

Sergeant Smith.

4th Oct., 1878.

1510. *Mr. Swanson.*] Nothing was said about the past, but simply that you were to keep a good look-out in the future?—Yes.

1511. *Inspector Atchison.*] Did I not ask you whether an information had been laid against the house?—Yes, and I told you I had nothing to go upon.

1512. *Mr. Swanson.*] Nothing to go upon, when it was a disorderly house at half-past 12 or 1 o'clock on Sunday morning?—Well, on several occasions I have taken cases into Court and they have been thrown out, and that is very unpleasant for one. There was really nothing to go upon in this case.

1513. You do not like to be beaten?—I like to be careful in bringing cases into Court.

1514. *Hon. Mr. Fox.*] Well, your answer amounts to this: You think you do not get that support in Court to which you are entitled as a policeman?—That is the case.

1515. *The Chairman.*] But in this case the Magistrate instructed you to inform?—Yes; but I assumed he meant if the police thought there was a case.

1516. *Hon. Mr. Fox.*] Did you not consider that Mansford threw out the hint because he thought there was a sufficient case to come before the Court?—No.

1517. You thought he did not consider there was a case?—Yes; I thought he was mistaken. He thought we went in and saw drink being served out, or something of that sort.

1518. Did you say in Court that drink was being served out?—No.

1519. Then, what would have made him think so?—I do not know. I said in Court that the men were drinking, but not that I saw they were drinking.

1520. *The Chairman.*] Well, there was evidence of a broil having taken place in the house?—Yes; we generally take a note of these things, and bring it before the Licensing Bench. I did not take it as a direct order from the Magistrate that we were to prosecute.

1521. *Hon. Mr. Fox.*] Could he have given a more direct order?—Yes; he could have said, "Lay an information."

1522. You threw the responsibility upon the Inspector: You told him what had taken place, and, with that knowledge, he did not direct you to go any further? Was that not the case?—To a certain extent. I told the Inspector.

1523. *Mr. Swanson.*] This man Carroll: He was reprimanded on parade?—No; he was not reprimanded on parade in my presence for that. I merely spoke to him privately, and I think it is very hard I should be brought before the Committee for that.

1524. *Mr. Barton.*] I notice you say, "He was not reprimanded on parade in my presence for that." Was he reprimanded on parade for anything, and fined?—He was not reprimanded on parade and fined that I know of.

1525. Was he fined at all?—Yes.

1526. Where?—In the Inspector's office.

1527. How much?—Ten shillings. There were two crimes made out on the charge sheet. The first was for being absent at 9 o'clock without leave, and the second was for disobedience of orders.

1528. That was in not coming down when you sent for him?—Yes; he explained the first satisfactorily to the Inspector—that he had been on night duty at the Club, and I did not press the charge; but the Inspector told him he ought to have come down when sent for, and for that he was fined 10s.

1529. Oh, the meaning of that was, then, that the Inspector thought it reasonable that he should not turn out at 9 o'clock, but, notwithstanding that, it was unreasonable that he did not turn out five minutes after 9 o'clock, in order to explain why he had not come at 9?—It was an hour and a half afterwards before he came. I sent a man for him at 9, and he returned no excuse, simply an answer that he would not come.

1530. Where did he sleep?—At the Te Aro Station.

1531. Who is the constable in charge of that station?—Sergeant O'Connor.

1532. The constable you sent would have reported that to O'Connor?—No; O'Connor was out on duty then.

1533. Did Carroll admit he had said he would not come, or did he deny it?—He admitted the charge, and was fined.

1534. He paid his money and there was an end to it?—The money was stopped out of his pay.

1535. Was there a written report of these circumstances?—No, because he pleaded guilty.

1536. Did he sign anything?—No.

1537. Was the policeman you sent up put on oath?—No.

1538. *Detective Farrell.*] Who is in charge of Lambton Quay Station in the absence of the Inspector?—I am.

1539. Who is in charge at night time? Is it not the case that the station is left to take care of itself a great part of the time?—At 9 o'clock every night the men are paraded and sent out for night duty. Sometimes at 11, 12, or 1 o'clock I call in at the station to see all is right, see to the condition of the prisoners, &c., and hand over charge to Doran, who is on duty till 5 next morning; I then go home. The place is never left without a man in charge, and there are strict instructions that if anything particular should occur I am to be sent for at once. There has never been an instance in which the place has been left.

1540. Did you ask me yesterday morning if I took any documents?—Yes.

1541. Did I not tell you I had, in the presence of Ellison?—Yes.

1542. Did I not tell you I had done so by order of Mr. Bowen?—Yes.

1543. And you said that Mr. Bowen had no right to give me instructions?—No. I asked you what Mr. Bowen had to do with the office, and said you had no right to take the documents without the Inspector's leave.

1544. You said I refused to give you a receipt. Did I not, as soon as you asked me for a receipt, walk straight to the Grand Jury-room, write out a receipt, and bring it back and give it to Atchison?—You did, after you had said you would give no receipt.