

714. You could have gone round there?—We might have.

715. Do you remember if he suggested it later on?—I do not remember that.

716. *Hon. Mr. Hall-Jones.*] The sergeant's house is his private house, apart from the police-station altogether?—Yes.

717. The business part of the house is the front part?—Yes.

718. If any one went to see him they would go to the front part of the house—the business part?—Yes.

719. You said you had no drinks with Bannehr?—No.

720. During the whole of that period you had had no drink with Bannehr?—No.

721. How long were you with him?—From about three-quarters to an hour.

722. You came up to the crowd, and the question was asked, "What the hell is the row?" and then Durbridge comes over and tells Bannehr to go home. Is it a common practice in Nelson for the police to instruct people to go home?—No, I do not think it is the practice. I never heard of it being done before.

723. Then, after those words were used Constable Durbridge struck Bannehr a violent blow on the jaw?—Yes.

724. Now, you said that it could not have been done with the open hand because of what you saw. Now, what did you see? There was a lump, a swelling from a blow supposed to be struck with the open hand?—Yes.

725. Was it a large swelling?—I think so.

726. Did it continue for many days?—I do not know.

727. Did it look like a swelling that would continue for some days?—Yes.

728. And it would naturally interfere with eating?—Certainly.

729. It was a serious wound or injury?—Yes.

730. And, after this violent assault on Bannehr, it was then you caught hold of the constable's arm?—Yes.

731. *Mr. Hardy.*] Did I understand you to say that the constable made a violent assault on this young man?—Oh, yes; I think it was pretty violent, especially as it was done for no great reason.

732. Did there not seem to be a row—a crowd in the street?—Yes; not a very big crowd.

733. You thought naturally that it was the business of the constables to go in to find out what was the row, or why the crowd had assembled?—Oh, yes.

734. And after the expression, "What the hell is the matter here?" you did not think it was the constable's duty to inquire?—It was a very ordinary and harmless question.

735. Is it the usual thing that the constable should listen to without taking steps to prevent it?—It was not asked in an overbearing way.

736. Is it the ordinary polite language that is used by the youths of Nelson in the public streets?—It all depends with whom they are dealing.

737. Yes; but this is in the hearing of a constable. Do you think it is language that should be made use of?—Well, a constable is not an angel, is he? He is not above using such language himself, I think.

738. Do you think it was the business of the constable to hear that—to see a crowd and hear language of this kind being made use of?—No, I do not see why he should have done so.

739. *The Chairman.*] You did not know what the row was about?—No, not in the first case.

740. When did you first see Constable Durbridge?—When he pushed Bannehr.

741. Did you see another constable?—Not then, and only a few seconds afterwards.

742. Would you consider he pushed Bannehr unduly in the execution of his duty?—I suppose he called it the execution of his duty.

743. He did not attempt to elbow between those that you saw?—No.

744. And you are quite sure that Bannehr did not strike him with his stick, then?—No.

745. And you are quite sure that Bannehr was struck first?—Yes.

746. Then, after he was struck are you quite sure that you and Bannehr did not close with the constable after Bannehr recovered himself? You did not catch the constable. You did not close with him. You did not maul him?—They closed.

747. Did you and Bannehr close with the constable?—We did not close together. I did not close with him at all.

748. Who got first hold, the constable or Bannehr?—The constable, I think.

749. And you are quite positive that Bannehr did not keep the constable off for some time with his stick?—Yes.

750. How was he using his stick? Was he waving it about in a frantic manner?—He was waving it round his head, I think.

751. How did he hit the constable?—On the chest, I think.

752. Mr. Frank says, "In the middle of the road was Constable Durbridge trying to catch hold of Bannehr. Bannehr was trying to ward him off, but Constable Durbridge caught hold of him and threw him on his back." Did he throw him violently?—He put him over his head or shoulder.

753. He gave him a regular hoist, as though he meant to do it?—Yes, he meant to do it.

754. Then, you say that you helped your friend or that you tried to?—I tried to.

755. I suppose, if you saw Bannehr attempting to grapple or wrestle with Durbridge you would say that it was something like a mosquito attacking an elephant?—Yes.

756. You afterwards walked down with Bannehr to his father's place?—Yes.

757. You talked the matter over on the road, I suppose?—Yes, naturally we were talking about it.