

164. If Mr. Wood says that what you stated when you got to the crowd was "What the hell is the row?" you will not contradict that?—No; it was "hell" or "devil," or something of that sort.

165. *Hon. Mr. Hall-Jones.*] By the way, what weight are you?—About 10 st. 11 lb. or 10 st. 12 lb.

166. What weight is the constable?

167. How long was it after this assault that you went to the police-station?—Within half an hour, to the best of my belief.

168. You considered you had been grossly assaulted, and you went to the station to complain to the sergeant?—Yes.

169. When you got to the police-station you found a constable named Kemp at the station?—Yes.

170. And with Constable Kemp there was Constable Durbridge who had assaulted you?—Yes.

171. And Constable Kemp said that you were drunk?—He did.

172. You had these two constables, one who had assaulted you, and the other who said you were drunk, and in the face of their statements you would have had to bring a criminal case against them, and the position would have been that you would have had to go before a Magistrate, and you would have had these two men—one who would have had to protect himself from your charge, and one who would have charged you with being drunk—as against your statement on the other side?—And Hamilton's and Daniell's and several others.

173. You thought you took the right course in going and complaining to the constable?—Yes.

174. And they refused to let you see the sergeant?—They did.

175. You say that Durbridge apologized, and expressed his gratefulness for your having accepted his apology, and he said that his temper had got him into scrapes on more than one occasion?—He did.

176. And that he had exceeded his duty?—Yes.

177. The question has been put to you whether you have seen Inspector Macdonell?—Yes.

178. Have you seen him and had any conversation with him since you were sent for?—Not on the subject.

179. Have you had a conversation with him?—Nothing on my coming here.

180. Have you had a conversation with Durbridge?—I have not spoken to him.

181. In your statement of what occurred you say that Durbridge said, "What the hell's that got to do with you, Bannehr?" and immediately struck you a severe blow with his fist on the jaw and knocked you down violently. That is your statement to the Inspector?—I did not make any full statement to the Inspector on the subject. To the best of my belief I am giving now what took place.

182. It was because of this blow that you raised the cane to him?—It was.

183. Then, after that, "he rushed at me, lifted me up, and threw me clean over his head"?—Over his shoulder.

184. "And I fell heavily on the hard street": is that correct?—That is correct.

185. "I was very stiff and sore after it"?—No, I did not say anything about that. I was sore after it naturally.

186. "I could hardly eat anything for a week, owing to the pain in my jaw"?—That is wrong. I did not make that statement.

187. It is a fact that Durbridge took you up and threw you?—All that is right.

188. That on two occasions you were assaulted. First you were struck in the jaw, and then you were thrown down violently?—That is so.

189. *Mr. Colvin.*] What age are you?—Twenty-two.

190. Do you live with your father?—Yes.

191. You are unmarried?—I am.

192. Is it the custom for young men to be out in Nelson after 12 or 1 o'clock in the morning?—It just depends on their habits, I think.

193. I am asking you the custom in Nelson?—I do not know the custom.

194. Are you in the habit of being out at that hour usually?—No.

195. You will swear that you had not more than seven glasses of liquor during that evening?—Yes.

196. How many glasses of liquor do you think you are capable of consuming and keeping straight in an afternoon?—I think that is a difficult question to answer. Anything under a hundred.

197. I am just asking you. You say you were straight after taking the seven glasses?—Yes, I was straight. I was sober, anyhow.

198. Is it the action of a sober man to walk out of a house and say, "What the hell are you doing here"?—That depended upon a man's character, and nature, and so on.

199. You seem to have a very good character. Is it customary for a man, when he is sober, to come up and say, "What the hell is the row"?—I do not think that is a very dreadful thing to say and a very uncommon thing.

200. You say you had as much right there as the constable?—I do.

201. Do you admit the constable was doing his duty on that occasion?—Certainly not when he hit me.

202. Was it not the constable's duty to be there?—Yes.

203. Supposing I went up to your business-place and asked what the hell you were doing, or what the row was?—It was on a public street.