

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.