

*Sergeant Smith.*

4th Oct., 1878.

and I reported to him that I had seen Farrell, and that he refused to give any receipt. While I was speaking, the detective came in with the papers in his hand, and handed the Inspector a receipt for the papers. The Inspector then spoke to him, and said he had no right to take papers without authority, and that Mr. Bowen never intended he should come into the office and take the papers as he had done. The Inspector certainly seemed annoyed about it, but I do not recollect anything else.

1436. It is further alleged that a constable was reprimanded on parade for having gossiped with Farrell, and was also fined.—I presume you mean Carroll?

1437. Yes. What was he fined for?—For disobedience of orders.

1438. What was that?—It was simply this: I had orders from the Inspector to put so many men on at the Club ball on Thursday night, and I told Carroll, with others, that there was extra duty. He went on duty there, and was supposed to be on duty again at 9 o'clock next morning; but he failed to appear. I sent up one of the constables to the Te Aro Station, where he was sleeping, to tell him to be on duty as soon as he possibly could. The constable returned and said he had given the order to Carroll, but that he said he would not come. That was disobedience of orders, and I reported him to the Inspector.

1439. What constable did you send?—Constable Aynsley.

1440. Was the man reprimanded for talking to Farrell when he was fined?—No; that was before this—about two days. I had noticed this man Carroll talking and gossiping to Farrell several times, and on the last occasion I said to him, "Do you not know it is directly against the rules to gossip in the street;" and I told him he had been gossiping to Farrell. He said, "I was speaking to the detective about a man named Clarke." I said, "Yes; but you have been speaking to him frequently." I said, "Do not talk to him when you are on your beat."

1441. Do you know of any reason to make you suppose he was not talking to Farrell on duty or police business?—It had occurred several times before. On one occasion I saw he and Farrell walking up and down the beat gossiping. That is directly against orders. If Farrell wished to speak to him, he had plenty of other opportunities.

1442. *Mr. Barton.*] Where is the beat on which you saw Farrell and Carroll walking up and down?—Lambton Quay and Willis Street.

1443. What was the hour when it occurred?—I cannot tell.

1444. Why?—I forget.

1445. I want to know so that I may hunt the matter up?—So I suppose. I would tell you if I remembered.

1446. You do not remember whether it was after or before dinner?—No.

1447. How far did they walk up and down—where did they start from, and at what point did they turn?—I cannot say exactly. They were walking together when I first saw them.

1448. *The Chairman.*] Where was it?—On one occasion from Mr. Moss's shop to the Theatre Royal.

1449. *Mr. Barton.*] Of course you are now speaking of the occasion on which you complained of the gossiping?—No; it was on another occasion.

1450. Oh; well you thought it necessary to reprimand him on parade?—No, not on parade.

1451. Then it was between Mr. Moss's shop and the Theatre Royal?—Yes, on one occasion.

1452. Well, I want to know as to the date on which the complaint was made?—On that occasion I saw Farrell walking with Carroll from the corner opposite the Edinburgh Hotel to the Melbourne Hotel.

1453. Now, will you please state the time of day?—I cannot tell.

1454. Did you, about that time, meet any one you recognized that you remember?—No.

1455. Surely you knew some of the passers by?—Yes; but I do not remember.

1456. You cannot tell the time, whether it was before or after dinner?—No, I cannot remember, and I will tell you why. The times of duty for the men are changed every other day. They go on one day at from 5 a.m. to 9 a.m. and from 1 p.m. to 5 p.m., and on the other day from 9 a.m. to 1 p.m. and 5 p.m. to 9 p.m.

1457. Then you can tell by referring to the books?—No; because I do not know the exact day on which it occurred. It occurred on several days.

1458. But you never complained till the other day?—We do not always come down on a constable at once.

1459. *Hon. Mr. Fox.*] Are we to understand that your recollection of periods at which events happen depends upon the place at which a constable was at a particular time? Can you not recollect whether it was before or after dinner?—No.

1460. *Mr. Barton.*] The whole thing has occurred within a week?—Yes.

1461. What was the man fined for?—For disobedience of orders.

1462. For not going down at 9 o'clock when you sent for him?—Yes.

1463. What time did he come off duty at the ball?—At 3 o'clock.

1464. Was Carroll there as long as Buchanan?—Yes.

1465. Will you swear he left at 3 o'clock?—No; but he reported so himself.

1466. That he came off at 3 o'clock?—No; I think now it was half-past 3.

1467. Now, do you think it was a reasonable thing, or a right thing, to fine this man for disobedience of orders because, having been on duty until half-past 3, he did not turn up punctually at 9?—It is not my duty to fine, I only report to the Inspector.

1468. You thought there had been a breach of discipline—in fact, that the man declined to come, not from fatigue, but from a desire to get out of his duty?—It was a breach of discipline. He ought to have been there; and if he wanted leave, he could have got it.

1469. Now, suppose the club had taken fire, and he had had to stay there till 8 o'clock in the morning, would you still have expected him at 9 o'clock?—I should have expected him to have been there, or to have sent down word.