

information was not laid against Butterworth, and a conviction recorded of £1?—I see a letter here from Inspector Thomson :—

Referring to the attached correspondence *re* equalisator, or “bird on the wing,” I have the honour to state that the hearing of the information laid by the man Nichols against Butterworth, charging him with playing the game in question at the Agricultural Show held here in December last, was, by consent of both counsel, adjourned to the 26th February (yesterday), when the information was formally withdrawn by the informant’s solicitor. In accordance with the statement made in concluding paragraph of my memorandum of the 31st ultimo, the game was not played at all at the two days’ race-meeting held here last week. Mr. Richmond has not applied to me for any further information on this matter, as suggested in your letter to him of the 9th instant; but I had previously had a conversation on the subject with him in the street.

I sent that letter to Mr. Thomson for a report, and this is what he says :—

This complaint refers to a new game, owned by Mr. James Butterworth, called the “puzzling alphabet,” and all to whom I have spoken on the matter speak of it as an extremely fair game indeed, and cheating at it impossible. However, to test the matter, I have informed Mr. Butterworth that if he plays it at the races on the 20th and 21st I will have him summoned to Court, and he is quite content to abide the issue. The informant in this instance is the bailiff’s assistant, who last year complained of the “bird on the wing” game, although he had played the same game himself for several years. Lengthened absence from home has prevented me from reporting sooner.

Then, there is a telegram dated the 25th February, 1895, from Inspector Thomson :—

J. Butterworth was charged on Saturday with breach of Gaming and Lotteries Act. After hearing the evidence and the arguments of defendant’s counsel, the Bench convicted, and fined defendant twenty shillings and costs.

711. Was not another information laid in February, 1895?—That is February, 1895.

712. Was there not another one?—No. Then, there is a petition as follows :—

The memorial of the undersigned, adult residents in New Plymouth and its vicinity, humbly sheweth: 1. That by the “Gaming and Lotteries Act, 1881,” gaming with an instrument in a public place is declared illegal, and punishable with a fine up to £50, or three months’ imprisonment with hard labour. That this law has been openly and deliberately violated on the New Plymouth Racecourse during the races on Boxing Day, 1894, and those held on the 20th and 21st February, 1895. That prior to the 20th February the attention of Colonel Hume was drawn to the violation of the law on Boxing Day last, but no prosecution resulted. That pressure was brought to bear upon the police to stop the game on the 20th February, but they would not stop it, and, even after the information was laid by them, the playing of the game was continued on the 21st without any interference from the police. 5. That two informations were laid—one for the offence on the 20th, and one for the offence on the 21st February. The defendant was convicted on the first charge, and was fined £1 and 9s. costs. The Inspector then withdrew the second charge, saying the ends of justice were met. 6. That we consider the fine imposed is quite inadequate to the gravity of the offence. 7. We believe that the money made is very considerable, and the terrors of the law minimised when such inadequate fines are imposed. 8. Your petitioners believe that by the necessary interference of the police at the proper time, no breach of the law would have been committed; and, as the first duty of the police is to prevent crime, we respectfully request that you will be pleased to take such measures as will prevent a repetition of the offence.

That petition was addressed to Sir Robert Stout, who forwarded it to the Minister of Justice. It is very extensively signed—about four hundred and fifty-six signatures.

713. *The Chairman.*] Since then the game has been discontinued, as far as you know?—Oh, yes; ever since that conviction was obtained.

MONDAY, 21ST FEBRUARY, 1898.

Examination of Colonel ARTHUR HUME on oath continued.

*Colonel Hume:* Before commencing, Sir, I should like to point out one matter to the Commissioners. Mr. Taylor, when he was here on Wednesday, prefaced his remarks by saying that he wanted to ask me some questions about the police regulations. Well, Sir, of course I am quite prepared to answer any questions on police regulations straight off; but Mr. Taylor then proceeded to ask all sorts of questions on matters that occurred many years ago, and I had no notice at all that these things were going to be asked. A large file of papers was put into my hands, and I was supposed with the help of my memory and a cursory glance at these files to give full and definite answers. Well, Sir, I say that is impossible; and on looking over my answers I see that they are not near as full as I should like to give them. I have nothing at all to hide; but at the same time I think, gentlemen, with all due respect to you, when papers of this sort are to be called for I should receive twenty-four hours’ notice, so as to be able to look them over and refresh my memory.

*The Chairman:* This is a serious thing, and I may say, Colonel Hume, that had you asked for this notice you would have got it.

*Colonel Hume:* As Mr. Taylor said, that was only one list, and he had several more, I merely make these remarks so as to be ready for the next little list. The Commissioners might say that my memory ought to serve me in these matters; but I would point out that in addition to running the Police Department, all the time I had one other department, and most of the time two other departments, under my control. It is therefore impossible to rely on my memory in these matters. I should like to correct or add to some of the answers I gave the other day. I think I perhaps may have misled the Commissioners in regard to the remission of a fine of 2s. 6d. in the case of a constable named Aitcheson. I think I said it was done by order of the Defence Minister. I have refreshed my memory, and I would like to explain to the Commissioners that the system adopted is that at the end of every month each Inspector sends in to the Commissioner’s office a return of all offences against constables during the month. When they are all in, they are filed together and laid before the Defence Minister, and he writes “Seen” on them, and they are filed. The particular return containing the remission of this fine cannot now be found,

714. *The Chairman.*] Would the punishment return record the remission of the fine as well as the imposition of the fine?—No; it goes up and is shown to the Defence Minister as it stands. This particular entry was, “Five minutes late parading for duty, 8.45 p.m.”; and the punishment was, “Fined 2s. 6d.—INSPECTOR PARDY.” My impression is that the Minister said, “I think that is