

Charge No 2.

14th March, 1902.

Inspector EWEN MACDONELL states :—

In consequence of something which came to my knowledge, I, on the night of the 13th ultimo, watched at the police-station, Nelson, from 1 a.m. 14th ultimo till about 4.30 a.m. I saw two men enter the police-station. I was not near enough to be able to say positively who they were or that they were policemen. Owing to a dog barking whenever I moved, I was unable to get close to the station. At about 4.20 a.m. I saw a similar two men leave the station and go away down either St. John or Harley Streets. I did not see them again.

Cross-examined by Constable Burrell.] I did not go forward to see who the men were, because, in consequence of certain allegations, I desired to see if this going to the station was a solitary instance or a general thing as alleged. I am not sure whether or not the men I saw were policemen.

E. MACDONELL, Inspector.

Sergeant EDWARD MACKAY, stationed at Nelson, states :—

Examined by Inspector Macdonell.] I am in charge of Nelson Police-station. The Town of Nelson is divided into two beats, night duty, numbered 1 and 2. No. 1 beat takes in the police-station, and the man on that beat has to visit the police-station. The constable usually visits about 11.30 p.m., 1 a.m., 3 a.m., and when coming off duty at 5 a.m. It is customary for the constable on No. 1 beat to turn off all lights about the station as soon as it is daylight. No. 2 beat takes the lower or west side of Trafalgar Street. Trafalgar Street is the nearest point of No. 2 beat to the police-station. That is about three minutes' walk from the station. The man on No. 2 beat has no right to leave his beat and come to the station unless on some matter of duty. The men on both beats are directed to meet at the corner of Bridge and Trafalgar Streets at 11 p.m. I have never, to my knowledge, instructed the man on No. 1 beat to exercise any supervision over the man on No. 2. I have never issued instructions to the effect that I would hold the man on No. 1 beat responsible for the man on No. 2. beat. I find from the diary of duty on the 13th ultimo that Constable Burrell was on No. 2 beat from 9 p.m. 13th to 5 a.m. 14th, and Constable McGrath was on No. 1 beat between the same hours. The entries in the diary are in the handwriting, as far as I can see, of Constable Burrell, and signed by Constable Jeffries, who was in charge of the station during my absence at Collingwood. I left Nelson for Collingwood on the 10th ultimo, and returned to Nelson on the 15th ultimo. I believe I left for Collingwood on the 10th ultimo at 4 p.m.

E. MACKAY.

Defence.

ARTHUR BURRELL, constable, stationed at Nelson, states :—

At 2 a.m. on the morning of the 14th ultimo I left No. 2 beat at the corner opposite the Masonic Hotel, and came to the police-station by way of Hardy Street and Harley Street. When I came into the station Constable McGrath was signing the book in the passage. I went into the mess-room, lighted the gas, and put on a drop of water to make myself some tea. I drank my tea and left the station, and went direct back to my beat again. Constable McGrath left the station while I was having my tea. I remained in the station, I should say, about fifteen minutes in all.

Cross-examined by Inspector Macdonell.] It was about 2.15 a.m. when I left the station. It was a chilly night. I cannot say whether or not it was bright or dark. I was not at the station again that morning until 5 a.m., when I came off duty. I say positively I was not in the station between 4 and 5 a.m. I did not see Constable McGrath put out the lamp outside the station just as it was getting daylight.

ARTHUR BURRELL, Constable 912.

Constable PATRICK MCGRATH states :—

Examined by Constable Burrell.] I remember the early morning of 14th ultimo. I saw you in the police-station that morning. You came in for your tea. You were in the station about ten minutes after I arrived at the station. I do not know how long you were there before I arrived. You passed me in Bridge Street on your way to your beat after you had left the station. That would be about fifteen minutes after I left you in the station. You were still at the station when I left. I am unable to say how long you were away from your beat, as you were at the station when I arrived there. I saw you at intervals that morning after you returned to your beat.

Cross-examined by Inspector Macdonell.] I reached the station about 2 a.m. that day. I generally sign the watch-house book at 1 a.m. and 3 a.m. I did not sign on this occasion. I looked at the clock when I went in. It was about 2 o'clock. I did not have a cup of tea. Constable Burrell was sitting at the table in the mess-kitchen. I remained about five or six minutes. It might be ten minutes. The constable (Burrell) was still sitting at the table when I left. When leaving the station I proceeded along St. John's Lane into Collingwood Street, into Bridge Street, thence into Trafalgar Street. Constable Burrell caught me up just as I was turning from Bridge Street into Trafalgar Street. I visited the station again about 4 a.m. No one came to the station with me then. No one called on me at the station that night so far as I saw. I left again immediately after looking around. As far as I remember, I put the light out that morning as usual when it got light. Constable Burrell was not with me when I put the light out that morning. I made no report that morning of having seen Constable Burrell on the station. I made no report until called on by the Inspector to do so the following day. I expect it would be right for me to report if I saw the man on No. 2 beat come to the station. I have never lately reported any man for neglect of duty who has been out with me. If Constable Burrell says I was signing the book when he entered the station he is not correct. I do not remember that Constable Burrell and I came off duty together that morning.

Re-examined by Constable Burrell.] I might have been standing at the table where the book is without the intention of signing the book. I was at the station when you arrived. I cannot remember seeing you with some water in the kettle while I was standing at the table where the book is kept.