

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.