

SERGEANT MACKAY.

Charge No. 2.—Omitting to bring under the notice of his Inspector the fact that Charles Remnant, of Vincent Street, Nelson, had complained to him of being assaulted by Constable Burrell about February, 1901.

Finding.—The sergeant ought at least to have made an entry of this complaint in the diary under the heading of "Occurrences," and it would have been better had he submitted a report to his Inspector.

The constable at the time of the alleged assault was not on duty, and the offence was a statutory one; Remnant therefore had his remedy in the Magistrate's Court. Had the alleged assault been committed by the constable while on duty there would have been absolutely no excuse for the sergeant not reporting the matter. As the constable was not on duty at the time, the sergeant, in the exercise of his discretion, might not have considered it necessary to report the matter; but I cannot accept that as a sufficient excuse, and therefore convict him of this charge, and caution him to be more careful in future. I think, under all the circumstances, that is sufficient punishment.

J. B. TUNBRIDGE,

Commissioner of Police.

Charge No. 2.

13th March, 1902.

CHARLES REMNANT, carter, residing at St. Vincent Street, Nelson, says:—

Examined by Inspector Macdonell.] About 16th February, 1901, I came to Nelson Police-station about 9.30 p.m. to see the sergeant, and did see him at the station later on. I told him that I had been insulted (by insulted I mean that Constable Burrell had struck me). I told the sergeant that Mr. Symes, his wife, myself, and a little child I had charge of were walking down the lower end of Bridge Street when I heard some one call out "Remnant" three times. I went back and saw Constable Burrell, who struck me in the jaw and knocked me down. He said, "You know what that is for, you beggar." When getting up he made an attempt to strike me again. I told the sergeant Mr. Symes and his wife were present at the time. I also told the sergeant that another constable whom I thought was Williams was with Constable Burrell. (I subsequently ascertained that the other constable was Durbridge). I told the sergeant the constable had said his conduct towards me was through my having told yarns about him. I told the constable if he did not stop I would go to the police-station about him. After I had told my story to the sergeant he asked me if I had said anything about the constable, and I told the sergeant I had seen Constable Burrell in the Post Boy Hotel, and I was asked who he was and if I knew him before he came to Nelson. I told the people who asked me that I knew him when he was bush-falling at Pahiatua, and that he had not been long in the Force. When he left Pahiatua he was accused of his dog having worried eighteen sheep. I did not know about the dog having worried the sheep; an old gentleman in the town had told me such was the case. The sergeant said Burrell was one of the quietest men he had on the station, and advised him to let the matter drop. I told the sergeant that if I did let the matter drop the constable would have me some other way. The sergeant said he would see that it would be all right.

Cross-examined by Sergeant Mackay.] I saw you in Bridge Street on the night of the occurrence, about 10 p.m. There was a gentleman with you; I do not know who it was. I was sober. You came back direct to the police-station with me and left the gentleman. I did not see any other person when we reached the station. I was quite sober. When I reached the office I told you I had been insulted by Burrell. The only persons I have repeated this story to are the sergeant and the Inspector. I remained in the office till after 11 p.m. You wrote a lot down. The police interfered with me once, and accused me of being drunk, but my wife came out of the Post Boy Hotel and told the police to leave me alone, and they did so, and I went home with my wife. You did not tell me to put my complaint in writing, and I did not say I would do so and let you have it next morning. You appeared to be writing down what I told you. I did not speak to any police officer on the matter after I saw you until Inspector Macdonell saw me at the Masonic Hotel about three weeks ago. I was told the Inspector was in town, and I then went to see him. When I saw him at the Masonic Hotel the Inspector took down my statement the same as I have made it here to-day. The statement I have given to-day is what happened between you and I. I came from Bridge Street to the police-station with you and did not follow after you; I have a witness who can prove that. The witness is named Friend. He followed us to the station.

Questioned by the Commissioner.] On the 3rd October last Constable Burrell summoned me for not having my cart-wheel chained. I was fined 2s. 6d. and 7s. costs for this offence. I am aware that I can lay an information before a Magistrate against any person who knocks me down. I did not do so, as I thought if I told the sergeant it would be a warning to Burrell. I was content to allow the matter to remain at that until I found that the constable was interfering with me. The interference was as follows: One Saturday night, about March last year, I was walking down the lower end of Hardy Street with a friend (my nephew), when the constable, who was standing in a doorway, said, "I heard what you said about Durbridge." I made no reply, and walked on. The constable, who was in uniform, followed us, and said I was no good and wanted a good dressing-down. I told him he could not do it. He thereupon jumped into the middle of the street at the corner of Waimea and Hardy Streets and acted as if about to take off his coat to fight me, but did not take off his coat. I made no complaint of this until I saw the Inspector about three weeks ago. I kept quiet about the matter until I was summoned by Constable Burrell, and I then thought to myself, I will keep quiet until I get a chance to explain myself. I am convinced it was on a Saturday night that the last occurrence between Constable Burrell and myself took place. There was some play on at the theatre.

CHARLES REMNANT.