

think that if it could be shown to the Court that there had been a conspiracy to oust the officers it would influence the Court. Certainly, men guilty of base charges ought to be dismissed at once, no matter what the motives were. If a man was guilty of falsifying accounts, and selling a horse for £35 and only accounting for £30, he ought to be dismissed at once.

48. Therefore it does not matter to the Government what the motives of these men were?—Not at all. If those two charges were proved, motives would have nothing to do with it. I look upon the matter in this light: The petitioners want compensation for being, as they say, put to a great personal expense and loss of office, and one being degraded. There is nothing to show that they were put to expense. They merely gave evidence in the last case of Captain Rowe; and while the inquiry was going on they were in the receipt of pay as sergeants, and the degradation merely meant removal from one employment to another. With regard to loss of office, one resigned, and the other was discharged when a reduction was made in the force.

49. *Mr. Dignan*]. You know nothing of the case personally, except what you glean from the records?—Nothing more.

50. From the knowledge you have gleaned from the records, was it on the information of the petitioners that Captain Rowe was brought to trial?—No; there is nothing in the correspondence to show that they had anything to do with preferring these charges.

51. *The Chairman*]. How was this corps constituted?—Three companies were raised to make a railway, and at the same time to serve in the field if required.

52. Raised by the Defence Department?—No; it was arranged between Dr. Pollen and the Minister for Public Works.

53. Is it usual to raise Defence Corps without the knowledge of the Defence Minister?—It was done in this case.

54. Then it is a Public Works corps?—Yes; they were paid, appointed, and promoted by the Public Works Department.

55. What I want to know is this: This being a corps raised for the purpose of carrying on public works, under what rules and regulations was discipline maintained?—You can raise companies to serve as Volunteer Militia, and then they come under the Militia Act.

56. Was this company under the Militia Act?—I believe they were.

57. How?—They were enrolled as Volunteer Militiamen.

58. What officers were put over them?—Captain Rowe and Captain Schofield were two of them.

59. Who instructed them?—The Government.

60. Have you got their instructions?—No.

61. How do you know that they were under the Militia Act?—From the name—Engineer Volunteer Militia.

62. Can you say of your own knowledge that they are under the Militia Act or any Volunteer Act now in force?—I cannot.

63. How was this Court of Inquiry constituted?—It was ordered by Sir Donald McLean when in Auckland. I fancy these men were enrolled as Volunteer Militiamen, and as such they would be subject to the Militia Act. [Instructions to Major Gordon *re* Court of Inquiry read.]

64. If it was an inquiry into the conduct of an officer of the Colonial force, it would have to be done under the authority of the Militia or Volunteer Act. Was this Court of Inquiry a military Court, or simply an ordinary inquiry in a department of the Government. Was not the inquiry conducted technically as if a military Court of Inquiry?—Yes; it has that appearance.

65. Was the officer called upon by the Government to inquire into these charges justified by the instructions he received to make it a military inquiry?—Yes. There are no rules laid down. He could follow any rules he thought proper. In holding a Court of Inquiry, you are not bound by any rules.

66. Then what rules do they follow in Courts of Inquiry?—I think, as a rule, they follow the rules of the Imperial service.

67. Did not Major Gordon conduct this inquiry in the usual manner? Did not he constitute a regular Court of Inquiry?—It appears to me to be carried out in the same way as a Court of Inquiry in the Imperial service.

68. But would not his instructions be given in a different manner if it was intended that a military Court of Inquiry should be held?—No; except that three officers would be appointed.

69. Would not it be done by an officer who would be requested to conduct it under a certain Act or regulations?—I do not see that that was absolutely necessary. I do not think there is anything wrong in the manner the order was given in this case.

70. Supposing instructions were given to him to make an inquiry into the conduct of certain officers, he might, if he thought proper, conduct it under regulations in force in the Imperial service?—He would be safe in doing so. I have seen many Courts of Inquiry, and no two are conducted alike. The object is to get as much evidence as you can.

71. But you are not bound by any regulations?—No.

72. Did not Major Gordon conduct this inquiry in a technical manner?—It appears to have been conducted in a very regular manner.

73. Did he summon all the necessary witnesses?—The Hon. Major Atkinson says not.

74. I suppose you have made yourself acquainted with the whole case?—I have read the papers.

75. It appears that one witness wished Major Cooper to be examined, and the officer conducting the inquiry did not summon him, and it does not appear that his evidence was taken?—It does not appear that the man who preferred the charges called Major Cooper. It was not for Major Gordon to hunt up all the witnesses. If he thought Major Cooper could give good evidence, it was in his power to summon him.

76. Under the circumstances, was it not the duty of the officer conducting the inquiry to call all witnesses who could throw light on the subject?—He should make a full inquiry, no doubt, about it.