

Mr. Izard.
1st Oct., 1878.

to the Foresters, that there was a general meeting that night, that he did not attend it, and that there was a suspicion the accounts were astray?—Well, it could scarcely be called a suspicion; it was not so strong. It was suggested that perhaps the accounts were wrong, and that that might have something to do with it. It was this: that he had certain accounts to render that night, and it might have been convenient for him to say the papers connected with the accounts had been burned. That was the form the suspicion took, and it never went beyond a suspicion.

932. Were you not given to understand by the insurance agent, or somebody, that the officers of the Foresters stated that they believed their moneys were short some £200 or £300?—I never heard that. I had no communication with the Foresters. I do not say positively the insurance agent did not tell me that, but certainly I have no recollection of it.

933. I ask you this: The insurance agent was given the key of the premises by Detective Farrell, and had it in his possession for a week after the fire. Did it not strike you as a suspicious circumstance that the Inspector of Police did not cause any inquiry to be made of the officers of the Foresters, to ascertain whether it was a fact that there were defalcations?—I do not know that the Inspector did not make inquiry. My impression is that he did inquire into it. Farrell represented the police to me in this matter. I saw Atchison once or twice, and I know I recommended proceedings to be taken, and he said we had better wait until the Foresters held their meeting and examined their accounts.

934. *The Chairman.*] Did it strike you that the Inspector and the Detective were working contrariwise?—It struck me that the Detective was more eager in the matter than the Inspector. I can hardly say they were working contrariwise.

935. *Hon. Mr. Fox.*] Did the Inspector exhibit any zeal, any desire, to proceed in the matter?—He did not display the same eagerness as the Detective. I think he wished to investigate the matter, but he did not take the same view as we did. He did not seem to think we were able to get a conviction, because the main evidence depended upon the man's sister. He said, in effect, "She has made these statements privately to the Detective, but, when she finds out that she might bring her brother into disgrace, we shall have great difficulty in getting any evidence out of her." That was his idea. I suggested that the Detective should lay an information, but he did not, and I spoke to him a second time, and I am not certain what answer I got, but I think it was that he must obey instructions from his superior officer.

936. The Detective, and you, and the insurance agent, were anxious for an information to be laid, but the Inspector threw cold water upon it?—Hardly that; but he did not display the same eagerness as the other two in the matter.

937. Then we come to the same point again. Was he not the reverse of eager?—No.

938. Then why did he not go on?—The reason he gave me was that we could not get evidence. I expressed my opinion that there was sufficient ground on which to lay an information, but at the same time pointed out to the insurance agent that it was not desirable for him to do it. It is a serious thing to put the criminal law in motion.

939. *The Chairman.*] You thought it unwise policy for an insurance office to resist claims by laying criminal informations?—Yes; it is a risky thing to have a man arrested on a charge of arson.

940. *Mr. Barton.*] Might not proceedings have been taken by holding a Coroner's inquest?—They consulted me as to whether an inquest could be held, and I advised it could not. I think it was this way: The Coroner refused to hold an inquest, and they came to me to see if they could not compel him to hold one. I looked at the Act, and said I did not see how he could be compelled to do so. I found the Coroner was only to sit in cases where the buildings had been damaged. In this case the buildings were not damaged, only something in the room. That was the view the Coroner took, and on looking up the Act I thought it was a correct view.

941. Do you remember Petridge's case?—Yes.

942. The owners of that place were Mace and Arkell?—No; I think it was vested in trustees.

943. It was a leasehold affair so far as Pertridge was concerned. Had not Mace and Arkell an interest in it? They got the insurance on it?—Yes.

944. Have Mace and Arkell any connection with Mr. Atchison?—Not that I know of.

945. Was there a prosecution in that case?—Yes; but it failed.

946. What was the cause of the failure?—The principal witness did not appear.

947. That was a witness named Ferguson?—I cannot recollect. I know the reason he did not appear was that some slip had taken place.

948. Did not Mr. Baker, the Clerk of the Court, omit to bind him over to appear?—Yes, that was it.

949. Was any report made to you, or did you make any report to the Government, or did you hear of any report, to the effect that that slip was intentional?—No.

950. Did you make any complaint in consequence of the witness not being bound over?—No. As soon as I found out that he had not been bound over I had a subpoena issued, but he had gone.

951. Did it not strike you as a suspicious circumstance that the witness was not bound over?—No; it frequently happens in the Court. It did not strike me as suspicious.

952. *The Chairman.*] It frequently happens?—Yes; almost every session we find it occurs. I have remonstrated with Mr. Baker personally about it.

953. *Mr. Barton.*] Do you happen to know whether Mace and Arkell were paid their insurance?—I do not. Inspector Atchison certainly did his best—I am quite certain of that—in getting up the case. He was very energetic and took a great deal of trouble about it. He came to me several times personally and went over the evidence, and was very anxious indeed that the thing should proceed. The slip that took place I do not think was in any degree due to him. It was a slip of Mr. Baker's.

954. *Mr. Swanson.*] What was the consequence of that slip? Did the criminal escape?—He got away.

955. Did the insurance company have to pay?—I am not aware.

956. We hear a good deal about responsibility of Government officers. What happened to this gentleman?—I am not aware whether he was reprimanded or not.