

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 Jervois, 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 gazetted 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.