

Durbridge apologised, and we proceeded no further with the matter. The following young men witnessed the assault: Claude Hamilton, of Buxton and Co.; Edward Daniels, of Wilkins and Field, ironmongers; Alex. Brown, watchmaker and jeweller; young Jackson, son of Jackson who keeps the tea-rooms; Edward Ward; and others. A great crowd of others witnessed the affair. When I was thrown down a crowd was got up to rush the police, but it was not acted on. One thing that influenced us a good deal to accept an apology was the fact that I was starting a little business myself, and I did not wish to be mixed up in a disagreeable matter of this kind."

I next called on Edward George Ward, grocer, Bridge Street, who stated as follows: "On last Christmas Eve a lot of people were out in the streets. I and some others were out somewhat late. We came across a half-drunken man in Trafalgar Street. He belongs to Nelson somewhere, but I do not know his name. He was fooling about and struck me, but not severely. I saw two constables a little distance off, and went up and told them. They were Kemp and Durbridge. I spoke to Kemp—I think he was in plain clothes. He said, 'I'll soon settle him.' He went over to him, and struck and knocked him over three times. Durbridge followed him. There was some uproar at the ill-treatment of the tipsy man. They did not arrest or lock him up. I was simply looking on on the outskirts of the crowd. Young Bannehr came up and asked me what was the matter. I told him it was the treatment the police gave the man. He said, 'We'll go over and see.' He went over amongst the crowd, and said, 'What the hell is the row?' Durbridge said, 'What the hell has that got to do with you?' With that he rushed at Bannehr. I immediately saw Bannehr lying on the street. Bannehr got up, and he made a drive at Durbridge with a slight stick he had in his hand. I thought he struck him, but I am not sure. Durbridge caught him, took him up his own height, and threw him down very heavily, flat on the street—he fell with a thud, and lay fully half a minute without a move—quite still. We thought he was hurt severely; he, however, got up, but was quite winded. He was very limp and helpless. I saw him again the next day and he was the same.—E. G. WARD."

Mr. Ward told me that after Bannehr and others went away to complain the two constables called him over and said, "You saw everything; you know it was not our fault." Ward replied, "I saw it all." They then said, "You will take our side, won't you." He replied, "I shall take no side." He says they spoke in a similar way to young Brown, watchmaker, &c., and did so again some time afterwards, and used a threat if he did not take their side by saying, "If not, we shall be even with you yet."

Mr. Brown referred to was away in the country, so that I did not see him. I am, however, told that all the young men whose names were given by young Bannehr are highly respectable and will tell the truth. I tried to see some more of them, but did not find them in. As this was simply a preliminary inquiry, I left without seeing them. I have no doubt whatever but a dozen could be got to prove the facts stated.

I may say that Bannehr is a very slight youth, while Durbridge is a powerful athlete, and apparently only too anxious to show it.

Since writing the above I received two statements from Messrs. Henry Frank and Ames Harling. I do not know who sent them. These statements are attached. I am satisfied they are not by any means the best witnesses that can be got in the case.

I may state that I forwarded these cases in this incomplete state simply because I was unable to see all the parties, to give the Commissioner some idea of the state of matters at Nelson, so that proper action should be taken to prevent any repetition of the same.

E. MACDONELL, Inspector.

SIR,—

Waimea Street, Nelson, 18th February, 1901.

On the night of the 24th December (Christmas Eve) I was spending the evening with a friend (Ames Harling) in the upstairs of Mr. Dickinson's saddler's shop. About 12 o'clock we were talking to each other when we heard a noise in the street, and so we ran to the window to see what it was. In the middle of the road was Constable Durbridge trying to catch hold of Bannehr. Bannehr was trying to ward him off, but Constable Durbridge caught hold of him and threw him on his back. From the conversation that was going on between them they seemed to be talking over a person whom Constable Durbridge had a minute or two before handled roughly. Bannehr was asking him why he wanted to knock this person about for. Constable Durbridge told him he would do the same to him, which he did, as I have before stated. After this a crowd began to gather, and they parted, Constable Durbridge going towards Hardy Street, and Bannehr going the other way. I did not see the person whom they were talking about. This is all I can remember, to my knowledge.

HENRY FRANK, Waimea Street, Nelson.

SIR,—

Nelson, 18th February.

All I know about that case of Bannehr on Christmas Eve, the 24th December, myself and a mate (Harry Franks) were upstairs in Dickinson's shop, where I sleep, when we heard a row in Trafalgar Street. We ran to the window to see what was up, when we saw a crowd gathered over by Hounsell, bookseller's, talking about some fellow the police had handled roughly. Then we saw Bannehr go over to them and ask what was up. Then Durbridge said something to him and then knocked him down. Bannehr got up and Durbridge and him had a scuffle. Durbridge caught hold of him, and it looked like as if he lifted him as high as his shoulders and dropped him down hard on his back. Bannehr lay there for a good time as if he was stunned. Then he got up and Durbridge said, "You are drunk; go home." He was not drunk. Then, some more people came up and Durbridge went toward Masonic Hotel, and Bannehr went around into Bridge Street. That is all I remember seeing.

AMES HARLING,

Morrison Street, Nelson, N.Z.