

of ginger-ale to see if I could detect any liquor exposed. I then noticed what I took to be a bottle of whiskey on one of the shelves. From what I could further hear, he intended to get hold on the following day. I then went into the luncheon-booth, which is attached to the booth just referred to by a trap-door in the wall, which was open. The table was laid for lunch, and on it was five bottles of what I took to be beer, in bottles marked "pale ale." All the corks appeared as if they had been put in the bottles. I purchased a sausage, at the same time asked for a drink out of the bottle. The woman in charge said that she could not sell it, as it was for the stewards, so I took a cup of tea. I made no further attempt that day in case of arousing suspicion. At 9.15 p.m. I went to the police-station, and saw Sergeant O'Grady, and verbally informed him of what I had done, and said I did not think I would be able to prove a sale, but that I was sure we could get him for exposing liquor. At the same time, I referred to a case in Ashburton where a conviction was obtained under similar circumstances. I said, if he liked, I would lay an information for the exposure, and get a warrant. Sergeant O'Grady then instructed me to go to the grounds next morning, the 22nd, and, if I could not be able to prove a sale of liquor, to try and see if I could be able to see the same exposed. He would have the warrant, and we would seize it. I proceeded to the grounds as instructed at about 11 a.m. After being there a little time, I visited the booth and asked for a drink, and was supplied with ginger-ale. I then noticed three bottles standing on the counter, one a whiskey bottle about three parts full, one square gin nearly full, and a black bottle full, but could not say what it contained; four glasses, and towel. Behind the counter was a ten-gallon keg of beer on tap with the stamp defaced. At the time four men came in. They passed me, and went up to where the bottles were standing on the counter; at the same time I got behind a case that was on the counter and lit a cigarette, and tried to see if any money was passed, but could see none. Then I went out, in case I should arouse suspicion, and the liquor was removed before Sergeant O'Grady arrived with the warrant. He arrived about 2 p.m. I at once informed him of what I had seen, and that I was sure persons were being supplied. He told me to get the constables for him, which I did, thinking he was going to make a seizure. Later on he told me he had put the men to the door, to see that he did not sell any. Shortly afterwards Orr put up the shutters and left.

DAVID JACKSON, Third-class Constable 622.

That was sent up by the sergeant at Ashburton to the Inspector, and then Mr. Broham evidently asked about this Ashburton case that had been quoted, as follows: "Sergeant Moeller.—What was the defendant at Ashburton fined for? Was it for selling or for exposing for sale, or did you prefer both charges. If the latter, which charge was he fined upon?" The sergeant replied, "The defendant was fined for exposing for sale and also with selling. I withdrew the latter charge, and he was fined for exposing for sale. The facts were admitted—viz., that two 10-gallon kegs of beer were on the top of the stand, one on tap and glasses alongside. Defendant had bought the right of admission to this stand, and charged 1s. to each person who went there, and the persons thus admitted could help themselves to the beer or leave it alone. I saw several persons pay and afterwards help themselves to the beer. It was argued for defendant that no sale took place. I contended that there was a transaction in the nature of a sale, because if the person did not pay the 1s. he could not get the beer; and the Stipendiary Magistrate upheld my contention and fined defendant £5 1s. Notice of appeal was given but not carried out." The papers were then sent on to Sergeant O'Grady for a report, and he replied as follows: "Police Office, Oamaru, 29th November, 1895.—Report from Sergeant O'Grady relative to the Inspector's memorandum on attached correspondence.—I beg to state that Richard Orr, the person who supplied the luncheon, made arrangements or entered into an agreement with the stewards of the North Otago Agricultural Association to supply dinner for 2s. 6d., a glass of beer or a cup of tea to be provided for that sum. This Orr agreed to do, and did not think he was doing wrong. The persons partaking of the dinner did not pay individually. The amount was paid to Orr by the association in one sum. I am quite satisfied that Orr acted in good faith and did not think he was doing wrong. If summoned I have no doubt he will at once say what he did." Here is another memorandum from the Inspector to Sergeant O'Grady, dated the 2nd December, 1895: "Please state the facts with regard to payment for the meals. Who did the persons pay who had the meals and beer? Did they pay at the time or have they paid since? Who paid Orr? Please mention the names of the persons through whose hands the money passed until it reached Orr. Also the position of those persons in the association." On the 6th December, 1895, the sergeant writes: "Mr. Orr agreed with Mr. John Church, Secretary to the North Otago Agricultural Association, some days previous to the show, to provide ninety-five luncheons, to include a cup of tea, lemonade, or beer, for the sum of 2s. 6d. This amount will be handed to Mr. Orr by Mr. Church in a few days, or as soon as the accounts are passed. Mr. Church will let me know when this money is paid to Orr, and I will inform the Inspector." Then there is another memorandum from the sergeant to the Inspector on the 13th December, 1895, as follows: "I had no evidence of the sale of liquor, or a transaction in the nature of a sale. The latter phrase, I think, would refer more to licensed persons than to sly-grog sellers, and I feel sure that such evidence as was given in the Ashburton case would not obtain a conviction for me at Oamaru." Inspector Broham replies: "Sergeant O'Grady.—If you ever have such evidence in any case as was given in the Ashburton case, your course is to bring the case into Court. If such a case were dismissed, steps would be taken to appeal. Stronger evidence could not be given." It was at this stage that Inspector Broham apparently inquired for the particulars of the Ashburton case, for there is this last minute in regard to Sergeant Moeller's statement: "Sergeant O'Grady.—The Court must have convicted of exposing liquor for sale upon such evidence as above. I presume you had no evidence of the kind in this case? So far as I can see you could not have sustained a charge of exposing for sale.—T. BROHAM, Inspector.—10th December, 1895."

242. What was the outcome of it, Colonel Hume?—That is what I am trying to ascertain, but I cannot see the finish of it here. However, as it is a case where Sergeant O'Grady appears to have neglected his duty, he should be here when it is investigated, and, as you will presently be calling Mr. Broham, he will be able to tell you more about it.

243. Have you Constable Potter's papers?—Yes. This case is altogether subsequent to my handing over charge of the Police Department. Mr. Tunbridge has handed over the papers, and I can, no doubt, answer any questions where they are shown on the papers.

244. He has been dismissed for being under the influence of drink recently?—Yes, on the 26th February, 1898.