

1056. Here is the statement on the 26th February, and the original statement is on the 6th November. Mr. Marmaduke Wilson is a very old man?—He is pretty old—fairly old—but he got married very recently.

1057. What is his age: what would you estimate it at?—He might be, I suppose, between fifty and sixty.

1058. How long is it since he got married?—Just at about the time of this disturbance. It was in consequence of the old man's marriage that some boys went "tin-canning," so I understood.

1059. Now, there is one other point arises out of your replies to questions. You have advocated interrogating the constables separately?—Yes.

1060. Well, now, do you not think a constable should be given equal treatment to that of a thief?—No, I do not think so. He is a bound servant, and he is bound to account for his actions.

1061. You would not give a constable the same treatment in trying to prove a case against him that you would give a thief?—I would treat him differently certainly, because he is bound to give an account of his actions.

1062. Notwithstanding that the result of the report against the constable might be far more serious than a charge of theft against the thief?—I could not help that.

1063. You would give the constable different treatment?—I say the constable is bound to account for his actions.

1064. Even to manufacturing evidence against him?—That is a very improper word—"Manufacturing evidence."

1065. Is not that manufacturing evidence?—I call "manufacturing evidence" making up untrue evidence.

1066. "Manufacture" is to make up. It does not mean to make up falsely, does it? If any one says the evidence is made up I always understand that it is manufactured. Now, you said also, in reply to the Hon. Mr. Hall-Jones, that where the evidence of a complainant is pitted against the evidence of one or more police constables a Magistrate would be most likely to give the constable the benefit of the doubt?—Yes.

1067. Would you expect me, as Commissioner of Police, if inquiring into a case, to convict a man on evidence that a Magistrate would acquit on?—Yes.

1068. You seriously make that statement, that you would expect the Commissioner of Police to convict a constable on evidence that a Magistrate would acquit on?—That he would be very likely to acquit on. For instance, the charge of drunkenness. In a Court to convict it requires that a man must be known to have been practically helplessly drunk, while in the case of police officers I have seen officers convict men if there was the least sign of drink, and where I am sure most Magistrates would have discharged them. Before the Magistrate deems a man drunk he must be pretty well helplessly drunk; but in the opinion of the police officer he must not be under the influence of drink, because he would be unfit to go on police duty if he was under the slightest influence of drink.

1069. Notwithstanding that the Magistrate has power to impose the oath and thereby render the persons who give evidence before him liable to prosecution for perjury?—Notwithstanding that.

1070. Do you not think a Magistrate with the power he holds would be more likely to get the truth than I should be owing to my not having power to impose the oath?—I do not think it makes the slightest difference.

1071. Do you mean to say the people of New Zealand have no respect for the oath?—My meaning is that if a man would lie about a charge against him, in nine cases out of ten he would do it on oath to get out of it.

1072. You think a man would state the truth equally as readily without the oath as with it?—I think so. In my opinion, it makes very little difference if he can lie with safety.

1073. Well, a man can lie with safety before a departmental inquiry?—No.

1074. How is that?—No, as I mentioned with respect to Kemp's untruthfulness. I told you at the time I knew that he could not be convicted of perjury. At the same time, he was a police constable and could be punished for telling falsehoods.

1075. I mean ordinary witnesses; I do not mean police witnesses. I say an ordinary witness, not a police officer, can lie with impunity in a departmental inquiry: is that not so?—Yes.

1076. Whereas if an inquiry is held before a Magistrate he has to risk a prosecution for perjury?—Yes.

1077. Notwithstanding that, I, as Commissioner of Police, ought to convict on evidence not taken on oath that a Magistrate would acquit on although taken on oath?—An officer of police will convict if a man is under the influence of drink without being drunk. A Magistrate cannot very well do that.

1078. Oh, nonsense. You are speaking on the Police Offences Act. The Police Regulations give the Magistrate power to inquire into any breach of the regulations?—I mean you must prove the charge according to the Police Offences Act. That is, a charge of drunkenness.

1079. But you are clearly wrong. Does not the Police Act and the regulations made thereon give a Magistrate power to inquire into and impose punishment for any breach of those regulations?—For being drunk, you mean.

1080. And any other breach?—The drunkenness is not an offence under that. It is an offence under the Police Offences Act.

1081. Do you mean to put that before the Committee, that drunkenness is no offence under the Police Regulations?—The Police Offences Act makes drunkenness an offence, and a Magistrate would decide drunkenness according to the Police Offences Act.