

were too severe, I could by examining them form an opinion. Even then I should hesitate unless I could at the same time examine the sentences of other Magistrates. It is a very common thing to hear sentences criticized as being too severe or too lenient, and such criticisms occasionally appear in the Press; but personally I would never undertake, except in a case of obvious error arising from stupidity, to criticize the sentence of a Magistrate who had the offender before him, any more than I would undertake to sentence a man without seeing him. A regularly constituted Appellate Court, with means of obtaining a report from the primary Judge, is in a different position. If I were to attempt to act by analogy to such a Court I should expect to have the cases brought singly before me for review, to have before me the same witnesses who appeared before the Commandant, to have the matter fully argued so as to enable me to give a decision on the merits of each appeal. Such a task could only be undertaken by a competent and experienced military tribunal.

For these reasons I have to say that the complaints cannot be entertained. If, however, His Excellency's Advisers think that there are grounds for having this question further investigated, I can only advise that some experienced military administrator be asked to examine the papers relating to the cases in order to see how they stand in comparison with similar cases within his experience. Any such examination would have to proceed upon the footing that Major Matheson, who has not had military experience, has acted in good faith in enforcing his ideas as to what is necessary to maintain discipline in the circumstances. An orderly-room sheet covering a month of the year 1917 shows a good many cases of light punishment or mere reprimand, and only a few cases of severe punishment, but it does not really assist me.

7. DEMEANOUR OF PRISONERS.

A matter which gave rise to a great deal of controversy before me, and has evidently become a burning question in the camp, is that of the failure of prisoners, when brought before the Commandant for offences and on other occasions when addressing him, to observe a proper demeanour. I would not have mentioned this but that it has grown into a matter of importance owing either to its treatment or to the manner in which that treatment has been received.

As a matter of detail the question generally cropped up over a member of the guard reminding the prisoner that when addressing the Commandant he was to say "sir." If a man was obdurate in his neglect he was put into the cells for a day, and brought back the next evening. Prisoners complained that they were "struck" for not saying "sir" to the Major. The answer was that a man was not struck, but nudged, or got a shove, to bring him to attention. I am satisfied that these statements are not true in the sense in which English people use the word "struck." For continued and wilful refusal a sentence of fatigue or a short detention was awarded.

Major Matheson's position was that he declined to accept a less respectful demeanour from prisoners of war than he would accept from his own men; and in this I fully agree with him. The controversy, however, went on to the end of the inquiry, men asserting that they did not know when to say "sir," and when it was or was not necessary to repeat it, and that they never knew when they were incurring punishment until it came. It is in a matter of this sort that misrepresentation is easy, and it is certain that I have heard misrepresentation enough on this subject. I can only say that if Major Matheson was acting in good faith in enforcing discipline in this respect he cannot be blamed for what he has done, and in that case the matter has been persistently misrepresented to me. Late in the day when the inquiry was well advanced—the gentleman who assisted the prisoners of war brought me what may be termed a new theory—namely, that the prisoners, or many of them, were under the impression that by English custom nobody was entitled to be addressed as "sir," save a knight. If the sailors and labourers who came in for disciplinary punishment were really standing on this opinion, then they were knowingly defying the Commandant's order. The excuse is, however, to my mind absurd. Nothing more was exacted from them than the captain or even the mate of a ship expects of sailors; and I