

FRIDAY, 11TH OCTOBER, 1878.

Mr. J. G. Allan.

Mr. J. GORDON ALLAN, solicitor, being duly sworn, was examined.

11th Oct., 1878.

1797. *The Chairman.*] I understand, Mr. Allan, that, in the case of Richard Jones who has been before the Committee, you cannot recollect that he made any complaint to you as to his having been maltreated by the police; and that, so far as you have seen lately, the police have conducted themselves well with regard to prisoners whom you have defended, and that in some cases you know Sergeant Smith has adduced evidence in favour of prisoners which you as counsel were unaware of?—Yes, I may mention one case particularly, in which a man was brought up for assaulting another man near the theatre. In that case it was done.

Inspector ATCHISON, being duly sworn, was re-examined.

Inspector Atchi-

son.

11th Oct., 1878.

1798. *The Chairman.*] We told the clerk to send you a copy of the evidence given by Sergeant Farrell, and we named to-day as the time to hear your evidence on the subject. Will you state anything you wish to the Committee?—In the case of Pestridge, of the Railway Hotel, which was burned down, I wish to say this: After the fire I saw Bruce Wallace and Mr. Simpson, Insurance Agents, about it once or twice, and then got together the persons who, I thought, knew something of the matter, took them to my office, and there took down the statements they had to make. The Insurance Agents and Messrs. Simpson and Wallace, I think, waited upon me soon after, and I showed them what evidence I had collected. They read it over and said, "Well, what do you think?" I replied I thought there was sufficient to get a committal and a conviction afterwards, and they agreed with me. I there and then sent for Mr. Baker, the Clerk of the Resident Magistrate's Court, to come up-stairs to my office, and I laid an information. A warrant was issued a quarter of an hour afterwards, and it was placed in Detective Farrell's hands. He executed it at once, arresting the man in town. Pestridge was committed to take his trial, but when the sessions arrived a man named Ferguson could not be brought forward. He had cleared out as soon as he heard of the arrest of Pestridge, and his evidence was not taken even at the Resident Magistrate's Court. I did my best, as my books will show, to get hold of this man. I sent to Manawatu, and Rangitikei, and Wanganui to find him and get the subpoena served; but all in vain—he had got out of the way, and he kept out of the way.

1799. Do you say he was never in the Resident Magistrate's Court?—His evidence was not taken before the Magistrate's Court. As soon as Pestridge was arrested Ferguson was not to be found. I did my utmost to try and find him, but could not get hold of him. The insurance companies seemed satisfied that I did what I could. Now, in reference to Farrell's part of the business, I have brought up and handed in a copy of the evidence, to show how far he was concerned. The next case I wish to speak on is Heggarty's. There were two fires at Heggarty's place—one in May, and one later on. When the first occurred I investigated it, and had strong suspicions, but had not sufficient evidence to proceed. I was up there six days, I think. I had not returned to town many weeks when another fire broke out at Heggarty's; and I had telegrams from all the principal Carterton people, asking me to come up, because, after what had occurred, they did not feel safe in their beds. The sittings of the Supreme Court were on about that time, and I could not leave town just then, but as soon as I could I went up. In the meantime Heggarty had been arrested, but was not committed—out on bail. He was, when I went up, committed for trial, but allowed bail, and, knowing the man so well, I feared he would be off. I mentioned my fears to Sergeant Fraser, telling him to let me know anything he heard of Heggarty's movements. One Friday morning—I think it was the 29th June, 1877—Sergeant Price came up to my place about half-past 2 o'clock, and told me Heggarty was in town. I asked him if any vessels were going out, and he said "No." I replied, "Oh, very well; let him slide till the morning." In the morning I went down town, and, finding the "Arawata" was going away, I went on to the wharf, and there saw Heggarty. I did not know what to do, because, so long as he was merely knocking about town, I had no power to arrest him; but, about half-past 1 or 2, I saw Sergeants Smith and Farrell, and asked them if they knew Heggarty. Both said they did not; and I said, "Well, if you will go down on to the wharf, I will point him out to you. I will also go on board the 'Arawata' and see Captain Underwood, and get him, if Heggarty goes on board, to heave-to till I can take Heggarty off in a boat." They went down, and I think I sent a constable with them. When I got down, Heggarty was crouching down at the end of the wharf, having his son on one side of him and his son-in-law on the other. I said to Farrell and Smith, "Now, take a good look at him, so as you will be sure to know him;" and then I went on board the steamer, and Captain Underwood agreed to do as I wished in case Heggarty went on board. We watched him till the steamer had gone, and I, finding he had not attempted to go away, was in a fix as to what I should do. I went back to the Police Office, and on the landing of the stairs met Mr. Bell, Mr. Izard's partner, the Crown Prosecutor. I related the circumstances to him, and my suspicions. He said, "Oh, don't you think you can strain a point?" I said, "What do you mean?" He said, "In reference to Gordon's case." I said, "What, arrest him on a charge of perjury in connection with Gordon's case." He replied, "Yes." I said, "Well, the case would not be very clear, I am afraid." He said, "You have nerve enough to do that, surely. He would not dare to bring an action." I replied, "Very well, I will do it." It was then past Court hours, but I said to Farrell and Smith, I think, "Go and arrest Heggarty on a charge of perjury. I will take the necessary steps in reference to an information and a warrant in the morning." They then went down the street, and arrested him somewhere near the Oddfellows' Hall. He was, on the Saturday, charged with perjury, and remanded to Featherston; and next day I took him up. Mr. Allan, in Court, I may say, had remonstrated against the proceedings I had taken. I had to take charge of this man Gordon, too, for he did not bear a very good character, and was given to drinking, and I had to keep him straight. Heggarty was charged with arson before Mr. Wardell. He was defended by Mr. Bunny, jun., and I prosecuted. The case lasted one or two days, I think, the result being that he was committed for trial. Bail was applied for. I opposed it, but it was granted, although I told Mr. Wardell I was quite satisfied the man would escape, if possible. However, he could not get any one to go bail for him, and he was brought down to Wellington. He had no less than three trials at the next