

1470. Now, what about McWilliams, who is at present at the Hot Springs, was it ever reported to you that he broke a stick over another constable named Wm. J. Phair?—No. *Sergeant Smith.*

4th Oct., 1878.

1471. Was that not reported to you in writing?—No.

1472. On your oath?—On my oath—no.

1473. Did you ever hear of such a report?—No; I heard something said about the matter, that is all.

1474. Did you consider it necessary to report him?—If I was to report everything I heard of men, I should have nothing else to do.

1475. You reported this man for not being on duty at 9 o'clock after having been at work till half-past 3 the same morning, yet you thought nothing of a constable breaking a stick over the back of another in a public hotel?—I do not know that it was true.

1476. *The Chairman.*] Was this reported to have taken place in an hotel?—It was never reported to me.

1477. Did you ever hear it said that this broil had taken place?—This constable was on duty one day in the street, I heard, and had some trouble with McWilliams, and McWilliams struck him and the stick he used broke. That is what I heard.

1478. *Mr. Barton.*] Do you not know there was a written report sent in either by this constable or by some one else?—I am certain no such report ever was sent in.

1479. Nevertheless you heard of the occurrence?—It was rumoured.

1480. That these conservators of the peace had broken the peace, and yet you did not think it right to take any steps in the matter?—No.

1481. Do you consider it was wrong for Carroll to speak to Farrell when on his beat?—Yes; when there was a repetition of it.

1482. Although Carroll explained that he had been speaking about duty?—That was on this one occasion.

1483. Farrell was asking about a man whose photograph he had?—I do not know.

1484. A man for whom there was a warrant out?—I do not know.

1485. You are second in command to Atchison?—Yes.

1486. Did you never see that photograph (produced) before?—I did.

1487. Is it not a photograph of a man named Clarke?—I believe it is.

1488. Was it not that man of whom Farrell was speaking to Carroll?—I do not know. I may explain that some two months ago there was a warrant issued by the Bench for the arrest of a man named Clarke for disobeying an order of the Court, and I really thought the conversation was about that man.

1489. I will read you a paragraph from the regulations. You are working under the Otago regulations?—No.

1490. Well something pretty close to them. Now here is a regulation I want to read to you:—“As the detection of offences depends very much upon the support and assistance which the detectives receive from the constables on duty, every endeavour must be made by the constables to assist the detectives by promptly affording them all the information in their power respecting offences committed within the limits of their beats.”

1491. There being no separate detective police Farrell is, as it were, the whole and sole department in himself. Do you not know it was the duty of Farrell to keep constantly asking the policemen on the various beats whether they had seen this man or that man, and so on?—There was no objection to it.

1492. Then if he was speaking to Farrell about a man wanted he was right?—Undoubtedly.

1493. *The Chairman.*] Did you ever give evidence to the effect that the Melbourne Hotel was a disorderly house?—Yes.

1494. Is it a disorderly house?—It has been till lately.

1495. Has an information been laid against the house?—No.

1496. Why not?—For the simple reason that we have nothing to complain of.

1497. You said the house was conducted in a disorderly manner?—Yes.

1498. You had something to go upon in making that statement?—Yes; upon what I heard.

1499. Then why did you not lay an information?—I should have done if I could, but I found there was nothing to go upon.

1500. Did you inform the Inspector?—Yes.

1501. What instructions were given?—That the constable on duty on that beat was to visit the house at five minutes past 12 every night, and to see that it was cleared. There was a disturbance at the house on this occasion; but I did not see any liquor sold, and I could not lay an information.

1502. What did you say before Mr. Mansford?—That was a case brought by me against a young fellow named Thomas Friend. There was a row at half-past 12 or 1 o'clock on a Sunday morning, and I went in and was struck. I arrested this man for assault.

1503. Were there any people in the house besides lodgers?—Yes.

1504. Well, why did you not lay an information against the proprietor on those facts?—I did not see how I could proceed.

1505. Why? I understood you to say it was a disorderly house, and that on this occasion there was a disturbance between 12 and 1 o'clock on Sunday morning?—Yes.

1506. Did not Mr. Mansford tell you to lay an information?—He said it was a case in which to take action.

1507. Then, why did you not take action?—Because I found there was nothing to go upon.

1508. But Mr. Mansford ordered a prosecution? You say you reported the matter to the Inspector?—Yes.

1509. What orders did you get?—I believe I said to the Inspector that I did not know what grounds to go upon, and he said, “Well, for the future, you had better visit the place at 12 o'clock, and see that it is cleared.”