

No. 16.

EVIDENCE TAKEN BY THE PUBLIC PETITIONS COMMITTEE, HOUSE OF REPRESENTATIVES, 1876.

In the Petition of James Atormont Small and John Barlow.

Lieut.-Colonel MOULE examined.

1. *The Chairman.*—Can you give any information to the Committee with respect to this petition?—Yes.

2. State as briefly as you can what you know about it.—As the petition does not give names, it is rather difficult to understand, but I gather from it that the petitioners claim credit for having brought to the notice of the Government certain frauds, irregularities, &c., on the part of the officers of the Engineer Volunteer Militia Companies, Waikato; also that they have caused the conduct of two of these officers to be inquired into before a Board of Officers. Further, the petitioners say or complain rather of loss of office; and one of them (Barlow) that before the loss of office, he had been degraded by the guilty officer—I presume he means Captain Schofield. They say that in doing all this they were put to great personal expense, for which they petition here. I will take the case of Captain Schofield first. That officer was brought before a Court of Inquiry in March 1, 1875, and two charges were preferred against him by a sapper of the name of Fawcett. The first charge was that of being drunk, and the second charge was that of indecent exposure. The Court of Inquiry found that he was not guilty of being drunk at the time stated in the charge, though he was intoxicated at a later hour in the evening. The second charge the Court did not think it necessary to go into, as it was a matter for another Court. Now, in this case it does not appear that the petitioners were in any way concerned, either in preferring the charges or in giving evidence. I will now take the case of Captain Rowe. He was brought before a Court of Inquiry in March, 1875, on two charges preferred against him by a man of the name of Craig, who had previously been dismissed from the Engineer Volunteer Militia for misconduct. The first charge was for selling a mare, the property of the Government, for £35, and only giving credit for £30, thus pocketing £5 himself. The second charge was for falsifying accounts, and thus obtaining seven days' working pay for two men who were absent. The Court found, on these charges, that Captain Rowe was not guilty of either of them, and that the charges had been preferred in a vindictive and malicious spirit. From the correspondence, it does not appear that either of the petitioners was in any way concerned in preferring these charges. They were both called as witnesses by Mr. Craig, and the evidence they gave was against their officers. Therefore I am at a loss to conceive how they were put to any personal expense. They were not instrumental in preferring the charges in either case, and only in the latter did they give evidence; and at this time they were both on duty and in the receipt of pay from the Government. With regard to loss of office, the petitioner Small resigned shortly after the Court of Inquiry. Barlow was shortly afterwards discharged on a reduction being made in the force. With regard to being degraded by the guilty officer, I presume he means the removal from the orderly room to works on the railway line. Now, according to the correspondence, there seems to be some slight reason for removing him from the orderly room. Sergeant Cook, in his evidence at the Court of Inquiry into the case of Captain Rowe, states that he was invited by the petitioner Small to assist him and Barlow in "ousting" their officers. These were the words they used, and that Small had informed him that he had been at the Captain's quarters and obtained important documents, and that Barlow and Craig were taking care of them. These seem to me very good reasons for removing him from his position as sergeant on the railway works; and all things considered, I am at a loss to know on what grounds they apply for relief or compensation.

3. Was Captain Schofield retained in the Government service?—Yes; he was kept on to the last, until the corps was finally disbanded. I may say there was no action taken with regard to the Court of Inquiry.

4. The Government were satisfied that he was not guilty of the charges made against him, of being drunk and indecent exposure?—The Court said he was not guilty of being drunk at the time stated in the charge, though he was intoxicated at a later hour of the evening.

5. And being intoxicated at a later hour of the evening, the Government were satisfied with his conduct?—There was no further action taken. He was in command of the force afterwards, and until its final disbandment.

6. Notwithstanding it was proved to the satisfaction of the Court that he had been drunk while in charge of a particular corps?—Just so.

7. How long did he remain an officer of the colony after that?—Some months.

8. Was not that a sufficient cause for an officer being discharged at once?—The Government could have discharged him at once.

9. Is it not usual, where a charge of drunkenness is proved against an officer, to inform him that his services are no longer required?—That is the custom.

10. Can you state to the Committee why it was not done in this case?—I cannot say. There is nothing in the correspondence to show why. I was in England at the time.

11. Supposing you had been here, what would have been done?—The force was under the Public Works Department. We had nothing to do with them in the organization in the first instance, and little or nothing afterwards. The Public Works Department made the appointments, and they were paid and promotions made without our knowledge.

12. Was not your department responsible for the discipline of the corps?—I may say to a certain extent. The proceedings of the Court of Inquiry came into the Defence Office.

13. Under whose instructions was the Court held?—Sir Donald McLean ordered it.

14. As Defence Minister?—Yes.

15. Supposing you had been present, and in the same position as now, what would your recommendation have been?—It is hard to say.

16. What would you have done in the case of an officer being proved to be drunk?—As a rule I should recommend his removal from the force.