

475. What happened then?—Durbridge said, “Here, go and get home out of that,” and Durbridge hit him.

476. Did he fall?—He fell on his hand.

477. Did Bannehr get up?—Yes, and hit round with his stick.

478. Did not Durbridge stoop down then, and did not Bannehr get over the top of his shoulder?—After that I do not remember much.

479. I suppose your recollection of the whole dispute is rather indistinct. It was 12.30 p.m., and you had been having rather a good time?—I had been to work, and we were out afterwards.

480. Your recollection of what took place is not quite distinct?—It is owing to the lapse of time.

481. Did you have beer that night, or did you stick to shandy-gaff?—We stuck to shandy-gaff.

482. Do you know much about Bannehr? He is rather an irritable sort of young gentleman. Is he not quick-tempered?—Not to my knowledge.

483. Have you heard that he is quick-tempered?—No, not that I know of.

484. When you got along to the police-station you think that the constables asked young Bannehr to apologize?—Yes.

485. Bannehr does not think so. Bannehr states that the constables did not ask him to apologize. I suppose your statement is correct?—I said, Durbridge asked him, and said that he ought to apologize to him.

486. You think your statement is quite correct?—I think so, yes.

487. When Mr. Bannehr, sen., and the young man Bannehr said that they wanted to see Sergeant Mackay the constables stated that it was rather late; he was in bed?—Yes.

488. You know where the sergeant’s house is, next to the station?—Yes.

489. If they had been particularly anxious to see Sergeant Mackay Mr. Bannehr could have gone round to the sergeant’s house and called him up?—I think so, yes.

490. And he did not do it?—No.

491. Now, in reference to the assault: Daniell, I understand, came to Bannehr’s assistance, did he not?—Yes.

492. Did he do so at once?—When Durbridge closed with him he put his hand on his shoulder.

493. Did he grasp him?—That I could not say.

494. Did Durbridge stoop when he went down?—Probably he did.

495. And when he stooped down he got hold of Bannehr?—Yes.

496. Bannehr tells us, Mr. Hamilton, that Durbridge got hold of him and lifted him up and threw him over his shoulder?—He lifted him up about as high as his shoulder.

497. He (Durbridge) stooped down. He did not stand up straight and then throw him down?—No, I do not think he got up straight and then threw him down.

498. *Hon. Mr. Hall-Jones.*] With reference to this assault: In your opinion, was there not considerable risk to Bannehr in being taken up and thrown down in the way you have narrated?—Yes.

499. And by a man so much superior in height and weight?—Yes.

500. This remark about “What the hell is the row here?” was it addressed to you (his friends), or to the crowd, or to him (Durbridge)?—I think it was addressed to the crowd that was there.

501. You did not go out of the way to get to this crowd at all?—No.

502. Could you see the constable when you were approaching the crowd?—No.

503. You were not aware that a constable was present?—No.

504. And naturally one wanted to know what the crowd was there for?—Yes.

505. And then the constable came forward and remarked, what had that got to do with him. Then he struck him (Bannehr)?—He said, “What the hell has that got to do with you?” and Bannehr said, “I am not going home.” Then he struck him in the jaw and knocked him over.

506. He made two assaults—first by striking him and knocking him over, and then by throwing him down?—Yes.

507. First there were two violent assaults, and then you went to Mr. Bannehr’s residence, and then you went to the police-station?—Yes.

508. Do you remember what occurred when you arrived there? Did you ask to see Sergeant Mackay?—Yes.

509. And the constables declined to call him?—Yes. They said he was asleep, and did not want to call him.

510. Did the Bannehrs press that he should be called?—I think Mr. Bannehr said he would like to see him.

511. Still, they did not call him?—No.

512. And then very probably a conversation took place as to what had taken place at the scene of the row?—Yes.

513. What was the line of that conversation? How did it start?—One of the constables said, “I think I know what you have come here for.”

514. Then what was said in reply to that?—That I do not remember.

515. Do you know what the object of the Bannehrs was in going to the station?—Well, they wanted to see Mr. Mackay and get the apology from these constables.

516. Who first mentioned the apology, the Bannehrs or the policemen?—I cannot say.

517. Was the word “apology” mentioned before the constables left the room?—Oh, yes.

518. How long were the constables absent at that time before they sent for either of the Mr. Bannehrs?—I should say, about a couple of minutes.