

1919.
NEW ZEALAND.

PRISONERS OF WAR AT SOMES ISLAND

(REPORT OF MR. JUSTICE CHAPMAN RESPECTING THE TREATMENT OF).

Laid on the Table of the House of Representatives by Leave.

REPORT.

To His Excellency the Governor-General of New Zealand.

MAY IT PLEASE YOUR EXCELLENCY,—

The commission issued to me on the 12th day of March, 1918, directs me to inquire into and report upon the treatment of prisoners of war and other persons now interned at Somes Island.

I have inquired very carefully into this subject, and now have to submit the following report to Your Excellency :—

1. GENERAL.

When Government was suddenly faced with the emergency of war it had to provide a place for the internment of dangerous or suspected persons, and it at once became necessary to detain all such alien enemies. The number detained grew as seamen arrived, and has been continuously growing from various causes. This detention camp has been since its institution in August, 1914, under the command of Major Dugald Matheson.

The most suitable place available was Somes Island, in Wellington Harbour, on which, about forty years before, large buildings had been erected for housing immigrants who had to undergo quarantine. At that date there was an extensive immigration as a direct result of Government policy, and when this came to an end there was not much use for the buildings, but they were kept in repair.

The island became in course of time a stock-quarantine station, where valuable animals imported into the Dominion were housed until they could be safely landed. For this purpose some of the land was enclosed and cultivated.

The island has the same climate as Wellington Harbour. Frost is seldom experienced; snow is unknown. Persons accustomed to a warm climate, however, feel the cold there, especially when a southerly gale comes in. The summer climate is very mild, but it must be described as windy, the wind being at times violent, though seldom excessively so. There is a considerable rainfall, generally in showers alternating with sunshine. The soil is a somewhat porous clay which rapidly turns to mud, but which dries rapidly when the rain takes off. The climate being windy assists to dry the roads and yards, but they require constant attention; it also greatly assists in the maintenance of sanitary conditions. The best testimony that can be given to the salubrity of the climate is that the death-rate in New Zealand is under 10 per 1,000, and that there is no more healthy place in the Dominion than this spot. Wellington is situated in latitude 41°14' S., longitude 174°44' E.

The island is in some respects well suited for the purpose of a place of detention. The drawbacks are its small size, the area being only about 67 acres (practically somewhat reduced by the risk of prisoners attempting to escape from the northern end, and by reserves, and the very restricted area of the level land), but it has against these a decided advantage in the shape of affording a fishery for the use and recreation of those detained there. The land, though steep, is in parts fertile, so that at present enough vegetables other than potatoes are raised on the island to supply the prisoners, now numbering over 300.

An approximate estimation of the conditions and status of the prisoners exhibits the following features:—

Out of 296 prisoners interned at the commencement of the inquiry (which number has increased since) there are—Above the age of fifty, 32; between forty-five and fifty, 27. The great bulk of the population consists, therefore, of men in full vigour. Taking their own description, they are—Domiciled in New Zealand, 84; temporarily in the Dominion, 211. Taking those who may be termed “colonists,” having been more than ten years in New Zealand, we have the same figure as in the case of those who claim to be domiciled—84. There is one born in New Zealand, and therefore a British subject by birth. Of the total number, those who had arrived in New Zealand since the 4th August, 1914, when the war began, amount to 93: in addition to whom there were naval seamen made prisoner in the Pacific, 11. I have had inquiry made as to their occupations, present and past, and find that, including the above 93, there were men from various sea services numbering, exclusive of the 11 naval seamen, 138. I have very little doubt that that number is under the mark. In general the prisoners are of the working classes, excepting, at the outside, about 12 who are of superior education.

At the date of the last census those born in Germany then living in New Zealand numbered 4,015; those born in Austria-Hungary numbered 2,131. Including those detained at Motuihi and those who have been discharged, I do not think that the total number detained much exceeds 450. In this total there is included a considerable number of Austrians and other enemy subjects. Deducting these, and the sailors who were on the sea when war broke out, it would appear that out of the 4,015 Germans then in New Zealand only about 380 have been sent to places of detention by the Government of the Dominion. The rest have remained in their homes, subject only to having to register under the War Regulations. The foregoing figures are, of course, merely approximate. It must be conceded that a population such as this is pretty certain to provide a very considerable number of rough characters, and it is not surprising that at times there should have been insubordination.

At the close of the taking of evidence the former German Consul at Wellington handed me the appended table, which contains useful information as to the nationality and position of the prisoners of war:—

APPROXIMATE STATEMENT AS TO THE NATIONALITY OF INTERNED CIVILIANS AT SOMES ISLAND.

Germans ...

Receiving 10s. per month from the relief fund of the German Government, starting with 1st April, 1917 (about 141 others starting 1st January, 1918)	163
Proposed for assistance, not passed so far	4
	167
Possessing means (about)	26
Without means	77
	103
	270

Other nationalities (none of which have yet received any official assistance)

Austrians	23
Dalmatians	12
Bulgarians	2
Turks	1
Swiss	1
Russians	3
Dutch	1
Mexican	1
	44

An approximate total on Somes Island on the 20th May, 1918, of 314

2. PROCEDURE.

At an early stage of the inquiry witnesses asked for the assistance of an interpreter, and specially asked that Mr. Karl Joosten, formerly German Consul at Christchurch, be allowed to interpret for them. This was allowed. When, however, it came to a man who had been twenty-seven years in New Zealand asking for an interpreter I disallowed the application, and it was refused in several cases. It is a well-known thing that witnesses speaking in a foreign language ask for an interpreter when they do not really need one. The cases of disallowances were not numerous.

At a later stage I was handed a letter asking me to allow Mr. K. Joosten to attend as the friend in Court of the prisoners of war. This was allowed, and Mr. K. Joosten was allowed freely to cross-examine Major Matheson and other witnesses called to answer the charges made by prisoners of war.

The process of interpreting really developed into a system of examining witnesses very much as in ordinary litigation. The witness was asked if he had a complaint to make, and was asked further questions. In many, perhaps most, cases the witness was examined in support of a written statement or complaint; and in many the witness held in his hand a slip of paper with dates or other information on it, which showed that to a very large extent the complaints had been prepared and the witnesses had been precognosed in a systematic way.

I desire to acknowledge the assistance I received from Mr. K. Joosten, and also assistance received from Mr. Focke, formerly German Consul at Wellington, who attended the hearing at my request, though he preferred to have no particular function assigned to him.

The oath was generally administered in German in a form furnished by Mr. Focke as being in use in Germany. It does not differ essentially from that in use in our Courts. Bulgarians, Dalmatians, &c., found interpreters among their fellow-prisoners.

TOPICS.

I will endeavour under various headings to deal with topics brought before me in the course of the inquiry, but in explanation of the necessary imperfections of this report I desire to say that I was informed before undertaking the inquiry that it would probably last two or, at the most, three days. In fact, I sat for twenty-two days at Somes Island, and afterwards for several days in Wellington, making inquiries into formal matters not in controversy. Since then the preparation of this report has necessarily occupied some time. The amount of matter, much of it trivial and some of it irrelevant, which was placed before me has proved very embarrassing.

3. ALLEGED ILL TREATMENT OF PRISONERS.

I have taken a great deal of evidence on this subject, and can only state in very general terms the opinion I have formed on this subject.

In considering this question I find it naturally falls into several categories, thus:—

- (1.) Alleged ill treatment to which Major Matheson is accused of being a party.
- (2.) Allegations of ill treatment by guards, most of whom are absent from New Zealand.
- (3.) Allegations which do not amount to ill treatment.

It was stated that seventeen cases of alleged ill treatment were placed before the American Consul. There is a conflict of evidence—which I may term the usual conflict of evidence with which I have become so familiar during this inquiry—about what happened when he came to the island. He insisted on not seeing all the men who complained, but that the complaints should be in writing. The date of his visit was November, 1916, but this was not his first visit. It cannot be stated whether he sent any report to his Government.

In January, 1917, diplomatic relations between the United States and Germany ceased, and the diplomatic interests of Germany after a time came into the hands of the Swiss Consul. He visited Somes Island in January, 1918. Some correspondence ensued, and in the result the New Zealand Government informed the Swiss Consul that it had decided itself to institute an inquiry by Royal Commission.

On the 11th December, 1917, Commander Count von Luckner, a prisoner of war at Motuihi Island, near Auckland, wrote to His Excellency the Governor-

General asking for an inquiry into the alleged ill treatment of his countrymen at Somes Island. He was captured in the Fiji Group with a number of the crew of the raider "Secadler," and sent to Motuihi, some of his men being sent to Somes Island. Commander von Luckner asked the New Zealand Government to send one or more of his crew from Somes Island to Motuihi, and this was done. I will make a brief reference to his complaint.

He states, on the authority of his man Erdmann, who had been sent to him, that another of his men, Petty Officer Permien, had been punished "because by giving false answers he had confused them as to the position of our stranded ship." Permien was called as a witness. He refused to be sworn, explaining that it was contrary to German law that he should take an oath before me. I explained to him that an unsworn statement had not the same value as sworn evidence, but that I would hear what he had to say. He made his statement, but never made the slightest mention of the allegation about the position of the ship. Not the slightest evidence of any such threat or pressure was given, and I am satisfied that the statement is the invention of somebody, but whether of Erdmann or somebody who told him I do not know.

The Commander describes an assault on Permien in exaggerated terms. It was admitted by Major Matheson that an unjustifiable assault, though not a severe one, had been committed. Fortunately, Major Matheson happened to arrive on the spot and witnessed it. The non-commissioned officer who committed the assault was sent away from Somes Island. Permien gave in moderate terms before me his version of the assault, and I have no doubt it was true. He admitted that at the time of the occurrence Major Matheson expressed regret for the misconduct of his subordinate, and made the only amend that could be made in the circumstances. Permien says that he has no complaints. "In camp here it is quite comfortable. . . . I have got on all right with the camp authorities. I do no work, only supervise men."

The rest of Count von Luckner's letter, in which he threatens reprisals by the German Government, does not relate to matters within his own knowledge, but represents assertions derived from Erdmann. As I have probably examined all the civil prisoners whose grievances he claims to represent, I need make no further reference to them here than to say that the names of some of them which he mentions appear to give a clue to the unsatisfactory sources of information on which his man Erdmann relied when making the representations referred to by Commander von Luckner.

ALLEGED ILL TREATMENT BY MAJOR MATHESON.

The charge of ill treatment against Major Matheson means deliberate and wilful ill treatment. It is assumed that for no reason based on anything that the injured man has done, and certainly for no reason connected with any personal dislike or any personal affront by the particular man, he has from time to time singled out men for ill treatment. This implies a charge that he has administered ill treatment for its own sake, so to speak, and apparently for the mere love of indulging in such conduct. I think it is necessary to state at the outset that I have had Major Matheson's conduct and acts before me for many days, and have availed myself of every opportunity that offered of judging his character. As I did not even know of his existence before this inquiry commenced, I can only form my opinion from what I have heard at Somes Island under conditions most adverse to Major Matheson. In the results I cannot attribute to him the malevolent character implied in these charges. I am satisfied that almost every case I have investigated has been put before me in exaggerated terms, and that I have been obliged to hear a great deal of evidence so exaggerated in terms that I have great difficulty in knowing what value to attach to it. In such a case, where a given charge has to be heard and decided, the same result must follow as in the case of an ordinary prosecution. More than that, when the charge is based on the assumption that the act complained of proceeds from a wanton spirit of cruelty—and I cannot and do not believe that such a spirit exists—I am in a position to accept an explanation given by the person accused rather than the evidence supporting the charge, if the evidence of the person accused is consistent with the general facts of the case.

I have in general found an absence of evidence to support the case that Major Matheson is a man naturally disposed to ill-treat men. On the other hand, I have found much evidence pointing to a desire to do everything within his power and in his knowledge to preserve the health, comfort, and well-being of the men committed to his charge. I have noticed many cases in which he has pressed for concessions, the failure to obtain which would have left the men less comfortable than they are. A notable instance of this is the ration scale, in connection with which he managed to secure a more liberal scale than had actually been ordered. The evidence of Captain Gentry, the Supply and Transport Officer, makes this clear. I have also evidence, even of men who are making charges, of acts of kindness which negative a malicious desire to ill-treat the men. In this view the cases of the alleged ill treatment in general may as a matter of mere probability be regarded as cases of enforcing discipline, perhaps at times with severity. I admit that to take this view involves in some cases disregarding the evidence of the complaining party.

In any conflict of evidence Major Matheson generally stands at a disadvantage, in that so many members of his staff whose names are mentioned have gone abroad on service.

As my opinion is that charges of wanton ill treatment are not based on evidence that I can accept and act on, I do not think it necessary to examine in detail the evidence supporting these charges, but I will deal with some of them by way of illustration. During the early history of the camp there is no suggestion of ill treatment. It begins at a time when Major Matheson had undoubtedly to deal with a formidable spirit of insubordination, involving sending a number of men to Wellington for detention at Alexandra Barracks. At a later period in the history there was another marked outbreak of insubordination, and there have been scattered instances at various times.

There had been numerous demonstrations, beginning in October, 1914, and later, but the real trouble may be said to have begun in March, 1915, when a number of men in one of the sleeping-rooms had to be dealt with collectively for urinating out at a window on to the sentry's beat. They had been put on what is called "urine parade." The short history of the matter is that the men had refused to gravel the path leading to the door of their sleeping-quarters, which had got into an insanitary condition. To compel attention to this the door was closed with screws, and they were ordered to enter their room by a ladder. This they appear to have resented by urinating through a window. Their excuse that they had to do this is negatived. They could have called the sentry, or used a pail that was provided. This trouble had to be treated *in globo*, as the men in their room must have known who the offenders were, and their identity was concealed and the offence repeated. Thus the matter became one of refusal of men to do work necessary to keep the ground about their room clean and sanitary. In the result, as men of this and three other squads refused duty, the men of these squads were, after trial, sent to Wellington, until there were nineteen there in detention. These are described as the rougher and stronger characters of the squad. The weaker men were subjected to disciplinary treatment on the island.

I will refer briefly to a few of the cases of those who complain. To refer to them all, or even to refer in full detail to a few of them, would enormously overload this document.

Walter Moormeister was one of these. He admits that he refused duty. He gives an account of his treatment which is obviously exaggerated. He says that some violence done to him caused a rupture. There was no reason for any such violence, and his evidence is discredited by the fact that in writing to his sister he spontaneously said that what was done "led to my rupture being enlarged." He had a truss with him when he came to the island, which he says he did not wear. I see no reason to doubt that the enlargement was the result of accident, but it is not even clear that it occurred on this occasion. He gives a very long narrative which, based on a substratum of fact as to disciplinary treatment, is in my opinion so exaggerated that I cannot accept it as true. He, like some others, makes a grievance of having to do physical drill, which seems to me to have been only a mild

form of physical exercise. He makes it quite clear that his whole squad was refusing duty and that fairly vigorous measures were necessary to restore order.

An operation at the hospital was successful, and Moormeister has since been a competitor in sports such as high-jump competition, and in gymnastics, and is recognized as a swimming champion.

Major Matheson has explained his part in transactions with Moormeister, and I am satisfied that he was in no way to blame for the accident which led to the rupture becoming worse, and that he has done no more than was necessary to bring Moormeister to a condition of discipline. I do not think it necessary to discuss in detail the very lengthy evidence relating to this case.

There are other men who make complaint as to this urine parade, but I cannot go at length into these cases. Major Matheson describes the disciplinary measures enforced in these and similar cases, consisting merely of physical drill. This was the more necessary, as at the urine parade, the details of which need not be narrated, there were manifest signs of insubordination. The whole story has been worked up to a state of exaggerated importance, and successive witnesses have in this connection, and otherwise, made an exaggerated grievance out of the physical drill. Major Matheson has said on more than one occasion that he subjected no man to any physical drill in which he did not take part himself.

W. Otting is a typical case of a man who complains at great length of being compelled to do physical exercise. His evidence was given at inordinate length. His description of the exercise, given in an aggrieved tone, describes nothing but what I consider quite proper disciplinary treatment—in fact, treatment suitable for schoolboys. He had been locked up for cheering the insubordinate men when they left by the steamer to go to the detention barracks. He complained that he was punished for this while a man who was with him was not; or, as it was more correctly put, “I was caught and he was not.” His grievance ended here so far as Somes Island was concerned. He never offended again, and has spent all these years on perfectly good terms with the Commandant and camp officials. It seems a pity that the case should have been brought up again after so long an interval of harmony.

At one period of his disciplinary treatment this man defied those about him to shoot him, but his is a case in which discipline has proved effectual. If others had taken their punishment in the same spirit this inquiry would have been much shorter. I do not think it was necessary to have brought him before me.

At a later stage he had to be sent to the Wellington Hospital for an operation for appendicitis, which was quite successful. He says that he was there treated with great kindness, but he objects to sentries standing at the door of the ward with rifles. More than one witness made this complaint, but it is ridiculous to expect me to interfere with military precautions of this sort. A good deal of time was wasted over this sort of criticism. This man was offended at hearing the way in which a nurse talked of the sinking of the “Lusitania,” then a recent event, and was glad to get back to the island. I should not have referred to this case but as an illustration of the way in which the complaints have been overloaded—so overloaded, in fact, that I have a difficulty in determining, among the mass of recorded matter, which calls for special reference.

Heinrich Petersen, better known in the camp by his *alias*, “Charles Johnson,” or his nickname, “German Charlie”: I only mention this man at this stage, without reference to chronological order, as illustrating a feature of this inquiry. I made known that I would not shut out any complaint. This man had put in his in writing. He complained of having lost some property. He also made complaints of ill treatment, principally against men who are not here to answer.

Orally he complained that Major Matheson had defamed him by speaking of him as a criminal. He is a hawker, and had in fact a string of convictions against him, including one for vagrancy, which Judges and Magistrates in this country consider a bad mark. I consider this man unworthy of credit, and would not act on his uncorroborated testimony. At a later date he returned to the hall and wished to open up some new story. This I declined to hear. Major Matheson says, “This man was permitted to go to Wellington on the 14th June, 1916. He was charged with behaving very violently and using filthy language. He was tried by

me. During his trial he expressed sincere regret for his conduct, stating that he had let me down. I put him on his honour. I referred the case to higher authority, and the case was apparently shelved. This man's conduct had been bad before his internment. I have a record of twenty-four convictions against him."

Major Matheson narrates the man's subsequent history, and I see no reason to doubt the narrative. One feature of it shows how embarrassing the conduct of the prisoners must at times have proved. A squad leader had been refused a hearing by his squad when all the squad leaders were ordered to read a document prepared by the Commander. It then became necessary for this squad to elect another leader. The squad elected this man, a well-known offender against the law, and Major Matheson very properly refused to recognize this election.

Jacob Blinn: This is one of the men about whose case so much has been said in the course of the inquiry. He has been at sea, and has resided thirteen years in New Zealand. He gave his evidence in a mild voice which would be very likely to carry conviction until a little more was known of his character. He narrated in the same way the fact that he had twice received sentences—five years in each case—for housebreaking. One of his grievances against Major Matheson is that he spoke of him as a criminal. His character may be further gauged by a subsequent incident. He was in hospital in 1918. There he was found to have stolen articles, which were found secreted in his locker. His tastes are various. He was charged with stealing a watch, a pair of scissors, a fountain pen, and (I think) a pocket-camera. After his examination before me he was taken before the Magistrate and sentenced to a term of imprisonment.

If this man's narrative could be relied on it would tend to prove charges of ill treatment against certain of the guards now no longer available as witnesses. I am certain that no jury would act on this evidence, and I cannot do so, as I consider him unworthy of credit. His evil influence has been, I think, far-reaching. He is referred to by Commander von Luckner, from which I infer that Erdmann became friendly with him and that in all probability he is the real author of the extravagant impressions of Somes Island which have been reproduced in the Commander's letter. His narrative is of enormous length, and when referring to his own punishment he states his own version of what occurred, without showing the slightest wrong on his own part.

So far as his narrative affects the proceedings and conduct of men now absent I cannot accept it. To do so would be to accept the narrative of a man whom I regard as untrustworthy, against men who are not here to answer for themselves.

He came to the island on the 13th May, 1915, and was one of those punished for offences against discipline by being put to physical exercises at a place called "Culture Bay," so often mentioned in the course of the inquiry. He was also punished by detention in the place usually referred to as "the klink." His breaches of discipline must have been serious, as he was sentenced to ninety days' fatigue.

I see no reason to suppose that this man was picked out for ill treatment or was punished for anything but what he had brought upon himself. Nor do I find any reason to think that when he says he was knocked about it represented anything more than what he had rendered necessary.

When in Wellington Hospital he was reported to be bleeding from the penis, and this he attributed to ill treatment. The Medical Superintendent reported, "I have examined his urethra and bladder thoroughly without finding any trace of bleeding. In my opinion, he wilfully produces bleeding by passing something into his urethra. A soft rubber catheter was found in his pocket recently, apparently appropriated by him from the ward stock; this may have been used to produce the urethral bleeding. The last few days he has been insubordinate, smoking out of hours and refusing to stop when so instructed by the nurse. I have had this man under observation for some time, and believe he is a malingerer."

This is a very strong statement; but it refers to a man who was capable of making the imputation that this man made—namely, that the authorities had concealed the articles he was charged with stealing and had put them into his locker to trump up a charge against him. The Hospital people had not the remotest reason for so doing.

When, therefore, Blinn comes into conflict with witnesses who have been called we have the case of a man who cannot be trusted setting himself up against others ; and, even if the issue is doubtful, others ought not to be found blameworthy unless there is tangible support for his story. I was not impressed at the hearing with his truthfulness, and cannot allow his evidence to influence me.

A good deal of his narrative takes the form of an attempt to get a review of his convictions when found guilty of various breaches of discipline. As to the course of these prosecutions, I see no reason to mistrust the narrative I have received of the course of events. Blinn is a plausible man, but I am satisfied that he was repeatedly guilty of breaches of discipline as narrated by Major Matheson. On one occasion he was put on Regulation No. 2 diet, which is somewhat similar to but better than the punishment diet of other countries, including Germany. When this appeared to have a weakening effect the Medical Officer was called in and a change made.

Karl Mumme : This man has been a long time in New Zealand. He complains of sentences for breaches of discipline. I have no reason to doubt that he was properly sentenced. No ground is suggested for picking him out for ill treatment. His case is, or ought to be, like that of scores of men who by simply conducting themselves properly kept themselves clear of disciplinary punishment. I cannot retry these charges. The only way in which I could be asked to review them would be by showing that the proceedings were not *bona fide* disciplinary proceedings. I only refer to Mumme's case because it was so often referred to in the course of the inquiry. It is not really different from any other case in which a man has been punished. As to the evidence, all I can say is this : The man is shown to be in close companionship with Blinn, whose character he presumably knew. His narrative of treatment is in many respects obviously exaggerated. His breaches of discipline are clearly made out. Though he has been twenty-seven years in New Zealand he is one of those who gave trouble by refusing to address the Commandant as "sir" when told to do so. It is evident in his case that somewhat marked disciplinary punishment became necessary. To the last he says, "I got that term of detention for nothing." It may well be that he was at loggerheads with some of the staff. Some of his evidence with reference to them imputing inconsiderate expressions cannot now be tested. It is only right to say that there is nothing against his personal character beyond persistent breaches of discipline. His mode of giving evidence was suggestive of a prepared narrative, which he held in his hand and which he appeared to read. Solicitors know what care has to be taken to avoid exaggeration in taking down such narratives.

In this connection I should mention one incident which throws some light on this subject. A witness was called in, but it did not appear exactly what he was called for. I asked him if he had any complaint, and he said that he only came to say something about his medical treatment. I repeatedly asked him if that was all that he had to complain of, and he insisted that that was the case. Presently a narrative was found which at some period had been obtained from him. It contained various other complaints which he acknowledged he had made, when asked from the paper a series of leading questions. He had actually forgotten that he had anything to complain of. Men have now been brought before me to tell old stories, some of which it is not easy to meet. I am not condemning all these narratives as untrue, nor all these witnesses as untruthful. At present I am discussing grave charges against the Camp Commander.

Harald Kriemendahl : This man's name was very often brought up. He was subjected to disciplinary punishment. Some of his offences were such as not saying "sir" when addressing the Commandant, and not saluting. He came here from America, and gave his evidence in English. As he had served in the German Navy the breaches were properly treated as conscious breaches, and visited with light punishment. He gives a narrative of his treatment when subjected to physical drill which I am satisfied is grossly exaggerated, and indeed untrue. That colours the whole of his evidence. This is a man of exceptional ability, and I am satisfied that he has been a source of a great deal of mischief in the camp. When the prisoners of war received the indulgence of being allowed to celebrate the Emperor

Franz Joseph's birthday he composed a set of verses libelling Major Matheson, which, though not read, as originally intended, at the entertainment, was passed round among his friends, with very bad effect. He says in cross-examination, "I know the concert was permitted if decently conducted. I have never even said my conduct in camp was decent. I admit my offence, and do not complain of the punishment. I complain of rough handling." And again, "You told me that you would give me every chance, but that if I ever came up again I would get severe punishment--told me I had better keep out of sight."

As to this I can only say that I can see no ground for saying that this man has been improperly treated.

Hugo Kösel: This man gave a very long narrative, filled with the kind of exaggeration to which I have become accustomed, and contradicted so far as it can be contradicted. The only reason for specially mentioning it is that he specifically charges Sergeant Wahren with pushing him into the sea when urging him round a circle near the beach where he was doing physical drill. After Kösel had given his evidence Wahren returned to New Zealand after serving abroad. He gives an entirely different version of this. Both met with an accident and fell together into the water. They were at once sent up to the camp, and Wahren saw that, with the assistance of others, Kösel was properly dried and given dry clothes before he (the sergeant) changed his. This exaggeration colours his whole evidence.

Hugo Steinbrügger had been convicted of some minor offence, and was punished in January, 1916. He makes a complaint of ill treatment by the Commandant. I cannot accept his story of ill treatment. It omits all reference to his own breaches of discipline. It is quite evident that his case called for disciplinary punishment, and that this was effectual. He says, "Since January, 1916, I have got on all right." This is borne out by Major Matheson, who says that ever since then he has been well behaved and on good terms with the camp officials. Part of his grievance was that his treatment had caused a sore on his back. From the description it is evident that he was sunburned. Some accident caused the sore thus created to open. For this condition he himself was alone to blame, as it was of his own choice that he followed a practice that is common among the men of working in the sun in a singlet alone, or even without one. He has complained of not having had a fair trial on the 10th January. The record of his case shows that he was given every opportunity of explaining his alleged breaches. I have no reason to doubt that he had a fair trial.

George William Frank Kröner: This is a case which naturally excites sympathy. The man is a natural-born British subject, born in New Zealand of naturalized parents. He has been educated in Germany, and has a wife and family. At the outbreak of the war he was in the Postal service, where he had been for fifteen years, and there is no doubt that his plight is a sad one. He states that he has instructed a solicitor to challenge the power of Government to detain him. He has given a very long narrative in very vehement terms. His main complaint is that, being a British subject, he has been detained at Somes Island. I should judge him to be a neurotic hysterical subject. He has been continually before the Commander for breaches of discipline. I think there are six convictions for various breaches recorded against him, and judging by his demeanour when before me I can well suppose that he is a difficult subject to keep under discipline. His charges go beyond the camp officials. He says, "Don't think any other has received so many sentences. I have been treated worse than any of the Germans. This is not only with tacit consent but with the instigation of Headquarters." Major Matheson says, "Going through his file I observe such charges as threatening language, such as 'There is a day of reckoning coming for you,' followed by profound apologies and promises of good conduct for the future." His evidence throughout is given in exaggerated terms, and it is quite impossible that upon such evidence I should say that his various punishments have been wrongly inflicted.

In cross-examination about allowing him to Wellington to see his wife when a child was ill he admits that Major Matheson showed him kindness. He says, "I don't deny that you said you did not care a fig for regulations if the child was in danger. I acknowledge my debt to you there."

I do not think it necessary to carry the particular references any further. That some of the men complaining received what might ordinarily be termed rough handling I think very probable, but I am satisfied to say that the charge of wilfully ill treating prisoners made against Major Matheson is not proved.

GENERAL, AS TO ALLEGED ILL TREATMENT BY GUARDS.

A good deal was said about the fact of two young men escaping and swimming to Petone, as they said, to report to the police the alleged ill treatment of men. I cannot determine what importance should be attached to their act, or what their real motive was for escaping. One of the men, Bilke, gave evidence. He did not say that he escaped because he was himself ill-treated or that he had seen any ill treatment. It occurred in March, 1915, when there was something verging on a revolt among a large number of insubordinates, to repress which strong measures were used. In the same way stress was laid on an alleged attempt at suicide. The young man in this case had undoubtedly made cuts across both wrists, but I cannot determine whether suicide was really attempted. The cuts were not deep enough to injure the sinews. Even assuming that suicide was intended, I cannot see what importance should be attached to it. A high authority dealing with suicide as a race question points out that, per million of a population, it varies from 392 in Saxony to 17 in Ireland.

There were many statements in the evidence about ill treatment by the guards when inflicting disciplinary punishments. Only three or four of the men referred to were here to speak for themselves. Charges affecting those who are not here cannot be investigated. Those who are here denied the charges so far as they were concerned. To deal with each such charge would require almost a separate trial for each case. The general impression left on my mind is that there has been some ill treatment, or, at any rate, rough handling; but I should find it impossible to treat any individual case as proved, and I think it would be improper to specify cases where an absentee was concerned, nor has it been such as to cause serious ill health. The greatest difficulty in investigating the subject arises out of the manifest exaggeration in the narratives of the greater number of witnesses. I must add that I do not think that the guards have been in all cases men of such character as to justify placing them in positions of responsibility.

As to the nature of the acts to which I refer, I have to say that I have no reason to think that in any case the guards picked a man out for ill treatment, but that they were probably over-rough in handling men who resisted disciplinary punishment. In such cases any one who has attended Courts of justice knows how extremely difficult it is to sift contradictory evidence on such a subject, and how many grades there are between using necessary force to overcome resistance and using unnecessary violence against a man who is resisting. Cases, for instance, of resisting the police are notoriously of the class that gives rise to the greatest difficulty.

4. COMPULSORY WORK BY INTERNED CIVILIANS.

The British Government has laid down a definite policy with respect to the treatment of alien enemies of civil status. It starts with the assumption that they are at large. A report of a speech of Sir Auckland Geddes, headed "Organization of the Nation's Man-power," outlines this policy, and in it is the following passage: "It has been decided," Sir Auckland said, "that enemy aliens shall not be allowed any longer to grow fat at the expense of British subjects taken for military service, and that every enemy alien, regardless of age, in the country has either to undertake work of national importance under the direction of the Ministry, or else be interned, in which case they will be put to roadmaking or other suitable work."

These conditions appear, as to German prisoners of war, to be inapplicable in New Zealand, where the popular voice requires that alien enemies shall not be allowed to work in the public interest. They are therefore left at large under police observation, excepting that about four hundred out of six thousand are interned. In England the more able-bodied of these would be put out on useful public works, such as roadmaking, but here there are difficulties which have not been overcome.

It then becomes a question what Government may do with these interned aliens. I understand that no question arises with respect to those now at Motuihi, where work is not exacted. At Somes Island it is different. From the first the men have been required to do, without remuneration, work other than mere house-work. What they have done may be thus summarized :—

- (1.) Levelling ground about the camp to form a parade-ground.
- (2.) Keeping this and all paths, yards, and approaches clean.
- (3.) Bringing up gravel from the beach for this purpose.
- (4.) Carrying up fresh water in buckets for the use of the establishment.
- (5.) Handling provisions brought over by the tender for the use of the establishment, and bringing them up to the buildings.
- (6.) Making a vegetable-garden and tending it in order to produce vegetables for the use of prisoners of war.
- (7.) Making roads and some other work.

There is no dispute as to the liability of interned civilians to clean out their own rooms, keep all paths, courts, and approaches swept and cleaned of rubbish, keep yard-drains in order, and keep latrines clean and sanitary. It is the other work that is objected to. It occupies the men on the average about seven hours a week.

It has been laid down by various public men, including two or three members of our own Government, whose speeches have been quoted to me, that there is no power to compel an interned civilian to do work beyond that about the camp necessary for the preservation of the health of prisoners: British prisoners in Germany have usually absolutely refused to work. That rule has not been adhered to in connection with this camp.

It must, however, be accepted as a common rule of all nations, whether actually observed or not by other belligerents, that interned civilians cannot be compelled to work beyond what is here described as work about their own quarters. The men at Somes Island have been compelled to perform work which, so far as I can see, they ought not to have been compelled to do. This includes roadmaking (beyond making tracks for their own use as a recreation-ground), carrying up provisions and water for the camp, making and tending vegetable-garden. I think that the spreading of gravel on paths, yards, and other places resorted to by prisoners is work they can be called upon to do, and I think that bringing up gravel from the beach for this purpose falls within the same rule. If there is any doubt about this it should be referred to the Imperial authorities.

These observations supply a simple rule for the settlement of what has proved a burning question. The report of Sergeant-major Morton on work done in the largest internment camp in Australia shows that men volunteer in large numbers to work at 1s. per diem upon work they are not compellable to perform. How that would answer here I cannot say.

The prisoner of war who represented his fellow-prisoners during most of the hearing remarked, "This question of compulsory work is at the bottom of most of the trouble. If it were not enforced more than half the trouble would disappear."

5. FOOD.

There were many complaints of the insufficiency of the food supplied and of its quality.

As to the quantity I do not hold myself to be a competent judge, but I have done my best to ascertain whether the dietary scale is a proper one—that is to say, one, without dealing with exceptional cases, calculated to keep able-bodied men doing light work in good health. I can only say that the evidence before me tends to show that it fulfils this requirement. I am satisfied that it is a better scale than that published by the British Government as applicable to all classes of war prisoners. It is a substantially better scale than that which the adviser of the New Zealand Government had decided upon, but which was replaced by the present scale at the instance of Major Matheson. Men complain of the monotony of the food. This is an admitted defect. It is inherent in the situation, and we know from various sources that it imposes upon these prisoners of war the common lot

of all such in various belligerent detention camps as cannot afford to obtain extra supplies for themselves. It admits, however, of very little variation save such as can be introduced by the cooks themselves. The cooks are chosen by the prisoners and are paid for their services. It is open to the prisoners to elect other cooks.

In this connection, however, the following facts should be mentioned: In 1916 two medical gentlemen from Samoa were here for a short time pending repatriation. Major Matheson asked them to represent the conditions of matters to their Government. The result was decidedly beneficial, as the German Government decided to allow each man who complied with certain conditions 10s. per month. This did not, of course, include Austrians, Turks, or Bulgarians, of whom there are a considerable number in the camp. It of course excluded those who had become naturalized here. It further excluded all those who had been ten years abroad without registering their names at a consulate, unless they had in the interval served on a German merchant-ship. This caused a good deal of ill feeling among those who were rejected, who blamed without reason the prisoner of war who took the trouble to prepare the list.

Then as to quality: Captain Gentry, Supply and Transport Officer, inspects the meat daily before it is sent down to the steamer. Occasionally it is not up to the proper standard, just as one finds it in a private house. If it appears to be tainted it is at once rejected. Complaints were made that it sometimes came tainted to the kitchen. The evidence is that in rare cases this may in this climate arise in the course of transit. Captain Gentry assures me, however, that the quality is the same as that supplied to the soldiers here and at the military camps.

The supply of potatoes is admittedly this year defective owing to the presence of blight. This cannot be altogether remedied, but an attempt has been made to mitigate it by increasing the supply and so leave a margin for rejection. Residents in private houses in Wellington have this year suffered from the same trouble. The production of fresh vegetables on the spot has effected a great improvement. Whether that can be continued may be problematical.

6. DISCIPLINARY SENTENCES ALLEGED UNDUE SEVERITY.

A very large part of the time was taken up hearing evidence as to disciplinary punishment inflicted by Major Matheson, consisting of so-many days' fatigue or so-many days' detention. The object was to support the allegation that excessive punishments were inflicted. The turn matters actually took was to ask me to entertain a very large number of appeals from disciplinary sentences generally inflicted long ago. This would in any case have been a difficult task; it was rendered more difficult by the circumstance that, as a rule, I had to listen to a narrative that was manifestly exaggerated, as the complaining witnesses described in many cases a course of conduct implying no offence at all on the part of the offender, while witnesses who might have been called to support the decision were often abroad on active service.

So far as regards the case attempted to be made out of the wilful infliction of unnecessarily severe punishment is concerned, I am satisfied to say that this has not been substantiated. The alternative suggestion that punishments were in fact more severe than ought to have been inflicted is a matter in respect of which I can hardly be expected to form a satisfactory opinion. In this country the Supreme Court itself has never had confided to it the task of revising sentences inflicted by Magistrates. It hears appeals, and either affirms or reverses the sentence of the Magistrate. Appeals from military disciplinary sentences are on a somewhat different footing. It might be possible for a competent military administrator experienced in the management of camps to examine the whole of the cases and say whether, having regard to the usual course in dealing with disciplinary cases and to the special circumstances of an internment camp, he would consider that the sentences, taken as a whole, were too severe. I do not claim any such competence. I am wholly inexperienced in such matters and do not know what standard tests should be applied. I can quite believe that, if I were asked to say whether the sentences for ordinary offences inflicted by a given Magistrate over a series of years

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

have no doubt that every man in the camp who had served at sea, and likewise every labourer who had worked in New Zealand, had become accustomed at some time to address his superior as "sir." Moreover, after the order had once been asserted and a few men subjected to slight punishment for its infraction, it would become known in the camp that Major Matheson stood as stiffly on the demeanour of prisoners of war in this respect as on that of his own guards.

It has been repeatedly put to me as a grievous matter that this offence has been too severely punished. A wilful offence or one repeated after warning has to be severely punished. All I can say as to the severity of the recorded punishments is that it comes under the general head of alleged excessive punishments, elsewhere referred to.

One thing that appears to be pretty certain is that from this and other disciplinary measures the result that has ensued is that, passing along the lines of men at roll-call, they strike the observer as being under discipline which cannot fail to be for their good, even though won at some cost to themselves.

Another observation that I have to make is that from the first, in examining witnesses, I asked each man if he had served in the Army or Navy. As a rule the answer could be foreseen from the man's demeanour, which was in most, though not in all, cases that of a disciplined man when the answer was in the affirmative.

The only further observation that I have to make upon this insoluble controversy is that the value of disciplinary punishment often depends on the tact with which it is administered. The fact that men long retain a sense of soreness after the punishment is over may indicate want of tact in administering it, or it may represent a national peculiarity with which I am not familiar.

8. PHYSICAL EXERCISES IN PUNISHMENT.

This was another subject which was repeatedly complained of. When men were under detention they were put through a course of exercise variously described—bending backwards and walking under an outstretched walking-stick; leap-frog; running round a ring, &c. Major Matheson in describing the exercises says that when he was conducting them he always went through them himself, doing what he expected the men to do. None of the exercises described seem to me to be unreasonable. They would not be unreasonable if applied to school-boys. Men no doubt complain that they were kicked, cuffed, and hustled to make them move at the proper speed. I can only say that I think it unlikely that anything more was done than was necessary to compel them to carry out the exercises.

9. ORDERLY-ROOM.

In view of the constant conflicts of evidence between witnesses it is not surprising that there should be disputes as to what has occurred at the hearings of charges in the orderly-room. Sergeant Laine has detailed the procedure minutely. If that account is to be accepted men have always had a fair trial. Some of the prisoners have asserted the contrary. I cannot settle these disputes, but they ought not to have been allowed to arise. Major Matheson's records of proceedings are more full and more explicit than those usually kept by Justices of the Peace, and they show on the face of them a fair trial; but the proceedings of Justices are held in open Court, and the Press and public are represented. The orderly-room proceedings were held in the evening in the presence of men of the guard, and from inquiries I have made I think that they have been conducted in very much the same way as in a military camp. Unless there is some explicit regulation already existing on the subject, rules should be drawn up applicable to this case of civil prisoners of war; and the only way to put the matter beyond possibility of disputes such as we have here arising is to see that in every case one or two prisoners of war in whom the general body have confidence are in attendance, so that they may represent to their fellow-prisoners what has actually happened. I see no reason to think that proceedings have been unfairly conducted, but that impression may have got abroad.

Further, every conviction, no matter how small the offence, and the punishment, should be recorded, and not merely entered on the prisoner's file, and every conviction should be reported to headquarters.

10. DETENTION AND FATIGUE BY SUBORDINATES.

One matter about which there are a good many complaints is that subordinate officers, and perhaps even private soldiers, have inflicted sentences of fatigue without authority. The common form of complaint is that a man says that the sergeant sentenced him to three days' hard labour. This is incorrect. The order was that he should join a fatigue party for three days, morning and afternoon. There is no doubt that in many instances—but it is not clear how many—such an order was given. Major Matheson's explanation is this: If a sergeant sees a breach of discipline, or some form of misconduct calling for light punishment by placing the man on fatigue duty, he tells the man that he is ordered to perform this, but that if he likes he may go before the Commandant in the evening and have his case tried. The man often submits, and is put into the fatigue party. If he does not consider himself guilty he can go before the Commandant, otherwise this order, which is reported by the sergeant, is treated as confirmed. I must say that this procedure is highly objectionable. The men are foreigners. Some of them understand English very imperfectly. The sergeant appears to pronounce a sentence, and the man may assume that the sergeant has authority to do so. I cannot assume that the man fully knows that what appears to him to be a sentence is only an intimation that he may be sentenced. The sergeants must be assumed to know that they cannot sentence prisoners; if they do not know this then their ignorance makes matters rather worse. The Commandant ought to have seen that this mode of procedure was highly objectionable, and that the confirmation of an order already illegally given is equivalent to sentencing a man without giving him a hearing. The Commandant knew that under the King's Regulations nobody but himself had power to inflict a sentence.

I asked if this form of order thus made was recorded, and, if so, where; the answer was that it was recorded on the man's file. There is, however, in my mind no assurance that these sentences, which are regarded as trifling matters, and no doubt often properly so regarded, are regularly recorded.

The proper practice is to insist that the accusing officer shall enter the charge in a book. I see no objection to his making a recommendation as to the sentence; this might be for the protection of the accused. The case should then be heard, and the sentence, however trifling, passed by the Commandant himself and recorded in the same book. I do not think that Major Matheson realized that in dealing with these trifling offences he was dealing with a matter calling for strict legal procedure; but the basis of all legal procedure should be the same—namely, a competent tribunal, no prejudgment, and opportunity to the accused to be heard, and a sentence in his presence.

I have dealt somewhat fully with this for the reason that it is a well-known fact that men will put up with a good deal of harsh treatment without complaint; but that when a man suffers what seems to him to be an injustice dealt out to him by means of a tribunal which has not given him a hearing, that sort of treatment is sure to give rise to bitter feeling. I do not say that in any of these cases punishment has been wrongly inflicted—it is beyond my power to determine that; but a sense of injustice has undoubtedly arisen, which has in turn given birth to the idea that the Commandant has wrongly handed over the administration of punishment to subordinates, some of whom may not be fit persons to deal with such matters.

This practice has probably grown up gradually without its evils being noticed. It has been one of the factors—and, I think, a serious one—in producing a state of irritation and discontent. It is alleged that the matter has gone further than this, and that not merely sentences of fatigue but sentences of detention have been dealt out in the same way. This, if made out, would be still more irritating in its effect, though in principle it stands on the same footing. In administering the ordinary prisons of this country special legislation deals with the hearing of prisoners' offences. The case of prisoners of war should not receive less careful treatment, even admitting that the authority of the Camp Commander must be paramount.

Major Matheson has now undertaken that this cause of irritation shall be removed.

11. PLACES OF DETENTION.

The place of detention at Somes Island is often contemptuously referred to by witnesses as the "cow-byre" (*kuhstall*) or the "klink." Apparently it was erected for this purpose. I twice inspected it, and found it to be an airy wholesome structure with a concrete floor, containing five cells, only three of which are used for this purpose. It very seldom happens that even two are in use at the same time. Each stall has a movable wooden floor covering part of the area, sleeping on which would be no worse than the plank bed used in many prisons. There are allegations as to compelling men to sleep on the concrete floor. The answering evidence is to the effect that straw for beds was given. There was another small wooden cell which was sometimes used. Here, too, straw was available for beds. Unfortunately, in this as in everything else there was a conflict of evidence in some cases as to whether straw shakedownes were in fact supplied.

At the Alexandra Barracks in Wellington certain cells were reserved for the military as a place of detention, and insubordinate prisoners from Somes Island were sometimes sent there. Men in transit were also detained there for a short time. The flooring appliances were in effect similar to those at Somes Island. One witness, whom I am disposed to regard as truthful, says that he was left to sleep on the concrete floor, from which he got rheumatism. It is not quite clear whether he meant that he had not even a straw bed. He was there only a very short time. The evidence of the officer in charge of the quarters there was very explicit as to the provision and appliances for the health of prisoners, who as a rule were prisoners in punishment. If these arrangements were on this occasion departed from it may well have been an accident.

12. SOURCES OF IRRITATION.

INSOBRIETY OF GUARDS.

It is very difficult to determine which complaints are genuine and which arise from a generally strained condition of the relations between the guards and prisoners of war. It is, however, evident that there is less respect for the guards than there should be. This may be partly due to the fact that since the escape of the German naval seamen from Motuihi it has been necessary to be extremely watchful, and to act on the principle of trusting nobody. Prisoners of war may lawfully escape if they see an opportunity of doing so without destroying or causing injury to life or stealing property; but in doing so they must bear in mind that they may be bringing suspicion on their fellows, and that this entails increased stringency. That such increased stringency has been enforced is evident. It may be the foundation of a complaint made to me on the 4th April by several seamen of the Imperial German ship "Seeadler." On the other hand, I cannot avoid the conclusion that disrespect for the guards is in part due to their own conduct. There is evidence that some of them are at times seen in a state of intoxication on the island. Two of them have admitted this. In this condition they are very likely to do unjust acts, and to use expressions amounting, in the view of the prisoners, to insults. On the occasion of one of my visits to the island it was reported that a man with the rank of sergeant was brought ashore so helplessly drunk that he could not walk up to his quarters, but was put to sleep at the wharf. This he admitted when giving his evidence next day. He must have been drinking early in the morning to have reached this condition at 9 a.m.

This man when under cross-examination used such grossly coarse language in answering a question as to satisfy me that when in a condition of drunkenness, and perhaps before reaching that condition, he was not a person likely to have the degree of tact necessary for dealing with men many of whom are above him in education and standing or in their ideas of propriety of life or conduct.

Another member of the staff holding the rank of sergeant admitted having at times indulged in liquor, and having been tried and put back to the ranks for this offence before he attained his present rank. His answer to these admitted allegations was that, despite these facts, his good record had resulted in his being

promoted to his present rank. This may be true, but his case must be added to the general evidence, of which there was a good deal, that soldiers are seen in a state of intoxication on the island and that they sometimes appear in this condition at roll-call and other parades.

This is a most undesirable state of affairs. If the evidence is exaggerated it is because such exaggerations are almost certain to result from the growing disrespect which inevitably ensues from such conduct.

It must be observed that this source of irritation cannot be wholly controlled by the Commandant. There is a large staff—apparently over forty men in all. From this staff I understand that something like two hundred have gone out on active service, implying a corresponding number of replacements. The men are not selected by the Commandant, and their failings cannot always be ascertained by those who select them.

Apart from care in selecting men, this matter must now be dealt with unsparingly by the proper authorities both on the island and at Wellington. It cannot, as I have said, be controlled by the Commandant alone. His orderly-room records show convictions and disratings for drunkenness. This is not always attributable to the case of men coming ashore drunk. It must in some instances represent the fact of men bringing liquor with them from the mainland, for none is procurable on the island.

I recommend that a set of explicit and stringent rules be drawn up as to the conduct of men in this respect, and that these include the reporting of men intoxicated on the island. In the case of non-commissioned officers it should be understood that men offending in this respect, at any rate on repeating the offence, should be liable to be removed from the service. The rules should further provide absolutely against the bringing of liquor to the island.

IRRITATING LANGUAGE.

The principal individual complaint on this head is against Major Matheson—that on the 16th August, 1916, he used disrespectful expressions respecting the German Emperor when addressing a large body of prisoners of war. That he did so he admits. I do not attempt to quote the expressions complained of, as the document, purporting to be a report from memory of the speech, is not actually proved. Nor need I consider Major Matheson's excuse for addressing the prisoners. It is sufficient to say that from no point of view can this be justified, and this Major Matheson admits. The incident seems to have caused great offence and to have rankled in the minds of many hearers. This kind of thing coming from an officer whose duty it is to avoid everything tending to cause irritation is inexcusable, and it certainly tends to undermine the authority of an officer, whose conduct towards men in subordination to himself should always be dignified if he seeks to secure their respect. This kind of tactless conduct spreads downwards by example.

Complaints of similar conduct on the part of guards, however, have not the same force, though this too should be checked and discouraged. These men read statements from neutral newspapers to the effect that the Emperor has listened to his soldiers singing Lissauer's "Hymn of Hate," and from a similar source that he has even decorated Lissauer. When they hear this kind of thing they recall statements to the effect that the shooting of Nurse Cavell was not merely the act of the Governor of Brussels, but was approved at Berlin, and that other incidents of the same kind are attributable to the Emperor's Government. The men who hear these things from neutral sources and believe them are perhaps uneducated men, and it is not surprising that they should express themselves in their own way respecting the enemy Sovereign. One man complained that when in the Wellington Hospital he was annoyed by a nurse talking in his presence about the sinking of the "Lusitania," and was glad to get back to the island. Men and women who are said to speak disrespectfully of the German Sovereign may find some excuse in the fact that representations of a medal, allowed to circulate freely in Germany, exhibiting the sinking of the "Lusitania" in a comic aspect, have long since reached New Zealand. One of them appears in the book recently published by Mr. Gerard, formerly United States Ambassador at Berlin. It is

right that I should add that the same witness who spoke of the nurse annoying him at the Hospital spoke of the kindness of the staff there, and especially of the nurses, who told the patients that there was no distinction there between friends and enemies, and faithfully acted up to this profession.

I do not suppose that the use by subordinates of ill-bred and irritating expressions to prisoners of war in the detention camp can be altogether suppressed, especially as I can quite believe that coarse spirits among the prisoners are themselves guilty of provocative conduct, but the first duty of the Commander is to set a dignified example to his staff. That, in this instance, he has not done.

The delivery by Major Matheson of the irritating speech referred to had further ill consequences, which were not unnatural in the circumstances, but which illustrate the mischief that is likely to ensue from such an act. The prisoners of war were allowed liberty to hold a concert on the occasion of the birthday of the late Emperor of Austria. For recitation on the occasion a prisoner prepared a long set of verses ridiculing and professing to repeat in ridiculous terms the language used by the Commandant to the assembled prisoners of war. The author stopped short of delivering it, but admittedly read it to his friends. This was an act of insubordination. When the existence of the document came to the knowledge of the Commander the man was arrested and the document taken from him. I will not go into the story of the arrest, which led to threatened resistance and caused increased irritation. The verses were ribald in tone and, indeed, grossly libellous, and, circulating among ignorant men, were calculated to produce insubordination; but it cannot be forgotten that in the kind of provocation which preceded their composition men saw something that they regarded as a justification, and it was not unnatural that men should think that they saw some injustice in the result. The example set to subordinates in delivering this speech was calculated to bring about a bad feeling between subordinates and prisoners of war.

VEGETABLE-GARDEN.

A large vegetable-garden has since the winter of 1917 been instituted by the labour of the prisoners—so large, in fact, that it is now reported that the whole of the prisoners are supplied with fresh vegetables (other than potatoes) from this source.

The subject of compelling prisoners of war to do the work necessary to create and conduct this garden comes under another head. While the Commandant has claimed that he has a right to compel prisoners of war so to work, the claim has always been put on the footing that they were compellable to do work for their own benefit, and it has throughout been maintained that this vegetable-garden was created and maintained by the labour of prisoners of war exclusively for their own use. I have listened to emphatic assertions to the contrary, which at least show that the prisoners of war have become suspicious that their admitted rights in this respect have been infringed. The general effect of the evidence is that the assumed rights of the prisoners of war have not been completely respected, but that the infringements have not resulted in any very extensive alienation of garden-produce from them. The first infringement was a small but irritating case of men, in defiance of the gardener, taking spring onions, or something of the sort, to eat on the spot. This resulted in a gardener giving up the charge of the vegetable-garden. Then some vegetables were sent ashore, some to the Hospital and some to other destinations. These, I think, are substantially accounted for, though not with such promptitude as to remove all suspicion from the minds of the prisoners, who saw them going and reported the fact to fellow-prisoners, among whom it undoubtedly produced an impression that they were being unfairly treated. Such an impression, unless removed, tends to grow stronger from day to day and to cause much bitter feeling.

This was followed by a large delivery of vegetables to the soldiers' kitchen. This has been fully accounted for, as the vegetables formed a surplus which had to be got rid of; the prisoner of war in charge of the garden agrees with this. The last allegation was as to unauthorized deliveries to the sergeants' mess, which received no further proof or explanation, and must be left out of count. Apart from this I have the evidence of the quartermaster-sergeant to the effect that

everything coming from the garden is now checked and weighed, and that it all goes to its proper destination. The irregularities, though perhaps not very important, have been rectified, but not without leaving a sense of irritation which among a considerable class of prisoners has been far-reaching.

CANTEEN.

It has now been definitely arranged that an official canteen shall be opened on the 1st July. I understand that this course had been decided on before the issue of the Royal Commission.

Hitherto the canteen has been run by Sergeant Laine for his own profit, and this has led to some ill feeling. He states that the principal subject of sales is tobacco, and that a good deal of this is purchased by Germans who receive remittances from their own country. Sergeant Laine was questioned about his profits and how he came to take over the canteen. He was particularly questioned as to the prices charged for some articles the price of which seems to have been considered a grievance, though they were articles of toilet of which few were sold. Sergeant Laine stated that cigarette tobacco was sold 1d. per packet cheaper than in the shops in Wellington, and he gave other instances of prices to the advantage of purchasers. I have not inquired how far this running of a canteen by a non-commissioned officer was sanctioned by the headquarters authorities. I can only say that it is well that this undesirable state of affairs is to come to an end. It was evidently one of the sources of irritation.

CENSORSHIP.

There was the same kind of discussion and the same conflict of evidence respecting delay in the censoring of parcels as there has been so much of in other matters arising during this inquiry. Prisoners of war complain of undue delay in passing out articles received in the office. Sergeant Laine says that he sends them out as soon as he can. There were further complaints that some articles had never been received by the persons to whom they were sent. There is no reason why there should be any trouble or distrust on this head. When an article is received and it is intended to detain it either temporarily or permanently its receipt should be entered in a book, and the reason for detaining it should be entered in the same book. If it is further detained after three days a further entry should be made. If it is decided to open a parcel and this cannot conveniently be done in the presence of the recipient, it should be done in the presence of the Commandant, or the Lieutenant, or other officer next in rank to him. As to articles detained permanently, a receipt should always be given explicitly describing the article. The rules would have to be more ample than those here indicated, but there should be no difficulty in drawing them up, and they should be exhibited in the post-office. If the existing regulations conform to this they should be strictly observed and enforced. A reasonable degree of precision in administering this department would have avoided all suspicion and irritation.

13. MEDICAL CASES—MEDICAL TREATMENT.

A great many prisoners of war complained of the medical treatment they had received, or failed to receive, at the island or at Wellington Hospital.

To investigate a single complaint of the kind would have involved a lengthy inquiry, and I certainly cannot claim to be a competent tribunal to conduct such an investigation. Men complained that they had been ordered medicine and did not get it. I can only assume that there was some reason for this, but I could not possibly ascertain whether it was or was not a good reason. There were written complaints on the file, and evidence was given by a number of prisoners of war and by Sergeant-major Wiseman, the present dispenser at the camp, who has been there nineteen months, as to these and other cases. In all, I heard his evidence as to about twenty-eight cases.

My inquiry under the Royal Commission was to be general as to the treatment of prisoners of war at Somes Island. I do not think, however, that from this point of view I can say more than that when this list was gone over I asked Major

Matheson in a number of cases to have the man specially examined, and this he undertook to do. When I commenced the inquiry I found that the Medical Officer visiting the island was Colonel W. E. Collins, N.Z.M.C., who had long been one of the leading medical practitioners in Wellington. He had already reported specially to me on six cases which I had referred to him at the request of the patients. Towards the close of the inquiry I was informed that he was about to leave for Europe, as I understood, on a third voyage with a hospital ship. He was succeeded by Lieut.-Colonel Matthew Holmes, N.Z.M.C., who has served for a considerable time in France. During the earlier part of the history there had been several other Medical Officers charged with the duty of visiting Somes Island. The number of sick men there at any one time is never large, and I have no doubt that whenever a case requires special treatment it is removed to Wellington Hospital, where the most modern surgical and medical treatment is available.

Now that it has been decided to erect a small hospital at Somes Island I cannot make any useful suggestion on the head of medical treatment of prisoners of war. I take it that the duty of Government, in addition to seeing that prisoners of war are being supported by a proper ration scale, housed in wholesome quarters, and clad in garment suitable for the climate, is to ensure that sick and weak men and other men requiring medical attendance receive it, and that to this end the camp authorities should, on the application of any prisoner of war who complains of illness, ensure that he be brought before the Medical Officer at his next visit. I see no reason to doubt that this has been generally attended to, and I am satisfied that it has never been more efficiently attended to than at present. I have therefore no recommendation to make on the subject of medical treatment.

14. HEALTH OF PRISONERS OF WAR.

The general subject of the health of prisoners is a very large one. I can only say that they appeared to me to be a very healthy body of men. I have referred to the question of food, which appears to be of such quality and quantity as is calculated to keep men in health. I have had evidence of weights, of the exact bearing of which I cannot claim to be a judge. I asked Colonel Holmes to make a general inspection of the whole of the prisoners other than those who from illness or debility are not expected to attend parade. He stated to me that the impression he formed from this inspection was that they appeared to be a sound healthy body of men. There are, of course, exceptions. There never has been an epidemic among the men. There have been, I think, five deaths, and five cases of men sent to the mental hospital; of the latter, three have been discharged. Neither of these numbers appears to be excessively high. Some men are certain to suffer when detained in this way, especially if they have business or family anxieties. I am satisfied that the health of the men is constantly under proper medical supervision, and I do not think that the authorities can do more than provide this.

When not working the men disperse to private huts, small private gardens, and various occupations and recreations. There were some complaints about the closing of rooms, men saying that they were compelled to stay out in inclement weather. I am satisfied that Major Matheson was pursuing a course which he considered the best course in the interests of the health of the men in keeping them in the open air. He has, however, undertaken to submit this to the medical authorities. The regular work in the vegetable-garden, and other work, amounting to seven hours per week per man, has been in my opinion beneficial to them, and if this is to cease it may be necessary to provide some form of exercise to replace it. Taking the position as a whole and apart from special cases, I think that the men are in a satisfactory state of health.

15. SANITATION.

I have not found it necessary to take evidence on the subject of the sanitation of the camp. Some obvious but not highly important defects were discussed with the Commandant. Lieut.-Colonel Holmes, Assistant Director of Medical Services, made an inspection during the inquiry, and is to report on the subject. I handed to him a criticism on the sanitation of the camp by an educated prisoner of war,

in case it might assist him to know what was considered objectionable by the prisoners themselves. Colonel Holmes will report in due course, and I assume that what he finds to be necessary will be attended to.

16. CLASSIFICATION.

The case of educated men in such a community is undoubtedly a hard one. Its hardship is inherent in the situation, and not due to any deliberate treatment. Judging by the tone adopted by some of the witnesses of this class, these have not proved a means of producing a more contented condition among those below them in station in life. This observation, however, does not apply to those who have conducted classes and endeavoured to improve the education of their fellow-prisoners, a course which has tended in a marked degree to improve the condition of matters and to take the minds of pupils off grounds of discontent. Several witnesses insisted that there ought to be a classification of the prisoners, in favour of those of superior station in life. This, however, which is feasible at Motuihi, is a most difficult question here. Directly the classification was attempted discontent would certainly arise, and there would be complaints of the creation of a superior and favoured class. Symptoms of this kind of discontent have at times appeared sufficient to warn the authorities of the danger. All that they can do is to give men of superior education, who are not disposed to disturb the discipline of the camp, opportunities of associating together in a set of rooms set apart for them; and in some cases comfortable frame tents have been given to them, two occupying a tent. I visited one of these prisoners at his tent and was assured it afforded comfortable quarters.

17. SAMOAN OFFICIALS.

During the course of the inquiry three former Civil servants from Samoa obtained leave to give evidence. The main portion of their complaint refers to matters under consideration with other cases. They further complain of hindering the delivery of complaints to the Minister of Defence on the occasion of the inspection of the camp by him, and forbidding approach to the camp when he was present. I have submitted this to the Minister, and have only to say that it is not shown that Major Matheson has done anything wrong in this respect.

Another charge is—" (5) Totally insufficient accommodation and attention, having regard to our social position." There was a controversy as to whether these gentlemen were entitled to be treated as officer prisoners of war. Major Matheson was of opinion that on the evidence before him the German Government did not recognize them as officers within the Hague Convention, and acted on this opinion. He gave them the best quarters he could find for them, and there was little or no complaint from the majority.

There were other complaints by these three officials, as to which there was a good deal of angry controversy before me. Since they returned to Motuihi they have attempted to add to the evidence respecting alleged interference with their correspondence, especially that with the Swiss Consul-General at Melbourne. I have had doubts from the first whether I ought to have allowed them to give evidence, as the whole of their grievances have been redressed, and they state that they are now quite comfortable at Motuihi. I could not settle the matters in controversy between them and Major Matheson or between them and the Government without further prolonged discussion and further evidence, which would throw no light on the question into which I am inquiring under this commission. This I decline to undertake. What I have heard confirms the impression that I ought not to have asked the Minister to send these witnesses down, as their grievances have long since been redressed. I did so because I had throughout proceeded on the rule of refusing a hearing to nobody who desired to be heard.

Since the close of the inquiry another official, who was not a witness, has written to me making imputations against Major Matheson, contradicting his evidence and professing to add to the evidence of the witnesses. This last letter has apparently not been communicated to Major Matheson. This communication alone would, if anything called for the investigation, necessitate reopening the whole of this part of the inquiry. It is open to these gentlemen to address the Minister of Defence.

18. STRUCTURAL IMPROVEMENTS.

The original buildings were four large barracks built about 1874 for quarantine purposes, when there was an extensive immigration project initiated by the Government. They were built of wood, as are all dwellinghouses at Wellington. In August, 1914, they were devoted to the purposes of an internment camp. Prisoners have accumulated (taking half-yearly intervals) in the following numbers :—

1914—August	12	..	..	..	..	80
1915—February	3	..	..	..	..	141
July	31	..	..	..	..	184
1916—January	1	..	..	..	..	231
June	30	..	..	..	..	280
1917—January	1	..	..	..	..	277
June	30	..	..	..	..	270
1918—January	1	..	..	..	..	279
May	21	..	..	..	..	313

A limited number have been released on parole, and a few have been transferred to Motuihi, a small internment camp on a larger island near Auckland. Though the buildings were old they have been kept in repair, though not completely so.

From time to time hopes have been formed of an early ending of the war. Had it been foreseen in 1914 how long it would last the subject would perhaps have been treated differently. It is to be observed as a matter of certainty that nowhere among the belligerents were the prospects of a short war more clearly defined than in the advisers of the enemy Governments.

Structural questions have been faced, in this view, from time to time as requirements increased. Two large hutments have been added to the buildings, one for the soldiers and one for prisoners of war.

During the sitting of this Commission discussions have arisen from time to time, and the following matters have been dealt with or have formed the subject of recommendations :—

HOSPITAL.

Hitherto a portion of one of the barracks has been used, while all bad cases and cases for operations have been sent to Wellington Hospital. Before this commission was issued the authorities had adopted a plan for a local hospital, for the construction of which material is now being transported to the island.

WATER-SUPPLY.

The supply of fresh water has been generally deficient. There are two large concrete tanks in the yard, but the amount of water led to them is small. The buildings are on the top of the island, with no catchment area available. It was therefore considered necessary to transport water by steamer to the island, pump it into iron tanks on the wharf, and thence have it carried in buckets to the buildings, a height of 150 ft. The prisoners of war have made it one of their grievances that they were obliged to do this work without remuneration.

During the sitting of the Commission an official of the Public Works Department was asked to visit the island and advise whether it would be feasible to connect the two newest buildings with the concrete tanks, and so utilize a large amount of rain-water falling on their roofs. This was found feasible, and will of itself give relief. I then saw Mr. Seddon, the official of the Public Works Department in question, and asked him whether it was feasible to utilize in the same way the roof area of the four older buildings, or some of them, the guttering of which was obviously in such a decayed state that it was probably not worth while to patch it so as to make it carry water. He told me that he thought the whole of the guttering would have to be renewed, and that the cost would be about £100, but that with this the whole roof-space would become available. I have no hesitation in recommending this expenditure, as it will entirely or almost entirely avoid the present cost of transporting water, and will practically put an end to all the irritation arising out of employing prisoners of war to transport it. I should give the same advice even if the cost was considerably to exceed £100.

OTHER DEFECTS.

Several other matters were discussed, such as an ablution-stand and improved baths. I assume that Lieut.-Colonel Holmes will refer to this in his sanitary report.

HUTMENT.

There was a great deal of complaint about the draughty character of the hutment devoted to prisoners of war. This was inspected by the same official who arranged about the water-supply. I already had evidence that it was, as a dwellinghouse, fully equal to the hutments at Sling Camp. Mr. Seddon informs me that it is fully equal to those at Trentham. Being situated on the top of a hill, however, in a very windy situation, he advises that it will be rendered more comfortable and not less sanitary if the opening for ventilation on the exposed side is reduced. It was arranged that this should be attended to.

19. RECREATION AND OCCUPATION.

The unpleasant feature of an inquiry like this is that the person undertaking it has put before him the grievances of those who have grievances, and these in the most acute form. It is certain that no measure has been spared by those interested in putting forward the cause of the complainants to make life at *Somes Island* appear in the worst light. I spent twenty-two days on the island, and it often seemed to me that the sombre picture so persistently presented to me was contradicted by the smiling faces and the healthful jovial air of the men themselves.

It is undeniable that, apart from any exceptional treatment, many men must suffer in spirits, and in consequence in health, from mere detention, with all its consequences, such as separation from friends, anxiety about worldly affairs, privation of accustomed occupation, compulsion to follow a distasteful life, monotony of food and occupation, sexual repression, and many other forms of discomfort. In spite of all these drawbacks I must say that the general appearance of the men indicates good health and condition. I have been accustomed to review a large number of detained subjects of higher average age than these, and to form a fair opinion as to their general condition from a cursory inspection such as I have had of these men. Looking at them in this way I am satisfied that they do not present the appearance of being underfed, nor do they in general present a dispirited appearance.

It must be conceded that some have probably suffered in health from their mere detention; on the other hand, I am satisfied that insistence on regular and cleanly habits, abstinence from intoxicants, and regular feeding has in many cases brought improved health. As the men are properly and necessarily detained in the interests of the State, they must be treated in the mass, and (subject to individual treatment for ailments, and similar treatment in anticipation of ailments where that is feasible) should be allowed as much personal liberty to the individual as is consistent with safety and the maintenance of discipline.

In this camp, subject to fatigue duty, which has hitherto absorbed about one hour per diem of the outdoor time of able-bodied prisoners, they have had the whole day in which to occupy themselves as they think fit or to amuse themselves. Fishing has been carried on extensively from the shores of the island by a large number of men, and this has afforded them considerable variety from the monotony of the ordinary food, and has given them healthy occupation. Various kinds of useful and ornamental work have been carried out—making carved and inlaid boxes, models of ships, and artistic work. On the occasion of one of my visits the men collected these objects for my inspection, and I was struck with the great ingenuity and the artistic talent displayed, especially as some of them informed me that they had had no kind of tuition and were not tradesmen.

Many small huts have been built round the coast by parties of friends clubbing together for this purpose. A gymnasium has been instituted by the men themselves. Some who have applied for the privilege have had small pieces of land for private gardens allotted to them.

The most important work, however, is the school, which has been established under the supervision of a German prisoner of war of superior education. There languages are taught—English, French, Italian, Spanish, &c.—and also book-keeping and ordinary school subjects, and lectures are given on many subjects likely to be of value to the men. The prisoner of war who has the direction of this school told me that he found his fellow-prisoners very eager to learn; they were attending in large numbers.

20. MATTERS INCIDENTALLY DISPOSED OF.

DENTISTRY.

Having heard evidence on this subject, and particularly that of a witness who had had to have his teeth removed owing to causes unconnected with his detention, I saw Lieut.-Colonel Hunter, Director of Medical Services, who informed me that arrangements were well on the way to give prisoners of war regular dental attention. The matter had not been overlooked in the past, but it had become necessary to systematize it. Before leaving the island I was informed that the needs of prisoners of war were being regularly attended to, and that this had given great satisfaction. In particular, the man who came before me had been fitted with a suitable plate.

VISITING BY FAMILIES.

At the request of prisoners I wrote to the Hon. the Defence Minister as to the subject of visits of members of families to their relatives at the island. This subject had caused the authorities some anxiety, and facilities had been reduced, owing, I understand, to abuse of this privilege at Motuihi, which had probably aided the escape of the "Seeadler" men. I found that the Minister already had the matter under consideration. He has since informed me of the arrangement he has made, and prisoners of war have expressed their satisfaction with the extended facilities.

LOST PROPERTY.

A considerable number of men complained that they had been brought away from a place of employment and that their baggage or some other property had failed to arrive. In one case or more it was said that the ship had left and the police had failed to bring ashore the property of the prisoner, who was a sailor. Witnesses were called on this subject, but it was obviously impossible to investigate the individual cases. It was evident that the men felt these losses to be a grievance, and much irritation had arisen out of the fact that some of the men complaining did not appear to know whether their claim had been investigated. In some cases there had been an investigation, but it could not be seen whether it had been complete. In these circumstances I wrote to the Minister pointing out the desirability of having some competent person appointed to investigate all these cases. The Minister has assured me that he will have them investigated. I have sent him a list of those making claims now on Somes Island.

21. CAMP COMMANDER AND CAMP CONDITIONS.

This is essentially a camp in which somewhat rigid discipline must be enforced. It is probable that if it were relaxed the men would rapidly get out of hand and their health and well-being would suffer. For this purpose some form of regular exercise must be ensured. For those men who regularly engage in fishing or gardening nothing more may be needed, but whatever is to be done it must be understood that the Commanding Officer insists on obedience to his orders. There are many rough and undesirable elements in the camp: these have to be kept in order, and must be made to understand who it is who keeps order. Apart from these, a large proportion of the prisoners of war consists of interned sailors and firemen, and of men who in the past have served at sea. These men, accustomed to discipline at sea, are very much given to throwing it off when on land. Being strong and vigorous men, they are apt to prove troublesome and even dangerous. Such men may be brought under discipline and kept under discipline, but only

by a resolute Camp Commander who does not fail to make it clear that they are under strict discipline. Disciplinary measures tend to cause grumbling, but the relaxation of them causes something worse than grumbling, and certainly does not make the lives of either the Commander or the men pleasanter.

One of the Samoan Civil servants contrasted in somewhat glowing terms the conditions prevailing at Motuihi and Somes Island internment camps, and their respective Commanders. The good-natured indulgence of the Camp Commander at the former island and his abstention from all interference with the prisoners of war was contrasted with the way in which Major Matheson conducted his camp while that prisoner of war was there, carrying the contrast to a point verging on the ludicrous. I declined to allow him to be questioned as to whether he had any part in the conspiracy through which a number of prisoners of war escaped into the Pacific, and owing to which the Commandant at Motuihi had to pay the penalty for his good nature of being dismissed from his post, holding that if taking part in the conspiracy was an offence those open to accusation should be tried in the ordinary way. It is certain that such an escape could not have occurred under the disciplinary system followed by Major Matheson, and equally certain that the attempt brought, for a time at least, considerable extra stringency upon the prisoners interned at Somes Island. Incidentally I may mention that during the sitting of the Commission, and after there had been added to his staff an assistant with the rank of Lieutenant, Major Matheson, for the first time since the escape, was able to spend a night at his own house in Wellington. A prisoner of war at Somes Island who took a prominent part in the proceedings before the Royal Commission apparently shared to some extent the views of this Civil servant, and, without adopting his extravagant suggestions, asserted that the Somes Island camp compared badly with the camps of the various belligerents, and in particular with those in Germany which had been unfavourably spoken of.

It seems to me clear that these gentlemen, either for want of opportunity or want of will, are unfamiliar with the authentic literature available to ordinary readers. Thus Mr. Gerard, late American Ambassador to the German Imperial Court, speaking of the Hanover Munden camp, says, "The Russian officers handed me some arrows tipped with nails which had been shot at them by the kind-hearted little town boys; and the British officers pointed out to me the filthy conditions of the camp. In this, as in unfortunately many other officer camps, the inclination seemed to be to treat the officers not as captured officers and gentlemen, but as criminals. I had quite a sharp talk with the Commander of this camp before leaving, and he afterwards took violent exception to the report which I made upon his camp. However, I am pleased to say that he reformed, as it were, and I was informed by my inspectors that he finally made his camp one of the best in Germany."

Then, "Undoubtedly the worst camp which I visited in Germany was that of Wittenburg. . . . With Mr. Chas. H. Russell, jun., I visited the camp. Typhus fever seems to be continually present in Russia. It is carried by the body-louse, and it is transmitted from one person to another. The Russian soldiers arriving at Wittenburg were not properly disinfected, and in consequence typhus fever broke out in the camp. Several British Medical Officers were there with their prisoners. These Medical Officers protested with the Commander against the herding-together of French and British prisoners with the Russian, who, as I have said, were suffering from typhus fever. But the Camp Commander said, 'You will have to know your allies,' and kept all the prisoners together, and thus as surely condemned to death a number of French and British prisoners of war as though he had stood them against the wall and ordered them to be shot by a firing-squad. Conditions in the camp during the period of this epidemic were frightful. The Germans employed a large number of police dogs in the camp. Many complaints were made to me by prisoners concerning these dogs, stating that men had been bitten by them. It seemed undoubtedly true that the prisoners had been knocked about and beaten in a terrible manner by their guards, and one guard went so far as to strike one of the British Medical Officers."

There is more of this in Mr. Gerard's book, and a great deal more of similar matters such as have never been heard of in British or French detention camps.

It is right that I should add that the description does not apply everywhere, as there Mr. Gerard saw many camps where prisoners were treated humanely. That fact, however, shows that ill treatment did not arise out of the necessity of the case.

22. BOARD OF VISITORS.

One recommendation the consideration of which I wish to press most strongly on Government is the formation of a small Board of visitors, with power to inquire into future but not past grievances, and to make arrangements and recommendations with a view to securing smooth running in the future. This Board should not have power in any way to interfere with the authority of the Commandant. It should, however, have full authority to confer with him, and independently to confer with the squad-leaders' committee and to interview prisoners, officers, guards. Personal contact of this sort is of far more value than correspondence, regulations, or orders. The Board should comprise at least one member who is thoroughly versed in the subject of feeding, clothing, and housing large bodies of men, and has a general knowledge of sanitation. At first its visits might have to be rather frequent, but after a time running-conditions could be secured, which should render an occasional visit by one member of the Board sufficient. It would be best, I think, if one member were an experienced Magistrate or one who had held that office.

In my opinion, it is the want of such a Board that has been the main defect throughout the history of this camp. The Commandant has been too isolated and has had too much responsibility. He certainly had the right to resort to his superiors, but I do not think that that has sufficed in the case of dealing with a large body of civilian prisoners, many of whom are, or in the earlier stages were, prone to insubordination. I have seen the advantage in another class of institution of a specially qualified adviser to whom the responsible head might resort in a difficulty, and I am sure that the Commandant would appreciate this. The prisoners of war, too, would feel it very satisfactory to know that their squad leaders could resort to such an adviser. The Commandant has frequently complained that the squad leaders failed to report grievances of their men, and left the men grumbling. During the course of this inquiry a definite arrangement has been come to that a committee of three of these squad leaders might add to their number a fellow-prisoner of superior education who was not himself a squad leader; but I am afraid that there is already evidence that this agreement will not last. It is with a committee so formed that a Board of visitors might confer, with advantage to the prisoners and without detriment either to the authority of the Commandant or the discipline of the camp.

This question is, I presume, purely one for the consideration of the Defence Minister. Personally, I am satisfied that its adoption would prove of advantage, provided it was made clear that the Board had no authority to interfere with the disciplinary authority of the Commandant, and could in case of difficulty request the intervention of the Minister.

23. CONCLUSION.

I am conscious of the many imperfections of this report, but in the circumstances I submit that they are in many cases necessary imperfections. After hearing 113 witnesses I have endeavoured to set out certain conclusions which may prove to have a value, while omitting many which seemed to me immaterial. In the cases of alleged ill treatment I have had to investigate a very old story, and in some cases have found myself forced to disregard direct evidence because I found myself unable to believe that the treatment has been truly represented. Another person with that same evidence before him in a written form might think I was wrong. Appellate Courts under our system of jurisprudence attach the highest importance to the opinion of the Judge who sees the witness and observes his demeanour. In rehearing a very old story manifest signs of exaggeration have a very destructive effect on the evidence; that is an observation that is as familiar to juries as to Judges.

In most of the other matters I have had imposed on me the unpleasant and, indeed, painful task of listening to a contest between men who throughout exhibited much bitterness towards each other, freely imputing bad faith and other offences. In all my *câreer* I do not think I have seen so much evidence of bitterness and animosity. I have to do the best in the circumstances, and can only say that to the utmost of my ability I have done so. It may be that I have not produced any very definite result, but I shall be well pleased if in the result this report is found to afford His Excellency's Advisers some assistance in producing greater harmony at Somes Island.

Dated this 7th day of June, 1918.

FREDK. R. CHAPMAN, Judge.

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