

Examination of Inspector E. A. MACDONELL continued. (No. 15.)

841. *Commissioner Tunbridge.*] I would like to inquire first as to the charges against Durbridge in connection with the Bush Tavern (page 49 of H.-16B, 1902). You remember, Mr. Macdonell, do you not, that there were six witnesses called on both sides in that case?—I could not say the number.

842. Were not Edward Woodward and Alfred Wastney called to give evidence against Constable Durbridge?—Yes.

843. And in the constable's defence he himself gave evidence, and he called Messrs. Glover, Pratt, and Vause?—Yes.

844. Then, there were, roughly, two witnesses against the constable and four in his favour?—Yes.

845. Do you remember Mr. Woodward saying in his evidence that the noisy crowd were coming from the direction of the town?—I think so; that is my impression.

846. "I heard some persons come round the corner of Tasman Street into Grove Street singing. This was going from the direction of the town toward the 'Wood'?"—Yes.

847. Was it not proved conclusively that Durbridge and his companions were going in the opposite direction?—I think that was the evidence for the defence.

848. Therefore the noisy crowd spoken of by Woodward and Wastney were not Durbridge and his companions at all?—I did not come to that conclusion at all on the evidence. I did not know exactly whether they came round that way or which way they came. The evidence for the defence was that they came from the opposite direction. Whether they came straight to the hotel I do not know.

849. Then, persons coming from the direction of the cemetery and going towards Nelson City would be going in the opposite direction to that from which the noisy crowd were coming: is that not so?—There is more than one road there. There are different roads that they might go round, anyway. I am not well acquainted with the locality, but I think they could go round half a block to the hotel on either side.

850. Did you not hear him say in cross-examination, "I cannot say that one of the voices I heard coming from Tasman Street was that of Constable Durbridge. I cannot state which direction Constable Durbridge and his companion came from. They were perfectly civil and not troublesome"? Do you remember those words?—I think so; something to that effect.

851. And, later on, did he say, "I cannot say which one said it would be all right if I gave them a drink? I do not remember one of the men saying my clock was fast. The other men followed Constable Durbridge immediately into the passage. The only visible light in the house would have been the light in my bedroom upstairs. It was about ten minutes or a quarter of an hour from the time I closed until Durbridge came into the passage. I am not able to state positively that my clock was not seven or ten minutes faster than the town time or that it might not have been that much too slow. I was sure it was not much past 11 o'clock or I should not have given the men the drink"?—Something to that effect.

852. "The constable himself did not ask for any drink for himself or the others"?—Yes, I think he said that.

853. And did you hear him say afterwards in reply to a question by me, "Nothing has occurred since the Inspector saw me to induce me to now state anything different to what I told him"?—I think he said so.

854. Well, now, to make it short, did not Constable Durbridge, the men Glover and Pratt, say, in effect, this: "The Wakapuaka man there left us, and we returned to Nelson"? The whole evidence was to this effect: that the whole crowd, including Constable Durbridge, had proceeded along the Wakapuaka Road about three miles accompanying a gentleman who had been to the football supper with them?—Yes.

855. And that they had left him about three miles along the road and then returned to Nelson?—Yes.

856. Did not those three agree to this effect: "When nearing the Bush Tavern some one of the party suggested we should have a drink at the Bush Tavern. Durbridge said something about it being too late. Watches were produced, and it was found to be about a quarter to 11. We rode to the Bush Tavern and saw a light there"; then—this is Glover's evidence—"I tried the side gate, but it was fastened inside"? Now, the evidence given by the three witnesses was practically the same on that particular point, was it not?—There was one witness that differed from them. He was a little behind attending to his bicycle.

857. He differed in so much that he did not know who was the first to get over the gate?—I think he differed as to which door he went in by.

858. Well, then, if these men are to be believed—to begin with, do you know anything about Glover?—I never saw him.

859. For all you know the man is perfectly reliable?—Yes.

860. And that same remark applies to John Pratt and the whole of them?—Yes, to the whole of them.

861. So far as you know, these men had no interest in coming before that inquiry to say it was not true?—Well, I know nothing on the subject, whether they did or not.

862. You are not able to say. So far as you know, these men had no interest in coming?—I will not say they had. My opinion is that they were "got at."

863. Do you admit that the evidence indicated that there was considerable doubt as to the exact time that these people arrived at the Bush Tavern?—According to the defence.

864. According to the evidence of three persons, supported by Vause, who says that after they had been to the Bush Tavern and got their drink and came slowly to Nelson (three-quarters of a mile) it was only then 11.20?—He said so.