national defence on principle, or merely compulsory military training?—Compulsory military training.

88. Do you oppose national defence?—No.

89. What alternative do you propose?—We are not here to show any alternative.

90. You are here to complain only?—We are certainly not here to suggest.

91. You have come all this way to give evidence and you only complain and cannot suggest any remedy. How do you expect to have it remedied if you yourself cannot suggest an alternative?—Well, as I said, we do not exist for suggesting alternatives.

JAMES WORRALL examined. (No. 3.)

1. *The Chairman.*] What is your full name?—James Kirkwood Worrall.

2. Will you make your statement?—Of course, a statement has been read out, and I am here to give evidence in support of that statement regarding the illegalities at Ripa Island. The statement has been read out by Mr. Mackie, and I think I can substantiate the statement regarding the illegalities occurring on the island. Firstly, at the Court trial at Ripa Island conducted by Mr. T. A. B. Bailey, the first we knew of this case was that we were brought into the officers' kitchen. We had no notification of any Court being held at the island. I asked for an adjournment because we had not received sufficient notice. Mr. Bailey stated, "It is no use your getting a lawyer, boys, you are guilty; you have no case." I contend that any common criminal

is allowed to have advice. At the conclusion Mr. Bailey said, "You can get a lawyer if you write for one"—after we had been convicted. Secondly, the whole thing hinges on this: we have been tried for various acts of insubordination at different times. These regulations regulating the punishments for acts of insubordination and governing the barracks itself have never been posted up in the cells we were confined in. The only time we heard them read was in Lieutenant MacDonald's office, and, as a matter of fact, only two or three boys had received them. What I have in my pocket I received from one of the boys a few weeks after he had been on the island. They were never posted up in the barrack-room. Thirdly, in regard to the refusal to carry coal, I heard it mentioned here that we could carry the coal as we liked. That was only after every other method had failed. The first lighter of coal we refused to carry to the kitchen. We were supposed to carry a sack at a time on barrows. We were not told we could carry them as we liked then; it was only afterwards that we were so told. At the time we were sentenced the lieutenant had not given such instructions at all. Then, in regard to the short rations: it is not a matter of what the doctor stated that we should or can live on—it is a matter of what the regulations state. I proved in the Court before Mr. Bailey that the short rations given were less than the short rations we were entitled to. Mr. Bailey would not discuss that matter at all. In regard to these other cases, when the lieutenant, after we had been confined the first time, spoke to us all and stated that he would not in future ask us to do military drill or clean armaments, he stated that if we did the ordinary civil work, when that work ran out we would be locked up in a barrack-room together, and he would not be so mean (his own words) as to reduce our rations. After the civil work had run out he asked us to do military work, and then when we refused he locked us up in cells. That is another breach of the lieutenant's word after he had told us that he would keep us in the barrack-room together on full rations, not on short rations.

3. *The Chairman.*] Is that all?—Yes.

4. *Hon. Mr. Allen.*] Were you one of the hunger strikers?—Yes.

5. How long?—Four or five days, the extra time being on account of neuralgia, and I could not eat.

6. Which was it, the neuralgia or hunger strike that made you refuse food?—It was not the neuralgia. The position was this: I had had neuralgia for eight days, and I asked the lieutenant if I could see about getting the tooth out. It was the eighth or ninth day before he said I could have it done, and on the seventh day the non-commissioned officer in charge rang up the barracks across the harbour and they sent back word saying I could not go unless I promised to pay for it. In the regulations we are supposed to have medical attendance.

7. I want to know how many days you intended to hunger-strike?—Until we got what we asked for.

8. How many days had you in your mind?—No specified number at all.

9. You have never said so?—No, I never did.

10. "This is our third day"—are you J. K. Worrall?—Yes.

11. Here is a letter "to my dear father and mother," by Jim: "This is our third day, and if necessary we will make it thirty days." Did you know that letter was written?—No, I did not know it.

12. Then it is not your signature?—I cannot say; that is typewritten. Have you my signature?

13. No, I want to know whether you agree that is yours?—I do not know; I have not read the letter.

14. Did you intend to hunger-strike for thirty days?—I intended to hunger-strike until we got what we demanded.

15. How many days did you hunger-strike?—Four or five days.

16. Then you got tired of it?—No; we got what we demanded. We promised to hunger-strike until then. We got what we demanded. I do not say we got all we wanted.

17. After you stopped hunger-striking were you quite satisfied?—No. Do you think I was satisfied with being on the island?

18. Then why did you not hunger-strike again?—

19. *The Chairman.*] You must answer the question?—I am at liberty to refuse.

20. *Hon. Mr. Allen.*] I want to know why you did not hunger-strike again. You refuse to answer?—Yes.

21. I want to know about this question of coming before the Magistrate. Can you tell us the day on which you were brought before the Magistrate—the date?—Yes, I think so; 2nd July, 1913.

22. Well, now, did Lieutenant MacDonald on Tuesday, the 1st July, see you and tell you you were going to be brought before the Magistrate?—No.

23. Then he tells a lie if he says so?—He does. I can tell you what he did state, but not the day before—he said that if we persisted in refusing to obey orders he would have to bring us before a Magistrate.

24. Then he did not say—this is then incorrect [reading], "I saw every man personally Tuesday morning, the 1st July, and as they still refused I informed them they would be brought before a Magistrate as soon as it could be arranged"?—He did not.

25. Did you intimate to Lieutenant MacDonald that you intended defending the charge?—We did not know that a Court was to be held until we were practically in the room. We did not see Lieutenant MacDonald until he walked up the yard with Mr. Bailey.

26. You mean to tell me that you had no intimation beforehand at all?—None whatever—none before the actual day.

27. Did you know that the representatives of the Press were informed?—Yes—the Christchurch Press—not the *Times*—the organ of the Conservative Government.

28. If Lieutenant MacDonald says the Press was informed he was right?—Yes, the Christchurch Press.

29. You say the Christchurch Press was informed beforehand and you knew it?—No, I did not know it.

30. You know now that the Christchurch Press was informed?—Yes.

31. When did you first know this?—Well, I cannot say exactly; I fancy it was afterwards. It was afterwards, certainly.

32. Did you intimate to Lieutenant MacDonald that you intended to defend the charges?—I did not know that the case was to be held until I was in the room. How could I intimate to Lieutenant MacDonald when I knew nothing about it? The first time I asked for a lawyer was in the Court itself.

33. Did you say that somebody was ill in detention?—No, I did not say there was anybody ill.

34. Who was ill?—William George Robson.

35. You did not know what was the matter with him: what was your idea as to what was the matter with him?—I do not know.

35A. Did the boy himself not say?—I do not know exactly what was wrong with him.

36. Have you any idea?—I do not know.

37. Anybody else ill while you were in Ripa Island?—Yes, there was one boy who had a touch of bronchitis—R. McTaggart.

38. Had he bronchitis before he came there?—I did not know the boy until he was on the island.

39. Anybody else?—Yes, I was.

40. What was the matter with you?—I do not know; the doctor would not tell me. The bombardier in charge told me it was a touch of pleurisy, but I do not know whether it was or not.

41. Now, when you had these short rations, did you get the short rations before or after the hunger strike?—Before the hunger strike, when in solitary confinement.

42. You hunger-struck afterwards?—We hunger-struck the second time.

43. Were you doing any work at all while the short ration was on?—We could not when we were only out half an hour in the morning and half an hour at night to exercise.

44. Were you doing any work at all the first time?—The time we were on short rations for refusing to carry coal we could not, if we wanted to, because we were locked up twenty-three hours out of twenty-four in a cell barely 8 ft. by 10 ft.

45. The second time?—We hunger-struck the second time.

46. *Hon. Mr. Callan.*] In reference to this man Robson that was ill: you knew he was ill, did you not?—Yes.

47. Who told you he was ill?—I do not know the exact person who told me at the start; he mentioned it to me himself afterwards.

48. Well, you state that you do not know what Robson was suffering from, and you mean to tell the Committee when Robson told you he was ill you did not ask him the very natural question what was wrong with him?—No, I did not.

49. Is it not a natural question?—It is not a question of whether it was a very natural question—I did not ask him.

50. Is it not a natural question to ask? You can say Yes or No. You were told by Robson that he was ill, and I asked you did you not ask Robson what was the matter?—I did not.

51. Do you not think it was a most natural question?—I refuse to answer that question.

52. How was it that you got on to Ripa Island?—Because I refused to register in the first place and was fined.

53. And you refused to join with others in the defence of New Zealand?—I certainly do; I refuse to join under this scheme.

54. If this country were attacked to-morrow, would you not join in defending it?—As I mentioned in the beginning, I came here this morning to support the statements regarding the illegalities on Ripa Island.

55. You refuse to answer the question?—Yes.

56. Now, in reference to the Court held by Mr. Bailey, was there no conversation between you and your co-offenders that there was a likelihood of an inquiry being made by Mr. Bailey?—As I stated to Mr. Allen, Lieutenant MacDonald some time previously had said to us that if we persisted in refusing to obey orders he would have to bring us before a Magistrate, but he did not state whether he was going to or not—he merely stated he would if we persisted.

57. And you persisted in disobeying orders?—We refused. Lieutenant MacDonald had said to us that he would not ask us in future to either clean guns or drill, and afterwards he asked us to do so and we then refused.

58. And you persisted in refusing?—Yes.

59. He told you previously you would have to go before a Magistrate?—No, because we had not gone before a Magistrate for refusing to carry coal.

60. You told us just now that Lieutenant MacDonald told you if you persisted you would have to go before a Magistrate?—Between that time and when the Court was held he told us that he would not ask us to drill or clean guns.

61. *Hon. Mr. Allen.*] Do you remember Colonel Collins coming down to Ripa Island?—I remember that gentleman, yes.

62. Did you go before him as spokesman for the others?—Yes.

63. Did you tell him that those detained at Ripa Island would only air their grievances if he saw them in a body?—Exactly; if he came in the barrack-room where we all were.

64. He was to come to you?—Yes.

65. Did he express his willingness to see you individually?—Yes.

66. Did you threaten when you withdrew from that interview?—No, I said this: that I hoped they would not publish in the papers that we had no grievances, because we had grievances; and then I said, "If you do, when we get out we can make it hot for you."

67. Would you not consider that threatening language?—This is the position—I do not know whether you recognize it or not: the most effective way of making it hot for a person is to show him up from the platform—that is the sense in which the words were used.

68. That is an afterthought, is it not?—No.

69. Did you see Colonel Collins and the party going away by the launch that same day?—Yes, I think so.

70. Were you with the others when they commented upon this departure?—I was in the room.

71. Tell us what happened?—There was a lot of booing.

72. What language was used?—None at all.

73. Did you say, "Go back to the dogs who sent you"?—No.

74. If Colonel Collins says that they did say that will you deny it?—No, I will not deny it personally.

75. "Go back to the dogs who sent you": is that threatening language?—I am not saying that it was used.

76. You will not deny it?—No.

77. *Hon. Mr. Duthie.*] I understand that you refuse to answer any question except as regards alleged illegality?—If I had come up here to give suggestions I could give them.

78. You refused to carry coal because it was military duty?—Yes; and I contend that even if it was a soldier's duty to carry coal they receive a wage for that, and we do not, and I cannot see why they should be loafing round and we doing their work. I contend that they should get the wharf labourers who are unemployed.

79. What are your reasons for refusing military duty?—I do not recognize military authority.

80. At what stage would you recognize your obligation to fight for your country?—You are trying to get me to give my suggestions. I say I am only giving evidence on the illegalities on Ripa Island.

81. *The Chairman.*] Do you refuse to answer that question?—

82. *Hon. Mr. Duthie.*] At what stage would you consider it a matter of conscience for you to defend the country?—I refuse to answer that.

Hon. Mr. Duthie: I think it is a right question—at what stage would he consider it was his duty to fight for the country in a military capacity.

The Chairman: I would like to mention to the witness that this Committee is not hostile to your association at all. Now is your opportunity to give your suggestions if you wish; if you do not want to, the Committee is quite satisfied.

83. *Hon. Major Harris.*] If the military authorities had asked you to protect some women and children, would you consider it your duty to do it, the same as you were asked to carry the coal?—Mr. Chairman, if I answer that question I want to do so in my own words.

84. Would you in case of an invasion put yourself under the protection of men or women?—I tell you how I will answer that. Perhaps it is not so bad for a young fellow or a boy of fourteen to put himself behind a father and a mother as it is for able-bodied men to put themselves behind boys.

85. Do you call yourself a boy?—The law itself calls me a boy until I can defend the country, according to the men who make the laws of this country. I say that it is far better for boys to hide behind a man or woman than it is for the able-bodied men to hide behind boys, as is done at the present time.

86. *Hon. Mr. Smith.*] What is your age, Mr. Worrall?—I am over twenty-one.

87. Then you are a man both in the eyes of the law and in the eyes of the Act?—Sometimes.

88. Always?—No, I am not at the present time.

89. About these cells I would like a little information: the cells were about 8 ft. or 10 ft.?—Yes.

90. You would not complain that they were unreasonably small?—There are four bunks in the cells, which fill up the space. It has been stated that there is a walking-space; as a matter of fact there is not.

91. Only two men were put in each cell?—Yes.

92. The partitions went so far up and then it was open above?—Yes; in two lots of rooms the partitions went 7 ft. or 8 ft., and then there was a gable roof. There was no ventilation until we complained to the doctor.

93. Did you open the windows after that?—Before the bars were put on the windows were nailed up outside; there was a small piece of wood put to prevent the window opening. On the two sides there was a small hole about 8 in. by 6 in.; that was blocked up. There was no ventilation until we complained to the doctor. He went in to see the rooms, and the next thing the windows were opened; then the bars were put on afterwards.

94. When the bars were put on and the wood was removed the windows could be opened?—Yes, and they were generally open. On some of the windows there was a lever to keep them open.

95. As to the rations, you did not know the rations that were laid down by the doctor?—I could not say.

96. But supposing the doctor had laid down a ration for you, taking into consideration the fact that you were not exercising, and the ration issued was slightly in excess of that, if you were underfed it was your fault?—Under short rations we were supposed to have a certain

ration, and during the Court trial the non-commissioned officer in charge read out the rations we were supposed to have, and what we were supposed to have was in excess of what we did have.

97. You say that the doctor's ration was less?—Of course, I am taking your statement as correct about the doctor. Assuming that the doctor laid down one ration, I say that we received less than we were entitled to.

98. You objected to carrying coal because it was military work?—I admit there is no particular hardship for a strong man to carry the coal, but the position is this: it was military work. The summonses issued later to three other boys had on them "for refusing to do military fatigue-work": that is my reason for objecting to carry the coal.

99. You decided to go on hunger strike before?—The hunger strike was during our confinement, for refusing to drill: that was the second time.

100. I have a little pamphlet report, "Rumour reached us of some coal, and it was decided that when it arrived we should strike"?—To strike is not hunger strike.

101. Oh, I see; you had a strike and a hunger strike. I would like you to answer this question: you do not believe in the Defence Act?—No, I do not.

102. And you personally do not want it amended, you want it repealed?—Yes, I want the present Act repealed.

103. You see, the position is this: this Committee was set up to see, among other things, how the Act could be amended if it is pressing unduly?—No, there are several members on this Committee who have different reasons. I would be quite prepared at another meeting, but I came up here to-day to give evidence on the illegalities. I am out for the repeal of the Act.

104. *Hon. Mr. Anstey.*] You said you were committed for refusing to register?—Yes.

105. Your objection to register, was it conscientious or religious—your objection to the military system altogether?—I have conscientious objections, and I do not believe in the military authority. My opinion is that if I register I bring myself under the military authorities.

106. That conscientious objection, of course, would not apply to the obedience to the ordinary civil law. If you had committed a civil offence and then was committed to Ripa Island would you then have defied the law?—No.

107. Your objection is to the military law?—Yes.

108. You would have no objection to a system that was voluntary?—No, but that does not mean that I would not work to educate the people to realize that militarism is better done away with.

109. Well, I understand that you are willing to obey the civil law?—Yes.

110. You do not know that the Defence Act is a civil Act?—In what way?

111. It is simply the law of the country?—I would not obey civil law that would bring me under the military law.

112. If alternative service is provided for would you not agree?—No.

113. Even if the alternative service is placed under civil jurisdiction?—Yes, I would refuse alternative service to military drill.

114. *Hon. Mr. Allen.*] Look and see if you can recognize this letter?—No, I cannot remember it; and, what is more, it is a typewritten copy.

115. Is your name James?—Yes.

116. What is the J. McTaggart—is he a James or what?—I believe it is Jack.

117. Nuttall—is he a James or Jack?—He is James.

118. Do you know whether this letter was written by you or Nuttall?—I do not know whether I wrote it or not, and as it is a typewritten copy I cannot say whether I did write it.

119. *Mr. Russell.*] Your objection to the Defence Act is the compulsory clause. If the country had a Defence Act without the compulsory clause, have you any objection to that as a citizen of New Zealand—have you any objection to that provided the clauses are not compulsory?—No, I have not.

120. *Hon. Mr. Allen.*] Would you serve as a Volunteer?—That remains to be seen.

121. You refuse to answer?—I cannot answer that.

122. Would you volunteer to serve?—That remains to be seen when the Volunteer Act comes into force.

123. When it was a voluntary service were you a Volunteer?—At that time I was attending four nights a week at a night school; I knocked off at the end of the year and intended to join the Royal Engineers.

124. You did serve then?—I said that I knocked off the night-work to serve.

125. Did you serve?—No, I did not.

126. Why did you knock off the night-work at the finish of the school-work to join an Engineer corps and then not join?—Because the present Defence Act came into force just after I had knocked off the school, and then I decided not to join them.

127. You were under age at that time?—Yes.

128. *Mr. Veitch.*] You have already stated that you attended the Engineers?—I said I was going to join, but now I have been educated to a different standpoint, and, as I said before, I do not now believe in it personally. I do not object to a voluntary Defence Act at the present time, but I do not say I would serve.

E. R. WILLIAMS examined. (No. 4.)

1. *The Chairman.*] What is your full name?—Edward Reginald Williams.

2. You come from Christchurch?—Yes.

3. What is your occupation?—I am a printer.

4. What is your age?—Twenty-one. I was taken to Ripa Island on the 16th June, and was detained there until the 19th July. During that time several events took place, and illegal pro-

ceedings were taken by the officer in charge. The first was in regard to the coal strike. Several boys refused to carry coal on particular days. We understood the regulations of the Defence Act prescribed that any person committing a breach of discipline in the barracks should be brought before a Magistrate, and, if committed, punished by a Magistrate; but we were taken one at a time to Lieutenant MacDonald's office, where he sat at a table; he asked us whether we would carry the coal, and we said No. He said, I do not care if you carry a little bit at a time. He said to me, "I sentence you to two days' solitary confinement, with half-rations." These were the words he actually used. In the next breath he told us he had no power to punish us, and if we persisted we would be brought before a Magistrate. We were taken to separate cells; most of us were taken into the little rooms off the barrack-room, and then I myself was taken away from the other boys and shut up in a little room which measured about 9 by 7. It was about the smallest single room. There were two bunks on one side and one on the other. The door of this room was locked, and the window was shut up tight and screwed up tight, and it was sealed up so that it could not be opened. Lieutenant MacDonald ordered that my windows should be whitened. If anything was solitary confinement, that was. Lieutenant MacDonald came round to us on Wednesday morning. We were kept in there three days. This was the first breach of regulations. We should not have been punished in this manner by the Government. The next thing was the matter of being asked to drill and clean guns. We were told by the lieutenant that when the ordinary work on the island ran out—such work as cleaning up—that we should be required to clean guns, &c. Two or three of us had each day been acting as orderlies, another boy had been cleaning out the lavatories, &c., and another boy had been helping the cook. This work was quite satisfactory. We believe in exercise, and there was nothing in this that we objected to—no military principle attached to this. Then the lieutenant came to us and said, "Now, I want to treat you as men; I am not going to ask you to do any work to which you on principle object, but if the ordinary work runs out I shall be compelled to ask you to clean guns. Of course, if you object to such work on principle I shall simply have to shut you up in the barrack-room, and I shall not be mean enough to reduce your rations." The rations were these: the regulations provide that we shall be allowed 2s. worth of food a day. This food was divided up between us and the soldiers. All the food was brought over from the mainland, and the cost of it reckoned up and divided up. The Permanent Artillery had to pay for the food they had. It has been said in Lieutenant MacDonald's report that when we arrived in the island the soldiers were having 2s. worth of food per day, and when we had been on the island a short time the standard of living had gone up to 2s. 6d.; but actually before our arrival it was about 1s. 2d., and afterwards about 1s. 10d., so that we were not having anywhere near the amount of rations laid down allowed us. The only punishment laid down by the Act was that we could be inflicted with a further term of detention. What actually took place was that the food was reduced. For breakfast a slice of bread and for tea a slice of bread; for dinner a small piece of meat and two or three potatoes, and with each meal a half-pint mug of tea. This was in the middle of winter, and the ground was white with frost. We were released for exercise half an hour in the morning and half an hour at night, and were made to exercise separately in the yard. On the second occasion we understood from Lieutenant MacDonald that we should not be asked to drill or clean guns. On Monday, the 30th June, Lieutenant MacDonald was not on the island, but had given instructions to another soldier to ask us to drill, and we said No, and we would not clean the guns. We were then taken and put into cells. I was again taken and put back into the same cell I was in previously. Well, we had decided between us that if the rations were reduced and that if we were given half-rations (I notice that the Minister of Defence has been trying to make out that we hunger-struck before—that is not the case) we would go on hunger strike. At tea-time on Monday we were given half a slice of bread; we told the soldiers to take it back. Our conditions were that we should have all the food we required. Tuesday morning breakfast was refused, dinner was refused; ten of us refused this. These meals were sometimes brought and left in the cell. This went on till Wednesday morning; but I will go back to Tuesday. Lieutenant MacDonald stated that he informed us we were to be brought before a Magistrate. He did not; beyond his threatening attitude we could not determine what he said. What I mean by "threatening attitude" is things such as this: Lieutenant MacDonald said, "You know there are other men on the island besides you, my men; they will knock the pudding out of you if you make a noise." At any rate, when we were put into these cells he came to us on Tuesday morning. He had always talked to us in this manner. He told us another day when the coal strike was on that he would have to bring us before a Magistrate. On Tuesday morning he came to my cell and said, "Well, if you persist I shall have to bring you before a Magistrate." This was on Tuesday morning at 12 o'clock. On Wednesday morning when the launch arrived, about 11 o'clock, I could just see out of a corner of the window where the whitening had been rubbed off that Lieutenant MacDonald and Mr. Bailey were coming. Five minutes after we were taken into the officers' kitchen and in this place we were tried. We were charged with having refused to drill and disobeying orders on the 30th. Worrall asked for an adjournment so that we could have legal advice. Mr. Bailey said, "No, you are guilty, you have no case." When we still persisted, afterwards he said, "You can get a lawyer if you write for one." That was after we had been sentenced. With regard to the barring of the windows, these windows were barred at the time of the coal strike, on the 18th. On that afternoon another boy who did not object to any work on the island assisted the soldiers in putting up the bars to the windows. Some of the cells had these partitions. In them there was a passage—a cell on one side and a cell on the other. No ventilation at all could get into these rooms; the doors were locked and the windows barred up—no ventilation. When Worrall complained to the doctor about the cells he condemned them. He said these bars must be taken out. If the cells had been passed by a medical officer they were passed before the bars were put up. That is the position as far as I know it. These things have been done illegally. He had no power at all to put us in these cells.

5. *Hon. Mr. Allen.*] I would like to ask you, if the Act were amended so as to ensure alternative service would you refuse?—I would refuse, because that alternative service would merely be an alternative to military service.

6. What were you put in Ripa Island for?—For refusing to pay a fine.

7. You refused to register first?—Yes.

8. Then you were brought before a Magistrate?—Yes. I was fined £5.

9. And refused to pay?—Yes.

10. I would like to ask you whether you consider detention worse than gaol?—Well, I can say this: through the agitation against the Defence Act I have been in both places—gaol and barracks. When things are going smoothly the barracks are to be preferred to gaol—the barrack was certainly to be preferred to gaol; but during the time that we were being locked up in solitary cells the conditions were worse and the food was worse.

11. If it were deemed necessary for purposes of discipline and for health purposes to employ those who were sent to detention to work about the barracks, would you—if that were deemed necessary—prefer to go to gaol than go to the detention barracks and do that work?—On no occasion was work that was necessary for health purposes refused. Orderlies were appointed among the boys to clean out rooms and such work. That work was never refused.

12. That was during your time?—Yes.

13. Do you know of boys refusing to clean their cells?—No.

14. Do you know whether a boy ever refused to do the work necessary for ordinary purposes of cleanliness that are natural after a night's sleep in a bedroom?—No, I know of no such case.

15. Was not carrying the coal necessary for health purposes?—No, that might not be necessary. The position was this: we would never ask other men to clean out our rooms or wait on us, but it was different with the coal; we were confined against our will, and we did not believe in doing the soldiers' work for nothing.

16. Did the soldiers carry the coal for themselves when you were not there, as far as you know?—I do not know.

17. Was the coal not required for purposes of cooking your meals?—It might have been; but if we had not been there there would not have been any necessity for cooking for us.

18. What is the natural result of breaking the law: can you get free from all punishment?—Certainly not. We are not complaining about the law; we are complaining that a man who has no right to administer it has done so.

19. You are not complaining about the law?—I am not complaining because I have been punished for breaking this particular law, but because a man punished us who had no right to do so.

20. Did you know about the regulations?—Lieutenant MacDonald read the regulations to us the first time we came to the island.

21. So you knew?—They were long regulations and he rattled through them.

22. You heard them read?—They were taken out of the drawer of an officer's desk and put back when read.

23. When your window was altered did you keep it open?—Yes, my window was one that slid up and down.

24. About these cells?—The one that I had had apparently been used for sleeping-quarters by the Commandant before. There were three bunks. I should say these had been slept in.

25. Have you heard that officers of the Defence Forces have slept in these cells?—Well, I should think so. The one I was in had the words "Coast-defence Commander: Private," on the door. But I would like to point out that the Coast-defence Commander was not locked up for twenty-three hours a day.

26. Might not the Coast-defence Commander have been kept locked up there if he had committed a breach of the law?

27. *Hon. Mr. Callan.*] If this country were invaded to-morrow would you not join with your fellow-citizens in defending it?—If I thought there was any possibility of danger of invasion of this country I would still remain a Volunteer, as I was before.

28. If the country were invaded to-morrow you would remain in your house—if the country were invaded by the Japanese, for instance?—If the Japanese came here I should do my share, but that I consider impossible.

29. Assuming they did land here?—You are assuming the impossible. If they did I would not do what members of this House have done—exempt themselves.

30. You would join in the defence of the country?—Yes; but it is, I consider, an impossible assumption. You might as well say that Mars would invade England.

31. Would you not agree with the Defence officers in saying that we have a far better chance of defending our country if drilled?—You would have a far better chance if you had Volunteers; but I might tell you I have never any intention of volunteering.

32. In regard to the illegality you allege against the officer in Ripa Island, on what grounds do you say his actions were illegal?—On the ground that the Act itself—a section of this Act—says that for any breach of discipline that takes place an offender must be brought before a Magistrate.

33. Have you not read the regulations? Do you not know that an interpretation of the regulations provide for the officer ordering you to do the acts he did?—Lieutenant MacDonald can order you to do anything, but he cannot punish you.

34. Then you say that Lieutenant MacDonald's action was illegal because he had no power under the Defence Act to punish you?—Yes.

35. *Hon. Mr. Duthie.*] I understand that it is your firm determination that you will not do military duty. Then no punishment would be sufficient to drive you to it: you are determined to resist?—Absolutely to resist.

36. You know what was the practice in the British Army fifty years ago: insubordinate boys of that sort were flogged. If that were law now it would not alter your determination?—Not the least bit.

37. It would not be a bad thing to try, perhaps?—We are prepared to go to any extent.

38. *Hon. Major Harris.*] Would you think if this country were attacked by any Power that you would be deserving of the food you would be eating—taking from the men, women, and children? From my point of view you would not be entitled to anything: you would be living on their food?—A soldier is living on the food of the people. The question of alternative service might be raised. Every man that is doing work might be considered as doing alternative service. I might be one of those who was supplying the food.

39. You people go occasionally on starvation and still you grumble about getting half-rations?—We were entitled under the regulations to receive food up to 2s. a day; half-rations were given us and we refused to accept them.

40. But would you not consider that you would have to do something for it?—Yes, if I work I expect to get something for it; but when a man works he works of his own free will. We were taken against our free will, simply because we objected to a system.

41. *Hon. Mr. Smith.*] Supposing it was laid down as a general principle that every citizen of New Zealand should render the State some service, and it was optional to give military or alternative service, would you then object to alternative service? Your objection is possibly to the alternative service being in lieu of military; but assuming it was optional for you to take military service or to do tree-planting, for instance?—You must remember this: that at the present time every man is rendering alternative service—every milkman is doing alternative service; every farmer is doing alternative service.

42. Of course, I recognize that we are all doing work for the country in that sense, but it is thought necessary that we should have a system of defence?—But you had alternative service before.

43. No, that was voluntary service; but you know, under the voluntary service we did not get the number of men considered sufficient. Would you object to such alternative service?—Yes, as an alternative to this scheme.

44. Your evidence is pretty much the same on the same lines as Mr. Mackie's?—Yes.

45. *Hon. Mr. Anstey.*] But I understood you to say that you had already served as a Volunteer?—Yes.

46. Would you object to a voluntary system such as is established in England?—No, as long as you did not force people into it. At one time I had no objection to it; to-day I have an objection to a military system.

47. As a Volunteer, does that involve any expense or loss of time or money to the Volunteer?—It should not involve expense; he would lose a certain amount of time. You could say when working you lose a certain amount of time.

48. Do you think it would be satisfactory to have a Volunteer system whereby members were paid for the loss of time and money?—It would be for the men who believed in it.

49. *Hon. Mr. Smith.*] If the voluntary system were set up in New Zealand and you went on with your educational process, I suppose you would do your best to convert every one to the belief that the voluntary system was not necessary?—Yes; I am against the military system as a whole, whether as applied to this or any other country.

50. Then that applies to voluntary system too?—Yes.

51. *Mr. Russell.*] When the rations were cut down to half, was the food sufficient to maintain a healthy, active young man in physical condition?—No. I asked Lieutenant MacDonald, "Do you consider this food sufficient? it is not sufficient for growing boys"; and he turned to the sergeant-major and said, "As soon as you see these men begin to go down fetch the doctor."

52. When you received full rations were you satisfied so far as your physical conditions was concerned?—Oh, yes.

53. You received enough then?—Yes.

54. When you were actually brought before Mr. Bailey, the Stipendiary Magistrate, was the charge the same charge for which Lieutenant MacDonald had previously sentenced you?—No, I have only been brought up before a Magistrate once; that was for refusal to drill; the offence of refusing to carry coal was not brought up before a Magistrate.

55. The actual charges?—Were that we disobeyed the commands of Bombardier Moir by refusing to drill and clean armaments.

56. In that case you were brought before the civil authority for an offence committed before the law. When the Court started did you or anybody on your behalf ask the Magistrate for an adjournment of the case in order that you might get a counsel?—Yes.

57. The Magistrate's reply was this: that you did not want legal advice as you were guilty?—Yes.

58. Then he refused you the ordinary right of being represented by counsel before the trial took place?—Yes.

59. Then the evidence was called: was the evidence on oath?—Yes, I think so.

60. Then, did the Magistrate subsequently, after he had sentenced you, say you could obtain a solicitor?—Yes; he said, "You can get a solicitor by writing."

61. Was that meant for any future sentence or for any particular charge?—Well, there was no offence standing against us then.

62. Then he meant, in future?—I should say so.

63. What notice did you get?—None whatever.

64. Marched straight into the Court?—Yes; that is, twelve of us.

65. Suppose war was declared between Britain and another Power and New Zealand was in danger and the Militia were called out under the authority of the Defence Act, and that every

able-bodied citizen was required to serve, what would be your position?—My position at the present time is that I do not see the possibility. I want you to recognize that.

66. Supposing the danger did arise, would you then be willing to do your part in defending the country or would you still refuse?—My position is that I now know sufficient to realize that such a thing is an absolute impossibility.

67. We know that throughout the whole world wars do take place. The whole world is armed. Supposing such a thing were to take place and the Militia were called out, would you be prepared to assist your fellow-men to defend the country?—If an invader came here to destroy our country, Yes; but I cannot drill; I cannot fall into the system because I recognize that such a thing is an utter impossibility.

68. I think you are a Volunteer?—I was a member once in England.

69. *Hon. Mr. Callan.*] When you were brought before Mr. Bailey he said to you, "You can get counsel," during some part of the case?—I do not remember that during the case.

70. Did he make that statement before or after he delivered judgment?—He made two statements with regard to counsel. Before the case was tried he refused us the counsel; after the case was tried he said we could get counsel by writing.

71. You are sure of that?—Absolutely.

72. And after he had pronounced his sentence, then he said "You can get counsel"?—Yes.

Mr. Russell: To clear up the most important part of the inquiry, might I ask whether the Minister has received any report as to what took place in Court and whether Mr. Bailey admits that these men did ask for counsel and it was refused.

Hon. Mr. Allen: There is a conflict of evidence about this.

Mr. Russell: Might I suggest that it would be a fair thing if this question was put to them, so that they could meet the statement either with an admission of its truth or with a denial.

Hon. Mr. Allen: They have been asked and denied it. [Document read by the Hon. Mr. Allen.]

Mr. Russell: Then, do I understand from the Minister that this part of the regulations gazetted on the 1st August to be posted up in places of detention was not posted because these regulations had not been gazetted?

Hon. Mr. Allen: They were posted up as far as I know. They were read out when they came in.

Mr. Russell: There were three foolscap pages of regulations; you can hardly expect men to know them from simply hearing them read once.

Mr. Worrall: They were not posted up.

TUESDAY, 14TH OCTOBER, 1913.

Hon. Mr. Allen: I propose to call Colonel Collins, the Adjutant-General, to give some evidence upon these Ripa Island cases, but before doing that I desire to put in this telegraphic correspondence about the regulations being posted up, and I will call some further evidence about it from Colonel Collins. The correspondence is as follows:—

"Parliament Buildings, 8th October, 1913.—Lieutenant MacDonald, Lyttelton.—Were detention regulations posted up so that offenders could see them? Reply direct Minister of Defence, urgent.—COLONEL COLLINS."

"Lyttelton, 8th October, 1913.—Hon. Minister of Defence, Wellington.—Regulations posted up in detention-rooms. Frequently destroyed, but replaced as early as possible.—LIEUTENANT MACDONALD."

"Parliament Buildings, 8th October, 1913.—Lieutenant MacDonald, Defence Office, Lyttelton.—Were the regulations first issued posted up at the time of issue or subsequently; and, if so, where and when? And were those in detention informed of the nature of the regulations?—J. ALLEN."

"Lyttelton, 8th October, 1913.—Hon. Minister of Defence, Wellington.—Yes, regulations first issued were posted up at first and replaced from time to time when found defaced or when destroyed. Gazetted regulations replaced first issue as soon as received. These also have been replaced from time to time. Regulations hung up in barrack-rooms. All men have had regulations read over to them and explained either by self or non-commissioned officer when first admitted.—LIEUTENANT MACDONALD."

Lieut.-Colonel the Hon. RICHARD HENN COLLINS, Adjutant-General, New Zealand Military Forces, examined. (No. 5.)

1. *Hon. Mr. Allen.*] Did you go down to Ripa Island under instructions by the General Officer Commanding to inquire into these troubles at Ripa Island?—Yes, sir.

2. First of all, about the posting-up of the regulations. You heard the telegrams read from Lieutenant MacDonald: have you any further information to guide the Committee on the point?—Yes, sir. After the last meeting I wrote to Lieutenant MacDonald for further information on the subject of the posting-up of the regulations, and have received the following memorandum from him. It is addressed to Headquarters, Canterbury Military District, Christchurch, under date 11th October, 1913, and was sent on to us. It reads,—

"I have to report that the Detention Barrack Regulations issued under cover of memo. No. 13/1 of 15/4/13 were posted up in barrack-room where men were confined. As these were from time to time defaced or destroyed they were replaced, in all, probably about seven or eight

times. Possibly a day or perhaps two might elapse before they were replaced, as new copies were typed at Lyttelton and sent over, but they were always replaced as early as possible. They were hung up where men could have access to them, hence their frequent destruction.

"On receipt of gazetted regulations the original issue were removed and the new issue put in their place. These were mounted on boards and varnished, but had also to be replaced about ten times. I am now out of printed copies, and have to revert to typed copies of gazetted regulations.

"In addition to supplying copies to barrack-rooms, every man, except those arriving from West Coast, had the regulations read over and fully explained on day of admission, usually by myself or sergeant-major. I particularly remember reading these over to the batch of men in which Worrall came, also Williams, who arrived a day or so later than Worrall. The only exception to this rule was in the case of men arriving from the West Coast, who were admitted late at night—at about 10.30 p.m. The regulations were read over to these late arrivals the following morning.

"With reference to statement of Worrall, Williams, and Mackie that regulations were not accessible to men in detention, this is not correct. They were accessible, except during the period elapsing between their defacement and replacement by new copies. Witness Mackie has never been in the barracks, and his testimony can only be hearsay.

"During sitting of Court held by Mr. Bailey at Fort Jervois, Williams, who was then in detention, challenged me in Court to find a copy of regulations in their room. I knew that at the moment a copy was not in the barrack-room, as he, Williams, was then in possession of the copy, and was observed passing the copy behind his back to other men. This can be proved by outside testimony if thought desirable. The action of Williams was observed by Senior-sergeant Ryan, of police, Mr. Woods, of *Lyttelton Times* staff, and Mr. Waters, of the *Christchurch Press* staff.

"D. MACDONALD, Lieutenant, R.N.Z.A., O/C Detention Barracks, Lyttelton."

3. Have you a copy of the first set of regulations—the original ones?—Yes, sir.

4. Is there a paragraph in those regulations referring to the posting-up? Would you mind reading it?—I have the original copy here—the original draft that was submitted to the Crown Law Office. The Assistant Crown Law Officer marked it in red ink.

5. I want the paragraph dealing with the posting-up?—He has inserted, "To be posted up in place of detention" in red ink at the top of the page.

6. Was that paragraph put in by the Assistant Crown Law Officer included in the regulations as first issued?—Yes, sir.

7. Would any officer or non-commissioned officer be guilty of a dereliction of duty if, with that regulation before him, he had not posted them up?—Yes.

8. Do you think it is at all likely that any officer in the New Zealand Forces would not comply with that command to post them up?—No, I think it very improbable.

9. About the regulations themselves: it has been stated that these regulations were illegal. Were they submitted to the Crown Law Office—the first set of regulations as drafted?—Yes.

10. Did the Crown Law Office amend them?—Yes. May I read what the Assistant Crown Law Officer said?

11. I want you to?—It is as follows: "Crown Law Office, Wellington, 8th April, 1913.—The Officer Commanding New Zealand Military Forces.—I have perused the draft regulations submitted in reference to offenders committed to military custody, and approve same as altered in red ink. These regulations do not require to be gazetted, but must be prescribed by the Commandant of the Defence Forces with the approval of the Minister of Defence. They should be posted up in the place of detention so that the offenders may see clearly what orders they have to obey and what constitutes an offence against the detention regulations. Of course, it is for the Magistrate to say whether what an offender does constitutes an offence within the meaning of section 8 of the Defence Amendment Act, 1912, but I think that the Magistrate would take these regulations as a guide, and would uphold a breach of any of them as a breach of discipline or insubordinate conduct. I also enclose a form of attachment order, and two forms of warrants of commitment to military custody, and a regulation to be gazetted prescribing the forms.—P. S. K. MACASSEY, Assistant Law Officer."

12. Owing to that advice of the Crown Law Office you were of opinion that it was not necessary to gazette the regulations?—Exactly.

13. And you were of opinion—and you are of opinion still—that the regulations were perfectly legal, although they were not gazetted?—Yes, sir.

14. Those were provisional regulations, were they not?—Yes.

15. Provisional because we wanted to judge by experience whether they would require alteration?—Yes.

16. Were they provisionally approved by the Minister?—Yes.

17. By what Minister?—The Hon. Mr. Rhodes.

18. Was I absent at the time?—You were absent from the Dominion. Here is the minute: "Provisionally approved; a copy to be sent to each Minister.—R.H.R.—20/3/13."

Hon. Mr. Allen: I think I had better put in a copy of those regulations as approved by the Minister and amended by the Crown Law Office.

[Regulations put in as follows.]

Regulations in reference to Offenders committed to Military Custody. (Provisional.)

1. Persons in military custody will be kept in custody at any permanent barracks or fort, not being a prison or police-gaol, in which cell accommodation exists, or other place in which a lock-up can be extemporized. Accommodation for those committed to military custody must be certified as suitable from a medical point of view by a medical officer.

2. On arrival of an offender at the place of detention his civilian clothes will be removed, he will be bathed, and issued with a suit of dungaree. Tobacco, matches, any instrument with which he might do damage, money and valuables, will be removed from him, and a list thereof entered in a book, which will be signed by the offender as well as by the officer or N.C.O. making the entry. These articles will be returned to the offender on completion of his sentence, and he will sign the book again as a receipt. The articles are to be kept under lock and key until their return.

3. Each offender will be medically examined on arrival. In the event of sickness, arrangements will be made for medical attention.

4. Offenders are to be confined in separate rooms or cells.

5. Offenders will be in charge of the N.C.O.s and men of the Permanent cadre, supplemented by such officers and Permanent Staff as necessary, to be detailed by the O.C. District. If there is no cadre of the Permanent Force at the place of detention the O.C. District will make such arrangements as are necessary to execute the routine laid down.

6. An allowance of 2s. per day for the feeding of each offender is admissible.

7. Cots and mattresses will be provided by the R.N.Z.A., or where there is no Permanent cadre, under arrangements made by the O.C. District. Towels, blankets, and feeding-utensils will, when necessary, be provided by the Defence Department.

8. After three days, if the offender's conduct is good, he may be given a book to read.

9. Offenders will be visited daily by an officer on duty, who will enter the visit in a book kept for the purpose. Medical officers will visit offenders undergoing detention as required.

10. Chaplains may visit offenders should they require to do so.

TO BE POSTED UP IN PLACE OF DETENTION.

The following daily routine will be carried out:—

Rise, 6 a.m.

Physical drill, 6.30–7 a.m.

Breakfast, 7.30 a.m.

Fatigue, 8.15 a.m. to 11 a.m. (consisting of sweeping barracks, scrubbing floors, cleaning, sand-polishing armaments, and other fatigue work of a useful or necessary character).

Squad drill, 11 a.m. to 12 noon.

Dinner, 12.15.

Fatigue, 1 p.m. to 3.30 p.m.

Semaphore drill, 3.45 p.m. to 4.30 p.m.

Locked up, 4.30 p.m.

Tea, 5 p.m.

Exercise in yard, 6–6.30 p.m.

Visit by corporal or private on duty between 7 and 8 p.m.

Lights out, 9 p.m.

The following constitutes offences under section 8 of the Defence Amendment Act, 1912:—

An offender in military custody shall be guilty of an offence within the meaning of section 8 of the Defence Amendment Act, 1912, if he—

- (1.) Disobeys any order given by the O.C. Detention Barrack, or disobeys any detention barrack regulation:
- (2.) Treats with disrespect any member of the detention barrack or staff, or any visitor, or any person employed in connection with the detention barrack, or prison, or works:
- (3.) Is idle, careless, or negligent at work, or refuses to work:
- (4.) Is absent without leave from any parade:
- (5.) Swears, curses, or uses any abusive, insolent, threatening, or other improper language:
- (6.) Is indecent in language, act, or gesture:
- (7.) Converses or holds intercourse with another offender in military custody without authority.
- (8.) Sings, whistles, or creates any unnecessary noise or disturbances, or gives any unnecessary trouble:
- (9.) Leaves his room or other appointed location, or his place of work, without permission:
- (10.) In any way wilfully disfigures or damages any part of the detention barrack or place of confinement, or any article to which he may have access:
- (11.) Commits any nuisance:
- (12.) Has in his room or possession any article he is not allowed to have:
- (13.) Gives to or receives from any offender in military custody any article whatever without leave:
- (14.) Is inattentive at drill, &c:
- (15.) Uses personal violence to a member of the staff or to an offender in military custody:
- (16.) Escapes or attempts to escape from detention barrack or place:
- (17.) In any other way offends against good order and discipline.

19. *Hon. Mr. Anstey.*] Is there anything in those regulations which is contrary to or in excess of the Act? The Crown Law Officer says that the Magistrate would probably accept the regulations in lieu of clause 8 of the Act. You would assume, therefore, that there was something in the regulations not provided for by the Act?—I think this is the passage you refer to: "Of course, it is for the Magistrate to say whether what an offender does constitutes an offence within

the meaning of section 8 of the Defence Amendment Act, 1912, but I think that the Magistrate would take these regulations as a guide, and would uphold a breach of any of them as a breach of discipline or insubordinate conduct." I think the intention of that was that these men in detention should know what were considered to be offences, and if they were tried for breach of discipline the Magistrate would have the advantage of knowing what were considered to be offences. It is for the Magistrate to say what is a breach; we merely suggest to him what is to be a breach.

20. *Hon. Mr. Smith.*] The Magistrate would decide it rather than the officers?—The Magistrate is the authority, and we did not intend to take that out of his hands.

21. *Hon. Mr. Anstey.*] You say that there is nothing in those regulations that is in excess of the Act?—I do not think there is. They were submitted to the Crown Law Office. We acted on their opinion right through.

22. *Hon. Mr. Allen.*] Do you know something about a case before the Magistrate which was dismissed: do you remember which Magistrate it was?—I do remember a case, but I do not remember the precise grounds for the dismissal.

23. I think I can refresh your memory. Were not the grounds of dismissal of the case by the Magistrate these: that the regulations had not been gazetted, and that no proof had been brought before him of the approval of the regulations by the Minister?—Yes, as far as I remember, that was so.

24. You have already told us, have you not, that at that time these regulations had been approved by the Minister?—Yes.

25. But no evidence was brought to show the Magistrate that?—No.

26. And there was no opportunity of doing it?—No. If the Court had adjourned we could have done so.

27. Were those regulations subsequently amended—comparatively recently?—Yes, twice amended; once in some minor particulars, and then by Mr. Rhodes's direction a copy was sent to each Minister.

28. That is the first: I want after that?—They were not very material alterations after that.

29. Not long ago they were amended again?—Yes.

30. And approved by a Minister?—Approved by you.

31. And were they gazetted?—Yes.

32. Why did we gazette them: was there any necessity to gazette them?—No, there was no absolute necessity. It was considered that it would be more convenient, in case this point were raised again, to have them in the *Gazette* form, which is the recognized form of regulation.

33. Was it to obviate the necessity of proving the regulations formally?—Yes.

34. In your opinion—and you have had a considerable amount of experience—were the original regulations legal—properly approved by the Minister? And were the second set of regulations properly approved by the Minister?—Yes, both were.

35. Had we the power under these regulations which were approved by the Minister and by the Crown Law Office to detain those individuals in cells if we wanted to?—Yes.

36. And it would have been no breach of the regulations or the law if we did so?—No.

37. Now, in regard to the food-supplies, you have read out a regulation which provides that 2s. per day for food was admissible?—Yes.

38. Did you or any of your officers take that to be an instruction that the 2s. a day was to be spent upon them or that it might be spent upon them?—It might be—it was permissible. You could not tell what the cost would be.

39. Were the rooms that these men occupied inspected by a medical man before being occupied?—To the best of my belief, they were.

40. What was the ration they got—was it the same as the R.N.Z.A. staff got?—Yes.

41. The full food ration?—Yes.

42. When they were working?—Yes.

43. When they refused to work and did nothing, did the medical officer advise the cutting-down of the ration, as far as you can remember?—As far as I can remember, as a result of a conference between Lieutenant MacDonald and the medical officer, the ration was cut down for the men not working, and I have a letter which tends to confirm that, from Dr. Newell, dated 10th October, 1913, as follows: "In reply to your letter asking for a report on the ration which I recommended for the offenders in military custody at Fort Jervois, I wish to state that the ration consisted of 20 oz. of bread, 6 oz. of meat (without bone), 8 oz. of potatoes, and 4 oz. of vegetables, also salt, tea, and sugar, per man per day. I understand you added to this a full supply of butter and gave them one and a half times this ration. The above scale is the same as that supplied to prisoners in New Zealand prisons who are not employed at hard labour. In a long experience of prison-work I have found that on this ration men enjoy excellent health and invariably gain weight.—Yours sincerely, J. A. NEWELL, Surgeon-Captain, N.Z.M.C."

44. I want you to make it clear that that regulation saying 2s. was permissible was not intended to bind the officer in the barracks to the expenditure of 2s. per day?—No.

45. That was the maximum he could go to?—Yes, that was the maximum.

46. You went down to Ripa Island?—Yes.

47. You saw the demeanour of these men, and what was your impression?—They were rather truculent in their demeanour, and, I should say, distinctly inclined to be insubordinate.

48. Did you come to the conclusion that Lieutenant MacDonald had a very unpleasant task with the men there?—Undoubtedly.

49. Did you offer to see them individually?—Yes.

50. To hear any complaint they had to make?—Yes.

51. Did they refuse to see you individually?—Yes.

52. They wanted to see you in a body?—Yes. I said that they could appoint one of their number as spokesman.

53. Did you see one of them and speak to him?—Yes, I saw Worrall, the man who came here the other day.

54. What was his demeanour to you?—Very much what it was here.

55. What happened when you were leaving Ripa Island?—When I was going away they all crowded to the window and began to sing some chorus. I do not remember the words. They also shouted, "Go back to the dogs that sent you." I might say that the Officer Commanding the District was with me.

56. Was the "dog that sent you" the Minister of Defence or the G.O.C.?—I do not know.

57. Do you think they were given fair treatment down there by Lieutenant MacDonald and his men?—Yes; my impression is that if they had submitted to the regulations they would have been perfectly contented. They brought all this trouble upon themselves. They complain that they were kept for twenty-two hours out of the twenty-four shut up in rooms, but if they had been at work they would not have been shut up for anything like that time.

58. In regard to the rooms, in the old days were those rooms occupied by Volunteer officers and non-commissioned officers?—I was informed so.

59. The officer commanding the artillery slept in one of those rooms?—Yes.

60. Do you think a room that is good enough for the Coast-defence Commander is good enough for one of these men?—Possibly, yes.

61. *Hon. Mr. Callan.*] I have here a short extract of what these men complained of. They complained of solitary confinement, short rations, and so on. Do you say that these men were confined in cells for twenty-three hours at a stretch?—They say so. They were confined when they were not carrying out the routine laid down. As they declined to carry out their daily routine they had to be shut up. We could not have them loafing about doing nothing.

62. Could you say how long at a stretch they were confined in the cells?—No, I am afraid I could not. I think they had two half-hours' exercise.

63. I want to draw your attention to the fourth regulation, in regard to detention, where it states that they will not be separately confined in the daytime except in case of insubordination. You see these men complain of certain things done to them?—They were not under those regulations at the time.

64. Can you say that the first regulations justified the people in authority in keeping these men so long confined as they say they were confined?—I do not see what else was to be done with them.

65. We have to examine into that?—There was no solitary confinement. There was one odd room over, and that was a semi-detached room. It had a window and a partition which came nearly opposite to the window.

66. In regard to the short rations, I think you said they were put on short rations because they were not doing any work, and that the doctor thought it was necessary for their health that they should not get so much food as they did when working?—I think what exactly happened was something like this: that the officer commanding the barracks said to the doctor, "Surely the men who are idle and doing no work should not receive the same amount of food as the men who are doing their allotted tasks?" and the doctor in his report has said it was not necessary for them to have so much food—in fact, would improve in weight on short rations.

67. And then they went on a hunger strike?—Yes, I think they did.

68. Is it a fact that after the hunger strike the lads were put back on ordinary rations, although they were doing no work?—Yes, I think that was done because we had orders to do so. (NOTE.—The Hon. Minister of Defence mentioned that this was ordered as a result of the Cabinet meeting.)

69. Another complaint made by these men is that no legal assistance was permitted when they were brought before Magistrate Bailey, although asked for?—Well, that is not borne out by Lieutenant MacDonald's report of the 7th July. I think he says there that they did not ask for any.

70. Lieutenant MacDonald would be able to answer that?—Yes.

71. They say also that the cells were not certified to as being suitable by the medical officer, but you will put in a certificate of the medical officer to show that they were certified to?—I have just seen the medical officer's certificate on the file to the effect that he saw them in July and pronounced them as suitable.

72. Of course, Lieutenant MacDonald was down there before the men arrived?—Yes. They were suitable, at all events, for the R.N.Z.A.

73. You cannot answer those questions except from hearsay?—Yes, that is all.

74. *Hon. Mr. Rigg.*] I understood you to say you were satisfied that the regulations were legal, although not gazetted?—Yes.

75. You were referring to the first set of regulations?—Yes.

76. On what do you base that opinion?—On the Crown Law Officer's opinion. He says exactly in those terms that it is not necessary to gazette them.

77. Do you understand from that opinion that it is not necessary to gazette any regulations made in accordance with the provisions of the Defence Act?—They need not all be gazetted. I think there is a distinction.

78. Would you be kind enough to tell us what the distinction is?—Section 8 of the Defence Amendment Act says, "Every person who is in military custody as aforesaid shall be subject to such military training, discipline, and duties as the Commandant of the Defence Forces, with the approval of the Minister, from time to time prescribes." I take it that the prescribing is done under section 97 of the principal Act, which says, "All orders relating to any particular

branch of the Defence Forces given under the authority of or in execution of this Act by the Commander-in-Chief, or by any officer of the said Forces, shall be valid and effectual if given verbally on parade, or by advertisement in a newspaper circulating in the district, or by a printed or written notice affixed at a place previously appointed for that purpose, or issued in any other manner customary in His Majesty's military service, unless in cases where this Act specially requires any such order to be in writing." I fancy that was the Crown Law Officer's ground for saying that they need not be gazetted.

79. Is there any definition in that Act of the term "prescribed"?—Yes, in section 2 of the Act of 1909 "prescribed" means "prescribed by this Act or by regulations or military order hereunder."

80. I understand the first regulations were not gazetted, but the second lot were?—Yes, that is so. There were really three sets of regulations. They omitted the dinner-hour in the first set and inserted it in the second.

81. I understood you to say that one set of the regulations was gazetted to obviate the necessity of proving the regulations?—Yes.

82. You were then referring to the second set of regulations, were you not?—Yes.

83. And altogether there have been three sets of regulations issued under the Act: is that so?—If you could call the second one a fresh set of regulations: there were one or two very minor alterations.

84. It was an amendment of the first?—Yes. There were practically only two sets of regulations. The first set was not gazetted and the last lot was.

85. In regard to the demeanour of Worrall, you said his demeanour was truculent, and that it was similar to what it was here. Would you call his demeanour the other day truculent?—It was improper.

86. In what respect?—It was wanting in respect.

87. To whom?—I think, to most people who addressed questions to him.

88. Did it not occur to you that he might have been suffering from nervous excitement, and therefore rather inclined to be argumentative?—Possibly.

89. Did he, in your opinion, go beyond what you would call being argumentative?—Not here, but he did at Ripa Island.

90. In what sense at Ripa Island?—I cannot remember the terms of his threat, but he threatened me at the end that he would make it very hot for me.

91. *Hon. Dr. Collins.*] Under the regulations the medical officer should examine all the men on arrival. Is that done always?—I presume it is.

92. And the medical officer would have to certify to all the cells before any men were placed in them?—I believe so.

93. And the medical officer, when the men were to be confined, would naturally be the man who would order the dietary and also the amount of exercise they should have?—Yes.

94. I suppose there is some evidence of the notes the doctor put down as to what exercise they should have and what confinement?—The routine laid down, of course, was taken from the rules for detention in barracks in force in England.

95. The medical officer certifies as to the condition of health and what kind of treatment they should have?—Yes.

96. *Hon. Mr. Smith.*] In regard to proof of the regulations, you remember that Mr. Bishop dismissed a case, and is not this the correct position: that unless you can produce a copy of the *Gazette* containing the regulations it is necessary for you to get either the Minister or the Commandant to appear in Court and prove the regulations, whereas if a copy of the *Gazette* is produced in Court that is accepted as proof?—I am afraid I cannot answer that.

97. *Hon. Mr. Anstey.*] In regard to posting up the regulations, could you not very easily get over the whole trouble by personally giving to each person when he arrives at the barracks a copy of the regulations?—Of course, that might be done, but then they probably would not read them.

98. That would not matter—that is their picnic?—It would be better to read them to the men.

99. They say they did not understand them when read. In regard to the rations, have you ever had any complaint either by these men or others that the regulation ration is not sufficient for some men while it is more than ample for others?—No, I have no knowledge of that personally.

100. Would it apply when there were reduced rations? Take, for instance, a man who required a large quantity of food: if you reduced the rations it might be a great hardship to him, while it would not be to another?—I think that is rather a question for the medical officer in charge. If the men were unwell or anything of that kind it would be for him to inquire whether they were getting sufficient food, or what the cause of their illness was.

101. Do you never have any complaint generally that the regulation ration is too small for some?—The regulation ration, when men are doing full work, is exactly the same as it is for the personnel of the Royal New Zealand Artillery.

102. But they all mess together, and one can have more or less as he desires, whereas when these men are in solitary confinement that is not so?—I think they are fed together.

103. When in solitary confinement?—Yes. It is not what you would imagine from the term "solitary confinement."

104. With regard to this military punishment, I understood you to say that as far as possible you provide the offenders with work other than military duties?—That was done in this case, but there is no obligation to do so. That was a sort of concession, really, on the part of Lieutenant MacDonald.

105. Have you power, when they are committed to Ripa Island, to compel them to do military work?—We wish we had. If they will not work we can only bring them before the Magistrate, where our power ends.

106. But these men complain that they are violating their conscientious opinions by performing military duties, and then when they are confined to Ripa Island you have no alternative but to make them violate their consciences: is not that so?—I do not think we take any official notice of their conscience.

107. None whatever?—No, not yet.

108. If a man really has a conscientious objection, and you have no other punishment than to give him work to which he has a conscientious objection, the punishment must be everlasting—there can be no end to it if that is the case?—I suppose that would follow.

109. You have had experience of this military detention at Ripa Island: do you think now, with your experience of it, that you are likely to accomplish the objects of the Act by getting these men sent their under military detention?—It does not look very promising so far; I do not think so.

110. Does it interfere in any way with the ordinary work of the military detachments at Lyttelton—I understand that you have the Royal Artillery there?—Yes.

111. And I presume they have their ordinary military duties to attend to?—Yes.

112. Does this materially interfere with their ordinary work?—Yes, it does, because we have had to send down extra personnel from Wellington to look after these men in detention.

113. Does it amount to very much—is it expensive?—Yes, it is an extra expense.

114. It is conceded, I understand, that the offence is a civil one. Would it not be better to let the civil authorities carry out their own punishments?—That is what we should prefer.

115. Do you think that the civil authorities would be more likely to achieve the end in view than the military authorities can, in regard to this punishment?—With equal powers I do not think they could achieve more than we are doing. I think some special power is necessary.

116. If you concede that it is a civil offence, generally speaking, would it not be better for the civil authorities to carry out their own punishment?—Yes, in my opinion it would. I do not know that everybody would agree with me, though.

117. At all events, you admit that the military authorities, so far, are not very hopeful of doing much good the way it is now?—No, they are not.

118. *Hon. Mr. Smith.*] Was not the power of dealing with these offences taken out of the hands of the civil people and detention in barracks introduced so as to avoid the stigma of the gaol? It was really a concession to these anti-militarists: was not that the principle that underlay it?—Yes.

119. *Hon. Mr. Rigg.*] You have read General Godley's report?—Yes.

120. You know what method of punishing offenders he suggests?—I do not recall what he said in his report.

121. He advocates the attachment of wages?—Yes, quite so, in preference to detention.

122. *Hon. Mr. Anstey.*] At present apparently the civil authorities have full charge of all the work done up to the point when these men are committed to Ripa Island; thereafter the military authorities take charge and carry out the punishment. Do you think it would be wise that the military authorities should assume control at an earlier stage than that? Can you suggest any earlier stage? For instance, you might begin at the start and make the whole thing a military offence?—I think the objection to that is that you then get the military authorities interfering with the civil law, and that surely is not a desirable state of affairs.

123. Could you suggest that it could come in at any earlier stage?—No.

124. *Mr. Coates.*] What are the ages of these men, approximately?—With four or five exceptions, I believe they are over eighteen—that is, of Territorial age. I think there were four or five of them who were Senior Cadets—that is to say, under eighteen.

125. *The Chairman.*] What was the length of your visit to the island when you went down? You went down specially to inquire into this trouble?—Yes. I might have been, I think, an hour and a half on the island—somewhere thereabouts.

126. Did you inspect the rooms they were living in?—Yes.

127. Were they, in your opinion, rooms that were fit for them to occupy? Was there any objection to the rooms?—No. They were just barrack-rooms, the same as the Royal New Zealand Artillery would occupy.

128. Were you there while they had a meal?—No.

129. Were you able to inspect the food in any way?—No. I took what evidence I could about it from Lieutenant MacDonald, the sergeant-major, and Bombadier Moir.

130. You are satisfied that the food that was supplied to the men was exactly the same in quality as that supplied to those undergoing military detention?—Yes. I had no reason to believe any of those people I have mentioned, who told me it was so.

The Chairman: I have just received this telegram from Mr. Bailey, the Magistrate: "Letter only just received. Defendants were in custody: there was no need for summons. No application for adjournment was made until after case closed. Evidence of refusal to obey orders was clear, and there was no defence on merits. There was no evidence of punishment for offence by officer commanding.—BAILEY, Magistrate."

WEDNESDAY, 22ND OCTOBER, 1913.

The Chairman read a telegram from Mr. Bailey, Magistrate: "Legal assistance not asked for till case closed. Court was open to public. Reporters were present."

Hon. Mr. Allen: I submit the following letters:—

"14th October, 1913.—Memo. for Solicitor-General.—Military detention: Section 8, subsection (1), of the Defence Amendment Act, 1912, reads as follows: 'Every person who is in military custody as aforesaid shall be subject to such military training, discipline, and duties as the Commandant of the Defence Forces, with the approval of the Minister, from time to time prescribes or appoints.' I should be glad if you could define for me what military training, discipline, and duties may be prescribed under this section; in short, what the powers of the Commandant and the Minister of Defence are in this respect; what action they can take to ensure and maintain discipline.—MINISTER OF DEFENCE."

On the 15th Mr. Macassey replied as follows:—

"The Commandant, N.Z. Military Forces.—*Re* military custody: I am asked by the Minister of Defence to advise upon the following questions: (1) To define what military training, discipline, and duties may be prescribed under section 8 (1) of the Defence Amendment Act, 1912; (2) what powers the Commandant and the Minister of Defence have in this respect; (3) what action can be taken to ensure and maintain discipline. The Commandant, with the approval of the Minister, may prescribe such military orders as he chooses so long as they relate to the military training, discipline, and duties of the persons subject to military custody. Certain military orders or routine have been prescribed by the Commandant, with the approval of the Minister, for the military training, discipline, and duties of persons undergoing military custody. I have perused such military orders and they are perfectly legal. As to the action that can be taken to ensure and maintain discipline, the Act provides that if a person in military custody refuses to submit to or perform such military training, discipline, or duties, or to render obedience to orders, or is guilty of insolent, disorderly, or insubordinate conduct, he is guilty of an offence, and may on conviction be sentenced to a further term of military custody not exceeding twenty-eight days. There is no other power of punishment for breach of orders made under this section, and if it is desired to provide a further or alternative punishment an amendment of the Act will be necessary. I return herewith the letter from the Minister of Defence of the 14th instant.—P. S. K. MACASSEY, Assistant Law Officer.—Crown Law Office, 15th October, 1913."

Lieutenant MACDONALD examined. (No. 6.)

1. *The Chairman.*] What is your full name?—Donald MacDonald.
2. And you are a lieutenant?—In the Royal New Zealand Artillery.
3. *Hon. Mr. Allen.*] Are you commanding at Ripa Island?—Yes; I command a detachment, and am the officer commanding barracks.
4. Are those barracks proclaimed as barracks for detention?—They are, and have been gazetted.
5. And several of those who have not complied with the law have been committed to Ripa Island?—Yes, a matter of fifty, about. I have had eighty-four committals altogether: the total number is fifty-three or fifty-four-odd.
6. Were you sent some military orders in the shape of regulations?—Yes, I received those from the Officer Commanding the District—the first issue.
7. Was there any instruction in these regulations to post them up?—Yes, there was.
8. And did you comply with those instructions?—I did; they were posted up in the rooms that the men occupied.
9. What room was that?—The first two men who came had a copy each in their room.
10. Were they subsequently posted up in the barrack-room?—Yes; when a larger number came in I found I had not sufficient rooms to confine each man separately, so I decided it was better to accommodate them all in one barrack-room, and I hung up the regulations there; in addition there were some copies which some men had extra to hang up in the room—perhaps about four or five copies extra. The regulations were read over to the men almost invariably by myself, but occasionally by N.C.O.s in charge.
11. Can there be any doubt about any of the men coming in there having the regulations?—Not the slightest.
12. Were the regulations left undisturbed?—They were defaced and torn down frequently. I might add that this would not be always discovered immediately, but they were always replaced.
13. If they were defaced and torn down, they were replaced?—Yes.
14. Can any one in detention have any reasonable excuse for not seeing the regulations or hearing them?—I have not the slightest hesitation in saying that not a single excuse of that kind can be reasonably made.
15. Were the rooms that these men were to occupy examined by the medical officer?—Yes, sir.
16. Before the men came?—No. I received instructions that a medical officer was coming to examine the quarters, but I was saddled with two men without any notice. These men were medically examined by the medical officer, and on the first opportunity I took a medical officer over to Ripa Island and got him to examine the quarters, and they were subsequently examined by another medical officer.
17. What was the report?—"Suitable for the purpose."
18. Both of them?—Yes, both of them.
19. Have you got the report?—I have it in Wellington, but I did not bring it with me to-day.
20. You had better let us have a copy of the report; send copies of all medical officers' reports upon the quarters and upon the men. All you did not bring you can send for. [Papers sent for.]
21. What you are going to produce are the reports on the quarters?—Reports on the quarters and reports on cases of sickness, also some other reports on individual men.

22. For the information of the Committee you might say generally what those quarters were?—Generally good.

23. There were complaints about the windows not being opened?—When I first received men into detention the windows were not barred down. I decided to put the bars on, and my orders were not strictly carried out, and the bars were put on in such a way that the windows would not open fully—about an inch top and bottom. It was very cold weather at the time, and Captain Newell suggested that it would be better if the windows were allowed to open freely. The bars were removed; I gave the order as soon as the medical officer suggested it. The rooms were open right up to the vault of the roof.

24. How high?—To the top.

25. *Hon. Mr. Anstey.*] Of what was the roof composed?—Wood and iron, matchlined.

26. *Hon. Mr. Allen.*] The rooms are not separate?—Yes, four of them.

27. I mean, does the partition wall go right up?—Not all the way up. There is a small passage between the rooms, and a man could climb over from one room right down to another; they used to throw things from one room to another.

28. Tell us generally what you can recollect. Were they properly looked after medically?—In every case of sickness I employed the services of a medical officer as soon as possible. There was a man named Robson who had attacks of biliousness and he was prescribed for; that man also afterwards got a sprained knee. I took a medical officer over to examine him a day or two before his discharge, and he prescribed a course of treatment for his knee, and he also examined him with regard to his general health and reported he was fit.

29. How often did the medical officer come?—When required.

30. No regular visits?—No, only when required.

31. As a matter of fact, how many times did he come—once a week?—No, not regularly once a week; on one occasion he came three times a week when there was necessity. It depended on the medical officers themselves; they repeated their visits as often as they thought necessary.

32. In regard to the quarters, were they quarters that were used by the officers of the Garrison Artillery—did the officers sleep there?—Yes.

33. Are they very bad quarters?—They are not first-class bedrooms, certainly, but they are not at all bad. The captain of No. 4 Artillery sleeps in one, and some of the non-commissioned officers sleep in others; also, the Colonel commanding Coast-defence Troops and medical officers sleep in them.

34. Will you tell us what the general demeanour of these men was whilst there?—There were about seven or eight very good and willing men, fourteen or fifteen most insubordinate and insulting in their language, and then there have been about twelve men that have been well-behaved but who would not attempt any military work or drill.

35. When these lads were asked to do military work and they refused did they give any reasons?—Yes, they said it was against their conscience.

36. That was the universal excuse?—Yes.

37. I suppose you had no means of judging what their consciences were?—Only by inference. I inferred that the men were of pugnacious disposition, and their consciences were in bad company with their dispositions.

38. What has been your attitude towards these men?—When I received these men in detention I decided as to what course I would pursue. I thought, perhaps these lads may have been misled or have different views to mine, and I decided I would deal with them sympathetically and make conditions as easy as possible for them. I could have confined them in separate rooms; I did not do so, but put them in one large room where they could have more liberty in every way. I told them I would make the drill as easy for them as possible. If they would not do physical drill I would offer them Swedish drill or Sandow exercises, such as deep breathing, &c. I said I would replace the physical drill by that. I said if they would not do the semaphore signalling I would give them the merchant code of signals, otherwise known as the International Code. I also offered to teach them the Morse telegraph, the use of telephones, and a little electricity—anything that would be useful to them afterwards.

39. Did they refuse to do these things?—Absolutely.

40. *Hon. Mr. Callan.*] Did they say that that was also against their conscience?—Yes.

41. What work did you provide that was not against their conscience?—Cutting grass. There was not much good in that in June and July, but I did it to keep them employed. We had a water-supply for the infantry camp, and the pipes were lying on the ground burst, due to frost. I got authority to expend a certain sum of money in repairing that. They worked for about two days on that and then they refused.

42. They worked for two days?—Some of them. Some who had been working before refused afterwards.

43. Why?—I could not say.

44. *Hon. Mr. Allen.*] I gather that you were sympathetic towards them and offered them all kinds of work that in your opinion was not military?—Yes, I am sympathetic towards them now as far as that goes; I do not want to harass any man.

45. And did you try to help them in other ways?—In every way that I could make the regulations easy for them without breaking through the spirit of the regulations.

46. Now, I want you to tell the Committee what the demeanour of these lads was: what was their language towards you and your staff?—Every day my staff have had to put up with insulting language.

47. Every day?—Yes, every day.

48. And to you too?—Yes, and Colonel Collins, Colonel Smith, and the police.

49. Insulting language to every one?—Yes.

50. Did you hear them say to Colonel Collins when he was leaving that he had better go back to the dogs that sent him?—Yes, I heard that said.

51. You make a definite statement that every day almost, and almost to every officer, and to your entire staff, insulting language was used?—Yes, I can prove it. Sergeant Ryan can give testimony on that, and so can all my staff.

52. Do these remarks in regard to insulting language apply to all the men?—Not to all the men.

53. There were some who did not do that?—Yes.

54. I want to ask you this question: do you think it is a wise thing to mix up young fellows who would not abuse our English tongue in the way these have with the others?—No, I do not think it is wise to do so. I have classified the men and kept the classes separate by having them in three rooms and smaller rooms. I had one large barrack-room, one smaller room, and I had the separate rooms.

55. You classified them and kept them apart as far as you could?—Yes.

56. Did any of them take advantage of the facilities you gave them on Sundays to have church service?—Well, yes, there was one man there who asked if he could have a Bible, and I bought him one. I asked him if he would like church services, and he said "Yes." A few only attended. I did the best I could for them in that respect.

57. You held services for them?—Yes, as far as I could.

58. Statements have been made that you told some of these lads that you were going to confine them by way of punishment?—Nothing of the kind. When they refused to work I said, "I have no power to punish you, but I have power to put the regulations fully into force and bring the matter before a Magistrate."

59. What power did the regulations give you?—The regulations empowered me to confine them in separate rooms.

60. You told them that you would put the regulations into force?—Yes, I distinctly told them I had no power to punish them.

61. I want to know with regard to cutting down the rations, was that done by the doctor's advice?—No. I had these men on the same rations that were served out alike to Artillery men and detention men, until such time as they were confined. I had two or three cases of sickness and biliousness, and I then considered whether it was wise, as these men were not working and confined, to let them have all the food they wanted. Before reducing the rations I consulted Dr. Newell as to what would be a fair ration to give men who were not at work. He mentioned a ration, and I thought it was not very large; I had no scales to weigh it, so I decided to give about three-quarters—between his half scale and the full scale.

62. From your experience as a soldier do you consider that was sufficient?—I do not think I would eat as much myself. I might say that prior to that the food was wasted. Our messing usually is 1s. 2d. a day; that month it went up to 1s. 8d.: that was before the confinement. This can be proved from the mess account-book.

63. Sixpence more than usual per day?—Yes.

64. How do you explain that?—By the large amount of food that was used and wasted. I have been told that bread and butter have been found thrown about.

65. I understand that some of these young fellows entered upon a hunger strike?—Yes.

66. What for?—Because they were not getting enough food; they said they wanted meat in the morning and at night.

67. Did they all hunger-strike?—No, three out of the thirteen did not hunger-strike; they took their food and said nothing about it. They went on a hunger strike Monday afternoon and had no tea Monday evening. On Wednesday the Court was held, and after the Court was closed they had their dinner. The non-commissioned officers here this morning can give you direct evidence as to that.

68. Well, now, I want to ask you whether these men did the ordinary services that they ought to do in the cleaning out of their own rooms—all of them?—Yes; but with thirteen or fourteen men in detention the ordinary fatigue work would be finished in about half an hour.

69. Did any of them refuse the necessary cleaning work of their own rooms?—No.

70. Did they refuse to carry coal?—Yes, on several occasions.

71. What was the coal required for?—For cooking—for cooking their own meals.

72. Who carries the coals as a rule?—The mess orderlies.

73. Do they belong to the R.N.Z.A.?—No; two detention men would be told off, turn about.

74. Yes, but when not there who would carry the coal?—I might explain the coal was run over to the fort jetty about a ton at a time, and it had to be carried up.

75. Who carries it up ordinarily?—Our own men.

76. In what way?—In sacks.

77. When these men were asked to carry coal, had they to take up any big sacks?—One man complained, and the sergeant-major said, "Carry it any way you like; half a sack, or if you can't carry that, carry a bucketful." I might say, about that coal, sometime prior to that eight or ten of the men went over to Battery Point and carried about 5 tons of coal into the electric-light station.

78. Who did that?—The detention men. Their conscience did not get very keen until a man named Williams came in.

79. I see: Williams sharpened up their conscience, did he?—Yes. [Medical certificates were here produced and read.]

"To Captain Meddings.—In accordance with your instructions on the 10th instant I directed Major Upham, N.Z.M.C., to inspect and report to me on the sanitary conditions of the Royal New Zealand Artillery Barracks, Lyttelton and Fort Jervois, with a view to utilizing as detention barracks for defaulters. Enclosed I hand you his report on Fort Jervois. When I receive the report on the R.N.Z. Artillery Barracks I will forward it without delay.—RICHARD ANDERSON, Lieut.-Colonel, N.M.C."

"Sir,—I have the honour to report that before the receipt of your letter I went yesterday with Lieutenant MacDonald, R.N.Z.A., Officer Commanding Detachment, Lyttelton, to Ripa Island and inspected the arrangements made for detention of defaulters. I found everything satisfactory. The cabins suggested for solitary-confinement cells are occupied by officers during the annual camps. I have slept in a similar cabin in the fort for a few nights every year this century.—C. H. UPHAM."

"P.S.—The sewage-disposal is similar to that we had in Lyttelton up to a few years ago, but the pails in Ripa Island are emptied daily at high tide. There has never been any illness attributable to this system in the history of this fort."

This is a certificate from Dr. Guthrie:—

"This is to certify that I have this evening examined J. P. McGee, J. R. Campbell, and H. Guthardt, passive resisters to the Defence Act, and find them in sound health and physically fit to serve the period of detention to which they have been committed.—JOHN GUTHRIE, M.B., C.H.B."

A certificate from Dr. Newell as to the quarters:—

"I hereby certify that I have examined the quarters on Ripa Island in which the offenders in military custody are accommodated, and I find them satisfactory and suitable for the purpose.—J. M. NEWELL."

80. *Hon. Mr. Allen.*] Anything further to say yourself?—Nothing, except to say that under the present conditions I cannot maintain discipline in the fort. I cannot do it; there is no punishment at all, no way of enforcing discipline.

81. What about the Court proceedings: were the men warned before?—Yes, certainly, I warned them individually, and said that if they would not work they would have to be brought before a Magistrate.

82. Did you tell them when he was coming?—No; I did not know when or where the Court would be held.

83. *Hon. Mr. Callan.*] Did they not then ask that they should be furnished with counsel?—No.

84. Where was the Court held?—In the R.N.Z.A. barrack-room—the district gunners' barrack-room, off the kitchen. Mr. Bailey held the Court there. I had got a couple of representatives of the Lyttelton Press to come. On that particular day the hunger strike was on, and Captain Newell said a hunger strike must be under medical supervision, and he came. Sergeant Ryan, of the Police Force, came over to take the proceedings. The men were brought in; one man was supposed to be insensible. The gunners did not know that Captain Newell was there, so I asked Captain Newell to go and see him. He saw the man and said he was malingering. The sergeant-major said he could not get him in, so I told him to use whatever force was necessary or have the man carried in if necessary, and he was eventually brought in. The Court was held, and the men made several statements. I might say that during the proceedings they complained that they had not a copy of the Detention Regulations, and they challenged me to go into the room and see for myself. I replied that if I went into the room possibly I might not find a copy, as it might have been removed. One of the reporters called my attention to the fact that one of the detention men was passing a paper to another, evidently a copy of the regulations. That man was Williams. Sergeant Ryan said it was a copy of the regulations passed from the hands of one to the other. Either just after or just before the Court was closed Williams said he would like counsel. I do not know whether that was immediately before or immediately after, but it was virtually at the close of the proceedings.

Hon. Mr. Allen then read Sergeant Ryan's statement:—

"Dear sir,—As you are aware, I attended the sitting of the S.M. Court held at Fort Jervis by T. A. B. Bailey, S.M., on 2nd July, 1913, when a number of the young men who were in detention were charged with breaches of the regulations. I recollect when giving your evidence you were subjected to cross-examination by some of the defendants, the trend of which was to try and show that they did not have an opportunity of becoming conversant with the regulations as they were not supplied with copies. At the time you were under cross-examination I distinctly saw one of the defendants, Reginald Williams, with a typewritten copy of the regulations in his hand, and this he passed on to one of the others from the rear. I might also state that I escorted several of these young men to Ripa Island. On arrival they were taken into the office and the regulations read over to them by yourself, and after giving them a few words of advice, informed them that a copy of the regulations which you had read would be posted in each room, and if they destroyed them they would be immediately replaced, as you had an unlimited supply of them.—P. RYAN, Senior Sergeant."

Witness: I can further substantiate that if necessary by Mr. Woods and Mr. Walters.

85. *Hon. Mr. Allen.*] Before the Magistrates' Court sat you are quite clear that they made no application for counsel?—They made no application to me for counsel, and, furthermore, they were allowed to write any letters they liked, and they could have got counsel if they wished.

86. *Hon. Mr. Callan.*] Their letters were not censored?—No, they wrote what they liked, closed, sealed, and sent away—as many as they liked.

87. Was Williams the only one that made application for counsel, and you are not quite certain when it was?—Williams was the only one. Almost immediately before or after the judgment.

88. The whole thing had gone through?—Practically the case was finished. As a matter of fact, Mr. Bailey had given his decision before they mentioned about wishing a counsel.

89. I see in the complaint here that they say no legal assistance was permitted although asked for by the lads, but it does not say when it was asked?—They did not ask me for any legal assistance.

90. They say here also that no public were permitted at the hearing of the case. Were the public prohibited from being present?—The public were not prohibited if they had liked to come over.

91. The Press was represented?—Yes; I could not go round the town with a bell.

92. Are there many people living on Ripa Island?—No, it is a closed fort all round.

93. Were there any summonses served upon these young fellows?—No.

94. Then they heard nothing of the case until Mr. Bailey reached the island?—Yes, they heard about the case from me.

95. When?—When I said I would charge them before a Magistrate.

96. Mr. Bailey arrived at Ripa Island on a certain day: when did the men know about his coming—how long before the Court was held did they know about it?—About three days or so.

97. They heard three days before that on a certain date the Magistrate would be over to hear the case?—Yes.

98. Then some days would intervene between their being told and the Magistrate's coming?—Yes.

99. You tell us that you told them about three days before that the Magistrate was coming on a certain day?—As soon as I found out myself I told them; they were informed at once.

100. In regard to these regulations that were posted up, you found them torn down?—Defaced and torn down.

101. When you learned that did you make any inquiry?—Yes, the sergeant-major did.

102. In regard to bad language, we were led to suppose that the language was so bad that we should not hear it: what strikes me about this is that men do not use bad language unless they get some provocation?—Not to my knowledge.

103. You can assert that as a fact?—I can take an oath on it.

104. In regard to the hunger strike, you tell us that before the men were put on short rations there was a good deal of waste?—Yes.

105. After the hunger strike they were put on full rations again?—Yes, they were given as much as they could eat.

106. Do you know whether there was any waste then?—Yes, the mess-caterer said the food was wasted.

107?—After?—Yes.

108. Regarding the solitary confinement, did the doctor recommend it?—I deny that there was ever anything like solitary confinement on the island. I understand solitary confinement to be confinement in a cell with bread and water; but these men were accommodated with rooms—two in a room, except one man who was the odd man, and he was put in the least objectionable place—in Colonel Cooper's room—and two men on the other side in Dr. Upham's room.

109. *Hon. Mr. Rigg.*] I understood you to speak of the language as insulting?—Yes.

110. Was the language really insulting, or was it bad in the sense that it was obscene?—No, I would not say "obscene," but I have heard a good many oaths, and I have heard insulting language that was neither obscene nor oaths. I would call it slang.

111. These prisoners were shut up, they were confined in barracks—by whose orders?—By my orders.

112. Acting under the decision by the Magistrate?—No.

113. And why did you confine them?—At certain hours they are supposed to turn out and drill or work. As they would not drill or work I simply confined them for those hours that they should have drilled or worked; but the hours they would have been allowed out for exercise they had the same.

114. You do not consider it a punishment to confine these men in barracks?—They confined themselves; if they had gone out to work they would have got out.

115. Because they would not work or drill you confined them to the barracks?—Could I keep thirteen or fourteen men idling about the barracks all day long?

116. You do not consider that to be punishment?—No.

117. Then you put them on half-rations?—No, I did not put them on half-rations.

118. I understand that you consulted the medical officer and then you decided to give them something more than his allowance?—About three-quarters.

119. Less than the full rations?—I did not give them full rations.

120. You do not consider that punishment, then?—No, not when they had the power to remove it themselves.

121. Did they deliberately waste the food?—I could not say, because I was not always there; but I have been informed that there has been a considerable amount of waste.

122. Has the complaint been made to you that the men deliberately wasted food?—Yes, there was one case about which I had a report of three-quarters of a pound of butter thrown out.

123. Who was responsible for seeing that the food was not wasted?—The food is taken from the kitchen by themselves and carried into their barrack-room, and then they were locked up for their dinner. There is no sentry over them in the barrack-room.

124. There is nobody to see whether they waste or not?—Good food is placed before them, and they are left to themselves entirely.

125. I understood you to say that the hunger strike was because of the quantity of food supplied, that these prisoners were dissatisfied and deliberately went on hunger strike?—Yes.

126. Was it not a protest against military detention?—Well, they did not inform me why they were hunger-striking, but I took it as that.

127. Did not they give any reason at all?—No, they gave no reason.

128. In regard to this question about Williams and counsel, you are unable to say exactly when that request was made, but was it made at all?—Yes; I would not like to say the exact terms, but he led me to understand that he would have liked legal assistance.

129. Did the Magistrate pass any remark when Williams made the request?—Well, he said, I think, “You could have had legal assistance if you had liked.”

130. Well, that would show that Williams asked for counsel while the Magistrate was on the bench?—I think the Magistrate had given his decision—I am almost sure of that now; it was very close to the end of the sitting.

131. When the Magistrate gave his decision, did he stay or immediately leave the room?—He stayed about four or five minutes, and had a look at the soldiers’ kits.

132. How long did Williams remain in the Court-room afterwards?—All the men were immediately removed, so that they went out of the room before the Magistrate.

133. Immediately?—Almost immediately, as soon as they got the sick man carried out.

134. It seems to show that if the request for counsel was made it must have been made either when the Magistrate was on the bench or immediately before he left?—Either immediately before or after his decision.

135. But he did not remain long after having given his decision?—No, just a few minutes.

136. So this question or desire was expressed by Williams while the Magistrate was actually sitting on the bench or after he had left?—No, he had given his decision; I am certain he had closed the case. Of course, it is very hard to recollect exactly.

137. *Mr. Bradney.*] Do you think that if visitors had been debarred from having communication with these men that it would have helped to maintain discipline?—Very decidedly it would.

138. You have already stated to the Committee that you are unable to maintain discipline?—I am.

139. Why is that—is it because the Act does not give you sufficient power?—Some one ought to have power over them. For example, if a man refuses to work I say, “Well, you have to go before a Magistrate”; he would continue to refuse, and during that period—between refusal and hearing of his case—he has four hours’ exercise daily, and he would be walking about all that time doing nothing; the other men see this, and it is human nature to say, “Well, this man is getting the best of it.”

140. Then you want more powers?—I do not want to have them entirely to myself. I prefer that some outside officer should have the power. I should prefer to deal with them under strict regulations.

141. *Hon. Dr. Collins.*] Can you tell us the proportion of these men who are New-Zealand-born and the proportion who come from other countries?—I have tried to get that information, but they refused to give it; but I think I am safe in saying, judging by the men, that the majority of them are New-Zealand-born.

142. The majority of them?—Yes.

143. In regard to the windows, were they in the same condition when the officers slept in them as now?—After the bars were removed, yes.

144. They could open?—I should say, about an inch top and bottom; I mean to say they swung on a pivot.

145. I am under the impression that one man said that immediately the Court sat he applied for legal assistance?—I deny that statement.

146. With regard to the man who was insensible, was he able to answer questions?—He would not answer anything.

147. What became of him afterwards?—He was carried out, and when the dinner was served I am not sure if he was first in, but he certainly was not last.

148. He got well pretty rapidly?—Yes.

149. *Hon. Mr. Smith.*] You are quite clear that they had a notice of two or three days?—Yes; it is very difficult to definitely fix the time, but as soon as I knew myself I let them know.

150. Did you issue summonses?—None were laid.

151. The men were already in detention and you followed the ordinary method, routine, of gaol procedure?—Yes. In a subsequent case I did not have summonses issued, and I brought men up before Mr. Bishop and he said it was perfectly legal.

152. As to confinement, when you confined these men you simply carried out the strict letter of the regulations?—Yes.

153. When they refused to work you simply put the regulations into force?—Yes.

154. *Hon. Mr. Anstey.*] What are your ordinary duties on Ripa Island, apart from the detention?—It is a fort in which I keep three or four gunners, and there is the care of the ammunition and armament.

155. Is it a fort for training officers and men of the New Zealand Artillery or purely a defence fort?—It is both: they go in there for training, certain nights for night drills, &c.

156. Is this detention duty which has been placed upon you lately something outside your ordinary duties?—Yes.

157. Does it interfere with your ordinary duties?—Yes, it has taken up a good deal of my time. I have to make a daily inspection of the place.

158. Can you give us any idea as to whether the detention, so far as you have seen it, has had any practical and good results in making the men do their duty?—In my opinion it has been valueless.

159. Do I understand you to say that you think that this detention should be performed by some other body than yourself?—It would be better; it interferes very much with the work and drills of the small detachment I have: preferably some other department.

160. *Hon. Mr. Rigg.*] You state that there were seven or eight good, willing men, about a dozen strictly antagonistic, and about a dozen conscientious objectors?—About that proportion.

161. Did all these men object to do any work at all?—No.

162. First of all, what about these seven or eight?—Seven or eight were willing to drill, clean guns, or do anything.

163. Can you explain why they were sent to Ripa Island: if they were quite willing to drill there I cannot understand how they got there?—One man told me he had not the money to pay the fine. He said, "Now I am here I am willing to do my bit." Another man said, "If I had not lost my temper I would not be here."

164. They were not given a further opportunity—they had to go through with their detention?—I could not do anything else.

165. With regard to the twelve conscientious objectors, did they absolutely refuse to do any military work?—They absolutely refused to do anything that they considered military.

166. They did not refuse to do ordinary work?—No, except that they objected to carrying coal for cooking their food.

167. You sentenced them then to solitary confinement?—No, I simply put them into the rooms for the hours when they should be at work.

168. Then afterwards those who still refused to do military work were brought before the Court?—Yes.

169. And they were then sentenced to further military detention and compelled to do other work which they conscientiously objected to?—No, I was asked not to force them to do work such as cleaning armaments and military drill.

170. And you succeeded in finding enough work of another sort?—Yes. I put them to breaking stones and other similar work. I do not require the stones, but I had to employ them in some way to prevent idleness.

171. Then I presume that these conscientious objectors will eventually get out without being further punished?—Yes.

172. What happened to the twelve antagonistic ones?—Four or five men said they would not do anything except what was for their own welfare.

173. Do you propose to bring them before the Court?—I cannot without sanction.

174. These men have been sentenced for a month?—The most any of them got was seven days.

175. At the end of seven days what happens?—Released.

176. Do I understand correctly that these twelve men are all gone now?—Yes.

177. Do you know if there are any of them now complying with the military requirements?—Some of them are back—one man is.

178. What was the insulting language used by these men?—I would not care to repeat the remark that the sergeant of police complained about. In regard to myself they have said, "Here comes MacDonald again; he is going to read us a chapter from the Bible and then force us to drill again," or other similar remarks.

179. This would be done frequently?—Yes.

180. You are quite sure it did not arise from any orders you gave?—I may say that the remarks passed on the gunners were most insulting.

181. The gunners have no authority?—Except under orders.

182. *Hon. Mr. Allen.*] Do you remember Regulation No. 6, "An allowance of 2s. per day for the food of each offender is admissible": do you remember that?—Yes.

183. You may spend up to 2s.?—Yes.

184. This is not a regulation compelling you to spend 2s. a day?—No.

185. *The Chairman.*] Do you know Mr. Mackie, the secretary of the National Peace Council?—Not personally. I know on one occasion he went to visit offenders on detention, and as there were more visitors than men in detention he had to stand out. I think he and another gentleman volunteered to stand out.

186. Did there seem to be organized insubordination?—Certainly, I have not the slightest hesitation in saying it was organized.

187. Who was the ringleader?—Williams.

188. Any one else?—Denton.

189. What about Worrall?—Yes, Worrall was a pretty prominent character, but I think that Williams made up the shots and Worrall fired them.

190. How about the personal behaviour of these men?—Civil enough when they wanted anything.

191. In regard to the Court proceedings, were they present during the whole of the proceedings?—Yes.

192. One of these men said, "I asked for an adjournment of the case as we had not received sufficient notice, but the Magistrate turned round and stated, 'It is no use getting a lawyer, boys, you are guilty' "?—I did not hear that statement.

193. And you are positive that the Magistrate did not refuse to allow them to have legal assistance?—No, he did not refuse.

194. *Hon. Mr. Rigg.*] How many of these persons used insulting language?—I could not say. The usual procedure was for two or three to stand in front of a window and the other men would call out from behind them, and you could not identify them. I saw that personally myself on one occasion. That was the usual procedure.

195. You could not form any idea of the names?—No, I could not; only some of them would do that, some would not. I am certain that some of the men were as well behaved as possible.

196. Were some of these spoken of as conscientious objectors?—Yes.

JAMES CONLEY examined. (No. 7.)

1. *The Chairman.*] What is your name?—James Conley.
2. What are you?—Sergeant-major.
3. *Hon. Mr. Allen.*] I want you to tell us about the regulations that were issued—the first lot: do you remember them?—Yes, sir, I know the regulations.
4. Were they posted up?—Yes, in the barrack-room.
5. Were they torn down?—Yes, torn up into pieces.
6. Many times?—Well, sir, I replaced them eight or ten times.
7. And did all these young fellows know about these regulations?—Yes, they had them read to them and explained to them.
8. Tell us, now, what is your impression of these young fellows?—Well, sir, we have had so many different kinds of men. The men from Christchurch we look upon as the difficult men to deal with—they are the organized lot. They will do nothing. We asked them to drill and they absolutely refused; we asked them to drill twice a day. We explained that we wanted to give them physical drill and semaphore signalling. The first day they did signalling only, but afterwards we got a man named Williams who absolutely opposed everything; they got together and Williams stopped everything. Up to the time Williams arrived we got on fairly well, but when Williams came he at once started the discontent. Then another lot of men we got from the West Coast—they failed to attend drill. These men are willing to do any kind of work, but they will not touch a gun.
9. Have they got consciences?—Well, some of them claim to have consciences—to have conscientious objections to military training in one breath, and with the next breath they tell you that they have had three years' service in the Volunteers.
10. There are two classes?—These men are all right if we can keep them away from the Christchurch men, but unfortunately we cannot do that.
11. Have these men been treated well in barracks?—I think they have been treated too well.
12. Have they treated you well?—No. My instructions were to treat them as men, as soldiers in detention, and we have endeavoured to do that all along; but in some cases we found them like wild animals.
13. Used insulting language?—Only on one occasion at me. The language amongst themselves when they were in the barrack-room (we had ten or twelve men there)—I would not care to repeat the language they used there amongst themselves.
14. And these were the conscientious objectors?—Yes. The language got so bad that I was ordered by the officer to get the windows whitened. Every time he came across they used to make remarks, and also when the police came with the prisoners they threw all sorts of remarks at the sergeant.
15. So the windows were whitened to prevent them doing that?—Yes, sir.
16. *Hon. Mr. Anstey.*] You say that you did not seem to have much trouble until Williams came?—Williams was the principal agitator.
17. He seemed to have an organization?—They looked to him for instructions.
18. Did it ever strike you it would be a good idea to make Williams an officer—he seemed to have better control than you?—Just after Williams came we finished all our work. We asked them to do other work, and they absolutely refused; they were in the yard at exercise at the time, and while at exercise we tried to keep them in line. Williams sang out, "Will we work?" and the remainder answered "No." A little while afterwards a ton of coal came for them. I ordered them to carry it, and they absolutely refused. I went down to them and explained quietly to each man that it was for cooking his food. I also pointed out that if they refused I would have to report it to the officer, and they said they did not care. A little while later there was a hunger strike. Each day we took them food and talked to them; they said they did not want that food. They said, "For goodness' sake take it away, the smell is driving us mad." In that case Williams was the first man to give in. Williams asked me if I would take a message to the other men. He asked first if I would grant them permission to hold a meeting, and I said No.
19. *The Chairman.*] Williams was alone then?—Yes; the cell that Williams was confined in was the room occupied by Colonel Cooper during camp, and the other cell was the room occupied by the doctor, and the rooms that they called cells were the non-commissioned officers' rooms. Well, Williams asked me to take the message to the other men, saying that he was willing to give in if they would. I did not take the message, but Williams sang out to them, "We will chuck it up." As soon as Williams gave in the remainder were glad to.
20. *Hon. Mr. Callan.*] How did you come to give Williams the best room?—It was no matter of choice.
21. You were not trying to screen the agitator?—No.
22. *The Chairman.*] Did you see the amount of short rations they were given?—What they termed short rations—well, it was certainly cut down a little. When the men came there first we set them down to a table and they had as much food as they could eat. I was walking round one day and I found a pound of butter. I asked how this was, and they said, "We had too much." I also found four loaves of bread in various states of decay. I told them about that, and I had the cupboards washed and cleaned. I said to them, "Anything you have over, take it back to the cook"; and they all laughed, and the next thing I saw was they were making a football of the bread. I told the officer I thought they had too much, and he asked me what I could do, and I suggested reducing the quantity. Some of the men made themselves sick eating too much without much exercise.
23. Do you think the men had plenty when on short rations—no starvation?—No, not at all.

24. There was some complaint about ventilation?—These bars were originally there when the prisoners went over—every year we get a certain number of prisoners over—the bars were put up for those prisoners, not for these men. The windows open diagonally. The bars were up two or three days; then they complained about having no ventilation, and the officer ordered the bars should be taken up again.

25. The windows were not nailed?—No, sir, never nailed.

26. Any ventilation coming in through the windows?—Yes, 4 in. top and bottom; it is a long barrack-room, and really it was too draughty. We have that complaint from the Territorials—that the place is inclined to be draughty.

27. No ground for complaint on that score?—None whatever. As a matter of fact, I gave the order for the windows to be opened, and I have propped them open, and as soon as I left they pulled them to. In the non-commissioned officers' rooms there are two doors and a passage; the passage is about 7 ft. or 8 ft. high, and then there are two doors; but a man in one room could throw a ball into another room over the little passage.

28. *Hon. Mr. Rigg.*] It was in the winter-time?—Yes.

29. Was the weather cold?—Well, we had one or two cold days; for instance, the 15th June was a Sunday: that was the coldest day we had that winter.

30. *The Chairman.*] Do you remember the days they were put in the rooms by themselves?—About the end of June.

31. Do you remember on this particular cold day whether they were shut up: were they doing outdoor work?—No, it was a Sunday. They were allowed out for exercise. As a matter of fact, I had to turn them out for exercise and turn them out to wash.

32. *Hon. Mr. Allen.*] Do you know definitely were they doing their own fatigue duty?—They would not clean up the mess table.

33. Would they clean up at night?—They would not sweep the floor after meals until I or one of the staff stood over them.

34. What about cleaning up after sleeping?—It was always a trouble, sir.

CHARLES MOIR examined. (No. 8.)

1. *The Chairman.*] What is your name?—Charles Moir.

2. Your occupation?—Bombardier in the Royal New Zealand Artillery.

3. *Hon. Mr. Allen.*] Do you remember some of the regulations, the first set of regulations, being posted up in the barracks?—Yes, sir. I was there at the time, and the regulations were posted up. Two men came the first day and I gave them a copy each. Then four men came the following day, and I had to put the two men along with the four into the big barrack-room, and I posted some copies on the wall and some as well on the table.

4. And were they defaced?—Afterwards they kept disappearing one by one, and had to be replaced from time to time. I remember replacing at least four after that.

5. Do you know who defaced them?—We could not find out. It was, of course, never done while any one was present.

6. Were you present when the Magistrate was there?—Yes.

7. Do you remember Williams asking for counsel?—I was not in Court all the time; I was only in as a witness.

8. You were not in when the Court proceedings ended?—I simply gave evidence in the Court and came out.

9. Were these men insulting to you?—At times—more in manner than what was said; they were very careful.

10. Did they use bad language among themselves?—Yes, a good deal. You could hear it at night, but you could not tell exactly who it was.

11. What was their general demeanour?—With a few their demeanour was insubordinate all the time; there were a few who got better. Some improved—some improved a good deal in their manner.

12. *The Chairman.*] You know the food that was supplied?—I know the quality of it, sir.

13. Was it the same as supplied to you?—Exactly the same. The tea that they complained of, which they said was dishwater, I can assure you it was very good tea; in fact, if anything it was on the strong side. The quality of the food was very good indeed.

14. In your opinion had they anything to complain of?—I am quite satisfied that they were well treated in every way.

Approximate Cost of Paper.—Preparation, not given; printing (1,300 copies), £23 10s..

By Authority: JOHN MACKAY, Government Printer, Wellington.—1913.