

and cautioned, and perhaps removed; asleep at station, charge dismissed; taking females to station, severely reprimanded and cautioned. Charges against Kemp (1), dog charge, admonished and not entered; hotel case, severely reprimanded and cautioned, perhaps removed. Does not that show that in twelve cases out of the fifteen I found the charges proved?—Yes.

941. Would that indicate that I was biased in favour of these men?—Well, in dealing with the charges I thought you were lenient.

942. Notwithstanding I convicted them of twelve charges out of fifteen?—Yes.

943. That is a pretty good percentage of convictions. You do not get that usually?—No.

944. Well, now, I suppose, Mr. Macdonell, you will admit that we as police officers are expected to keep within the four corners of the Police Regulations—of the law?—Yes, as far as is reasonable.

945. Do you mean to say that if you did not consider it reasonable you would go outside the Police Regulations and the law?—I have seen in small matters one going outside the regulations.

946. But it would have to be a very extraordinary case if you went outside the Police Regulations, would it not?—I have seen some matters gone outside of them.

947. I mean in dealing with the main charge, with evidence, we as officers are supposed to keep within the regulations and the law?—Yes.

948. Now, you admit I inquired into all the cases of breaches of Police Regulations?—Yes, that is so, without going carefully into them.

949. Generally?—Yes.

950. Well, now, what could I have done with reference to the assaults other than I did?—That depends upon the view you take of them.

951. Will you indicate what I could have done with reference to the charges of assault—Cox and others, Remnant's, Allen's, Reed's, Walker's, Stapp's, and Blincoe's? Can you tell me how I could have instituted an inquiry into those cases?—I think so.

952. How?—By interviewing all the witnesses and then holding the inquiry.

953. Holding an inquiry myself?—Yes, or a Magistrate doing so.

954. By holding an inquiry by myself or by having an information laid against them to be heard by a Magistrate?—Yes.

955. In view of Regulation No. 63 of the Police Act and Regulations, 1887, do you mean to say that I should have been justified in holding that inquiry myself? I will read it: "Cases of breach of police discipline will be dealt with by the Inspector unless he elects under section 12 of the Police Act to cause them to be taken before a Commissioner or any two Justices of the Peace. Offences against the public or where Magistrates have clear jurisdiction will be always submitted to a local Magistrate or Bench of Magistrates unconnected with the Force." Do you mean to say, in view of that regulation, that I should have been justified in holding an inquiry into those cases of alleged offences against the men?—I think so. As I mentioned in Nelson, I considered that it was your duty and mine to see that the men behaved themselves whether outsiders would take action or not. I have seen in an alleged rape case an inquiry held by a most efficient officer—by two constables.

956. It does not matter to me what other persons have done. I ask you this question: "Offences against the public or where Magistrates have clear jurisdiction will be always submitted to a local Magistrate or Bench of Magistrates unconnected with the Force." Now, assaulting a member of the public is an offence against the public. Has not the Magistrate a clear jurisdiction in cases of assault?—He has.

957. Do you mean to say, in face of that, I should have been justified in holding an inquiry?—I think so. I think in any offence there ought to be an inquiry.

958. Then, this Regulation No. 63 has no meaning?—I will not say that; it is good for what it was intended for. I do not think it was intended in that way. There was Constable Porteous's case a short time ago—a complaint of a technical assault on a railway-man. I think you dealt with it. It is within this last twelve months, if I remember correctly.

959. Was not that a question of a man who refused to keep off a pathway, and the constable was alleged to have used improper language to him and pushed him off the pathway?—The complaint was shoving him off a footpath.

960. And, I think, some improper remarks?—I do not remember that.

961. Here it says distinctly, "Cases of breach of police discipline will be dealt with by the Police Inspector unless he elects under section 12 of the Police Act to cause them to be taken before a Commissioner or any two Justices of the Peace. Offences against the public or where Magistrates have clear jurisdiction will be always submitted to a local Magistrate or Bench of Magistrates unconnected with the Force." In view of that should I have been justified in dealing with those charges of assault—in view of that regulation?—I think so.

962. You say I had the other alternative open to me of causing these people to be brought before a Magistrate?—Yes.

963. Do you know anything about section 20 of the Indictable Offences Summary Jurisdiction Act?—I cannot state it from memory.

964. Do you not know that it distinctly states that in any case of assault proceedings must be taken within three months?—I think that is extended.

965. By what statute?—By an amendment of the Act.

966. Section 20 of "The Indictable Offences Summary Jurisdiction Act, 1894," distinctly states that prosecutions for assaults must be instituted within three months?—I think it is extended to six months.

967. I think you are talking about indecent assaults or offences against women?—I think so.

968. Now, were not those cases I have mentioned over three months—I mean Neve's?—Yes, some of them were.