

and I were the witnesses in these cases. I cannot explain how Constable Williams could have got it into his mind about an eel-basket. I have not, to my recollection, laid eel-baskets about the river. I know that people do place such baskets in the river, and most people are aware of this.

E. MACKAY.

THOMAS S. C. KEMP, constable, states:—

Examined by Sergeant Mackay.] I remember going up the Maitai River with you one morning. I do not remember the date. We left the station about 4.45 or 4.50 a.m. I had received instructions from you the previous night to go up the Maitai with a view of detecting poaching. I saw Constable Williams at the corner of the station as we were leaving; you and I went from the front door of the station to the corner of Harley Street together. I did not hear you mention anything to Constable Williams about an eel-basket. I was with you, and must have heard anything of the kind had it been said. I heard you say to Constable Williams, "You come off at 5 a.m." I went up the Maitai River with you. We went about a mile and a half, I should say, and returned about 5.45 a.m.

Examined by Inspector Macdonell.] No one called me that morning. As near as I can say, I woke that morning about 4.30 a.m. Before leaving the station I never went into any room except the sleeping-room. I had a waterproof on. I got it in the sleeping-room. My boots were also in the sleeping-room. I did not hear any one walking about before I saw the sergeant. The sergeant was not waiting for me when I came out of my room. I was leaving the sleeping-room just as the sergeant came out of his office. The sergeant had a waterproof on. I cannot remember if the sergeant was buttoning the coat as he went on to the verandah. The sergeant was certainly not waiting for me when I went outside. Nothing was said to me by the sergeant the night before about having set an eel-basket. I have not looked at the diary since the complaints were made. I have not talked the matter over with the sergeant since the complaints were made. The sergeant and I get along very well together now. If I did not get along very well with him before it was my own fault. There has not been a great change within the last six months or so in the relationship between the sergeant and myself. I have never told Arthur Skinner, constable in Auckland, not to apply to come to Nelson on account of the harshness of the sergeant. I cannot remember the constable ever having expressed to me his intention to apply to come to Nelson on account of the climate. I have never asked any person to write to you with a view to getting me transferred to some other station on account of the treatment of Sergeant Mackay and my health. I am not aware of any man having written to you on my behalf. Not Constable Allan Cameron. I never told Allan Cameron that owing to my weak chest another constable wished to take my turn of night duty and the sergeant would not allow it. I have never made a similar complaint to any other constable at Nelson or Nelson Sub-district. I have never complained to any private persons in Nelson of the conduct of the sergeant. I did not complain to you on the street in Nelson last year of the conduct of the sergeant towards me. I do not remember the sergeant asking me on my arrival in Nelson what my religion was. It is untrue that I ever said the sergeant replied he was glad I was not of a certain religion, as if I had been of that religion I should get all the Micks in the place to help me. I never made such a statement to any one.

Questioned by Commissioner.] I heard the sergeant come to the station as I was dressing on the morning we went up the Maitai River together. I heard the sergeant's gate open and his footsteps from his house on to the verandah into the office. From the bedroom you can very plainly hear people walking about the station. I am able to say from the footsteps that the sergeant on entering the station went direct to his office. I did not hear him go into any other room on the station. I should have heard him had he gone to any other room. I think, it would not have been possible for the sergeant to have gone into the mess-room from his office that morning without me hearing him. I think, if the sergeant had walked into the mess-room and made noise enough to have been heard by any persons outside the station, I, being in the bedroom, must also have heard him. There is no foundation whatever for the suggestion that the sergeant has ever made any inquiry of me about my religion. I am a Presbyterian. Some three months ago Constable Burrell and I had eel-baskets in the river. As a rule, the baskets are baited in the evening, and looked at again later on in the evening, and I have always removed them the same evening after they have been in the water a few hours. I have never attended to the baskets of a morning. I cannot say whether Constable Williams knew we had the baskets in the river or not.

THOS. S. C. KEMP, Constable 915.

SERGEANT MACKAY.

Charge No. 6.—Improperly permitting Constable Kemp to keep a dog at the Nelson Police-station without permission, contrary to Regulation No. 123.

Finding.—Regulation No. 123 ("No poultry, cows, horses, or other animals shall be kept by the police without permission"), forbidding the keeping of animals by the police without permission, had for years prior to my advent in the colony remained practically a dead-letter. At stations where Government forage is stored I have objected to the keeping on police premises of animals that could consume such forage. I have never objected to a dog being kept on the premises unless annoyance was caused thereby. In this case the facts are simple and undisputed: Constable Kemp, an unmarried man living on the station, purchased a collie dog to send down to his brother living near Oamaru. The vessel trading between Oamaru and Nelson appears to have missed one of her voyages, consequently the constable kept the dog on the station until she resumed her running. Constable Williams alleges that he was annoyed by the barking of the dog, and complained both to the sergeant and the constable (Kemp). Those officers deny that any such complaint was made, and I attach as much reliance to their denial as to Constable Williams's statement. At the worst there was perhaps a technical breach of the regulations on the part of the sergeant allowing the dog to