

131. From the information you got it was later, but from this evidence it was not?—I said, in my opinion it was later.

132. Very well, in your opinion it was later, but from this evidence it was only about ten minutes past 11?—Yes.

133. This man tells you that they only left him at ten minutes past 11?—Yes, but I looked on that evidence with great suspicion.

134. You do not know, then, of any other case where the constable has been dismissed the service for going into a hotel after hours when he was on duty?—I cannot recall any at the present time.

135. Do you know of one?—I might. I have known a great many cases, I can assure you, but I was not prepared for being asked that question. I had not considered it.

136. Do you still say that the Commissioner's finding in this matter was too lenient?—Undoubtedly in that case.

137. Although you yourself have dealt with serious cases by a simple reprimand?—No, not serious cases.

138. The case of a man going on to licensed premises to play billiards when he was on duty?—Yes; but that was not after hours.

139. But he was on duty?—Yes.

140. You reprimanded him?—I would not consider going into an hotel during open hours, even if the man had more than one drink, half as serious as going in after hours.

141. Would you not consider that the seriousness or the heinousness of the offence was very much magnified by the fact that the man was on duty?—No, I would not.

142. You would rather a constable go in during open hours when on duty?—I would undoubtedly.

143. Than go in after hours when not on duty?—I would undoubtedly.

144. Surely you do not mean that?—Excuse me, I do not say what I do not mean. I am not built that way.

145. You would rather a constable go into a publichouse when on duty —?—Undoubtedly, than go in after hours.

146. When not on duty?—Yes, even when not on duty, because a man is not then contravening the law that he had sworn to carry out.

147. *Hon. Mr. Hall-Jones.*] The other is a breach of the regulation only?—Yes.

148. *Mr. Maginnity.*] Do you mean that? "The regulation only" is the law. The regulations are made under the Act and have exactly the same force as the law?—I do not know that they have.

149. *Mr. Hardy.*] Surely a police officer of your experience does not justify the breaking of those regulations?—No, certainly not.

150. You are qualifying the breaking of the law?—No. I said that the regulation is different from the law a constable has sworn to carry out.

151. *Mr. Maginnity.*] Can you tell us where there is a discrepancy between the regulations and the Police Act?—I cannot just now. There may be. I do not know at present.

152. Have you ever brought that under the notice of your superior officer?—No.

153. That the regulations the Police Force are under are *ultra vires*?—I have not.

154. With reference to the charge of being asleep at the station, you remember that the only evidence in support of that was the evidence of Constable Williams?—That is so.

155. Knowing now the character of the evidence given by Constable Williams, would you say that the Commissioner's finding in that matter was not a reasonable one?—No, I would not say so on the evidence given; but I look upon the cases as a whole.

156. We have got the evidence, you know. You have given your answer that you think that in that case—Durbridge being asleep—the Commissioner's finding was reasonable?—Yes, according to the evidence given, but I think there should have been more evidence.

157. Why did you not get it?—Because there was no further inquiry. I expected there would be further inquiry before the charges were formulated.

158. But you conducted the inquiry?—I did, at the request of the Commissioner.

159. Why did you not get out the evidence if there was not enough to suit you?—I am not simple enough to believe it could be got like that. I know that great care is required to get at the truth in some cases.

160. Why did you not exercise that great care and bring out the truth?—I have told you that I sent the report to the Commissioner expecting that further inquiry would be made before the charges were inquired into.

161. You really acted in the capacity of prosecutor in these cases?—I was told to do so.

162. I am not complaining of that. If you were not satisfied, why did you not get evidence to satisfy yourself?—Because that was not the time to do it. The charges were formulated, and the men knew what they had to answer.

163. Did you tell us that upon the evidence adduced to the Commissioner his finding was a reasonable one?—Yes, in that particular case.

164. You made eight reports in all to the Commissioner outside of the complaints inquired into by him in Nelson. There were eight complaints—five, I think, against Burrell and three against Durbridge?—I sent a number of reports. I do not know how many, but they are there and speak for themselves.

165. Yes; they are eight in number. Did you refer any of these complaints to the men for explanation before you sent them on to the Commissioner?—Certainly not.

166. Is there any regulation or departmental instruction directing you to do so?—I do not think so.