

1903.
NEW ZEALAND.

PUBLIC PETITIONS A TO L COMMITTEE:

(MR. SYMES, CHAIRMAN.)

PETITION OF ARTHUR BURRELL AND FREDERICK HENRY DURBRIDGE, OF NELSON (1902),
LATE POLICE CONSTABLES, TOGETHER WITH EVIDENCE THEREON.

PETITION OF FREDERICK HENRY DURBRIDGE, FORMERLY OF CITY OF NELSON, NOW OF
BELGROVE, LATE POLICE CONSTABLE, TOGETHER WITH REPORT (1903).

Ordered, That the Report, together with Evidence taken in 1902, do lie upon the Table and be printed.

ORDERS OF REFERENCE.

Extracts from the Journals of the House of Representatives.

TUESDAY, THE 8TH DAY OF JULY, 1902.

Ordered, "That a Public Petitions A to L Committee, consisting of ten members, be appointed to consider all petitions that may be referred to it by the Petitions Classification Committee, to classify and prepare abstracts of such petitions in such form and manner as shall appear to it best suited to convey to this House all requisite information respecting their contents, and to report the same from time to time to this House, and to have power to report its opinions and observations thereupon to this House; also to have power to call for persons and papers; three to be a quorum: the Committee to consist of Mr. Colvin, Mr. Hall, Mr. Hardy, Mr. Lawry, Mr. Lethbridge, Mr. R. McKenzie, Mr. Symes, Mr. J. W. Thomson, Mr. Witheford, and the mover."—(Hon. Mr. HALL-JONES.)

FRIDAY, THE 3RD DAY OF JULY, 1903.

Ordered, "That a Public Petitions A to L Committee, consisting of ten members, be appointed to consider all petitions that may be referred to it by the Petitions Classification Committee, to classify and prepare abstracts of such petitions in such form and manner as shall appear to it best suited to convey to this House all requisite information respecting their contents, and to report the same from time to time to this House, and to have power to report its opinions and observations thereupon to this House; also to have power to call for papers and persons; three to be a quorum: the Committee to consist of Mr. E. G. Allen, Mr. Hall, Mr. Hardy, Mr. Lethbridge, Mr. R. McKenzie, Mr. Remington, Mr. Symes, Mr. Taylor, Mr. Wood, and the mover."—(Hon. Mr. HALL-JONES.)

REPORT.

Petition of F. H. DURBRIDGE, of Nelson, No. 769.

PETITIONER prays that inquiry be made into his dismissal from the police service, and that he may receive relief.

I am directed to report that, in the opinion of the Committee, this petition, together with the evidence taken before the Public Petitions A to L Committee, on a similar petition in 1902, be referred to the Government for consideration.

17th November, 1903.

W. SYMES, Chairman.

PETITIONS.

To the Honourable the Speaker and members of the House of Representatives in Parliament assembled.

THE petition of Arthur Burrell and Frederick Henry Durbridge, of the City of Nelson, late police constables, humbly sheweth,—

1. That your petitioners respectively joined the Police Force on the 1st day of September, 1899, and on the 1st day of February, 1900.

2. That in the month of March, 1902, three charges were preferred against your petitioners respectively, and were inquired into by the Commissioner of Police; and the nature of the said charges with the findings of the said Commissioner were as follows:—

“Constable Burrell, Charge No. 1; and Constable Durbridge, Charge No. 3: Improperly taking into the single men's mess-room at the Nelson Police-station, in company with Constable Durbridge, two females named Smith and Kitching about midnight on the 18th July last.

“*Finding.*—The facts are not denied, but, as there is no suggestion that the females were other than respectable, or that they were taken into the station for an immoral or other improper purpose, the worst that can be said is that it was a very indiscreet act on the part of the constables to take them into the station at that hour of night. It should, however, be borne in mind that these constables reside on the station, which is therefore their home for the time being in addition to being the police-station. The open manner the constables went about the matter clearly shows they did not consider they were doing much wrong. The taking of females into a police-station late at night cannot, however, be tolerated, as, if it were, abuses would soon arise or improper motives would be imputed. Therefore the constables are each reprimanded, and cautioned to be more careful in future.—J. B. TUNBRIDGE, Commissioner of Police.”

“Constable Burrell, Charge No. 2: Improperly leaving his beat without just cause, and going to the Nelson Police-station about 2.30 a.m., 14th instant.

“*Finding.*—Although, strictly speaking, this charge was not proven, inasmuch as the Inspector could not say who the men were, or even if they were policemen at all, whom he saw enter and leave the station on the night in question, still the constable admits he left his beat and went to the station to get some tea. This appears to have been the practice at Nelson long before Sergeant Mackay went there (see Constable McGrath's evidence), and apparently the constable took it for granted he could do so without running the risk of punishment. I am of opinion the constable remained on the station much longer than sufficient time to get his tea, during which period his beat was left unattended, and therefore severely reprimand and caution him on this charge. The punishment would have been more severe had not the constable up to this time had a clean defaulter's sheet.—J. B. TUNBRIDGE, Commissioner of Police.”

“Constable Burrell, Charge No. 3: Improperly leaving his beat without just cause, and going to the Nelson Police-station at 12.30 a.m., 15th instant, and remaining there until 1.20 a.m.

“*Finding.*—This is a similar case to the preceding one, and occurred on the following night. Here again I am of opinion the constable remained longer than necessary to prepare and take his tea, to say nothing of him having improperly left his beat unprotected. He is fined 2s. 6d., and cautioned for this second offence.—J. B. TUNBRIDGE, Commissioner of Police.”

“Constable Durbridge, Charge No. 1: Improper conduct as a police constable in going with a number of other men to the Bush Tavern, Nelson, after closing-hours (about 11.40 p.m.) one Saturday about the end of last football season, and demanding and obtaining drink from the licensee for himself and companions.

“*Finding.*—Notwithstanding the conflict of evidence as to the time, I am of opinion it was past 11 o'clock when the party reached the Bush Tavern, and that finding the place closed, the constable, although not on duty, acted improperly in going with the others to obtain drink after the place was closed. The evidence, I consider, shows that the constable was not the person who demanded or paid for the drinks. Had the constable been on duty the matter would have been more serious. It shows to me, however, that the constable has not a proper appreciation of his position of police constable. He is reprimanded and cautioned, and will perhaps be removed to some other station, where he had better not become quite so intimate with the persons amongst whom he has to perform police duty. The punishment in this case would have been more severe had it not been the first record against him.—J. B. TUNBRIDGE, Commissioner of Police.”

“Constable Durbridge, Charge No. 2: Being asleep at Nelson Police-station at 11.45 p.m., 18th November last; again at 1.15 a.m., 19th November; again at 4.15 a.m., same date; and again at 11.45 p.m., 20th November, when he should have been on duty.

“*Finding.*—This charge rests solely on the evidence of Constable Williams, whose uncorroborated statement it would be unsafe to accept, for the reason that reports and memorandum submitted by him as original and made at the time of the various occurrences were proved to have been made at subsequent dates. Under these circumstances I acquit the constable of the charge.—J. B. TUNBRIDGE, Commissioner of Police.”

3. That, notwithstanding the findings of the said Commissioner in respect of the said charges, your petitioners, by the direction of Cabinet, were called upon to resign, and a memorandum from the said Commissioner to the Sub-Inspector in charge of the district, and a memorandum from the latter to the sergeant in charge of Nelson, of which the following are copies, were made known to your petitioners:—

" (Memorandum No. 325.)

" Sub-Inspector Wilson, Greymouth.

" Police Department, Commissioner's Office,
Wellington, 17th April, 1902.

" I FORWARD you herewith a copy of my findings on the charges recently inquired into by me against Constables Durbridge and Burrell, and you will be good enough to communicate the result to the officers concerned.

" In addition to the punishments inflicted therein, Cabinet has made the following orders : viz., ' Constables Burrell and Durbridge to be called upon to resign.' You will also communicate this to the officers concerned, and direct Constables Burrell and Durbridge to submit their resignations forthwith.

" J. B. TUNBRIDGE, Commissioner of Police."

" SERGEANT MACKAY,—

" District Police Office, Greymouth, 21st April, 1902.

" Constables Burrell and Durbridge are called on to resign, and you will forward their applications here as early as possible.

" The attached correspondence is forwarded for your information, and you will please read the Commissioner's findings to the men concerned therein.

" EDWD. WILSON, Sub-Inspector."

4. That your petitioners, acting under advice, declined to resign, and applied for a public investigation under the Police Regulations. This was not granted them, and they were dismissed from the service on the 2nd day of May, 1902.

5. That your petitioners, in view of the nature of the charges alleged and the findings of the said Commissioner thereupon, are aggrieved at the severity of the treatment meted out to them by the Government.

6. That your petitioners, by such treatment as aforesaid, have been disgraced, and their future career seriously prejudiced.

7. That up to the time of the said charges your petitioners possessed a clean defaulters' sheet.

8. That your petitioners are not aware of any other offence or dereliction of duty warranting their dismissal from the service, and they urge that if any such charge or dereliction of duty has been preferred against them they have not been afforded the opportunity of meeting the same.

9. Wherefore your petitioners respectfully pray that you will cause a full investigation to be made into the subject of their petition, and afford them such relief as you may deem their merits justify.

And your petitioners, as in duty bound, will ever pray.

Nelson, 15th July, 1902.

ARTHUR BURRELL.
FDK. HENRY DURBRIDGE.

To the Honourable the Speaker and members of the House of Representatives in Parliament assembled.

THE petition of Frederick Henry Durbridge, formerly of the City of Nelson, but now of Belgrove, late police constable, humbly sheweth,—

1. That your petitioner joined the Police Force on the 1st February, 1900.

2. That in the month of March, 1902, three charges were preferred against your petitioner, and were inquired into by the Commissioner of Police; and the nature of the said charges with the findings of the said Commissioner were as follows :—

" Constable Durbridge, Charge No. 1 : Improper conduct as a police constable in going with a number of other men to the Bush Tavern, Nelson, after closing-hours (about 11.40 p.m.) one Saturday about the end of last football season, and demanding and obtaining drink from the licensee for himself and companions.

" *Finding.*—Notwithstanding the conflict of evidence as to the time, I am of opinion it was past 11 o'clock when the party reached the Bush Tavern, and that finding the place closed, the constable, although not on duty, acted improperly in going with the others to obtain drink after the place was closed. The evidence, I consider, shows that the constable was not the person who demanded or paid for the drinks. Had the constable been on duty the matter would have been more serious. It shows to me, however, that the constable has not a proper appreciation of his position of police constable. He is reprimanded and cautioned, and will perhaps be removed to some other station, where he had better not become quite so intimate with the persons amongst whom he has to perform police duty. The punishment in this case would have been more severe had it not been the first record against him.—J. B. TUNBRIDGE, Commissioner of Police."

" Constable Durbridge, Charge No. 2 : Being asleep at Nelson Police-station at 11.45 p.m., 18th November last; again at 1.15 a.m., 19th November; again at 4.15 a.m., same date; and again at 11.45 p.m., 20th November, when he should have been on duty.

" *Finding.*—This charge rests solely on the evidence of Constable Williams, whose uncorroborated statement it would be unsafe to accept, for the reason that reports and memorandum submitted by him as original and made at the time of the various occurrences were proved to have been made at subsequent dates. Under these circumstances I acquit the constable of the charge.—J. B. TUNBRIDGE, Commissioner of Police."

" Constable Durbridge, Charge No. 3 : Improperly taking into the single men's mess-room at the Nelson Police-station, in company with Constable Burrell, two females named Smith and Kitching about midnight on the 18th July last.

" *Finding.*—The facts are not denied, but, as there is no suggestion that the females were other than respectable, or that they were taken into the station for an immoral or other improper purpose, the worst that can be said is that it was a very indiscreet act on the part of the constables to take them into the station at that hour of night. It should, however, be borne in mind that

these constables resided on the station, which is therefore their home for the time being in addition to being the police-station. The open manner the constables went about the matter clearly shows they did not consider they were doing much wrong. The taking of females into a police-station late at night cannot, however, be tolerated, as, if it were, abuses would soon arise or improper motives would be imputed, therefore the constables are each reprimanded, and cautioned to be more careful in future.—J. B. TUNBRIDGE, Commissioner of Police."

3. That, notwithstanding the findings of the said Commissioner in respect of the said charges, your petitioner, by the direction of Cabinet, was called upon to resign, and a memorandum from the said Commissioner to the Sub-Inspector in charge of the district, and a memorandum from the latter to the sergeant in charge at Nelson, of which the following are copies, were made known to your petitioner :—

" (Memorandum No. 325.)

" Police Department, Commissioner's Office,
Wellington, 17th April, 1902.

" Sub-Inspector Wilson, Greymouth.

" I FORWARD you herewith a copy of my findings on the charges recently inquired into by me against Constables Durbridge and Burrell, and you will be good enough to communicate the result to the officers concerned.

" In addition to the punishments inflicted therein, Cabinet has made the following orders : viz., ' Constables Burrell and Durbridge to be called upon to resign.' You will also communicate this to the officers concerned, and direct Constables Burrell and Durbridge to submit their resignations forthwith.

" J. B. TUNBRIDGE, Commissioner of Police."

" SERGEANT MACKAY,—

" District Police Office, Greymouth, 21st April, 1902.

" Constables Burrell and Durbridge are called on to resign, and you will forward their applications here as early as possible.

" The attached correspondence is forwarded for your information, and you will please read the Commissioner's findings to the men concerned therein.

" EDWD. WILSON, Sub-Inspector."

4. That your petitioner, acting under advice, declined to resign, and applied for a public investigation under the Police Regulations. This was not granted him, and he was dismissed from the service on the 2nd day of May, 1902.

5. That your petitioner, in view of the nature of the charges alleged and the findings of the said Commissioner thereupon, is aggrieved at the severity of the treatment meted out to him by the Government.

6. That your petitioner, by such treatment as aforesaid, has been disgraced, and his future career seriously prejudiced.

7. That up to the time of the said charges your petitioner possessed a clean defaulter's sheet.

8. That your petitioner is not aware of any other offence or dereliction of duty warranting his dismissal from the service, and he urges that if any such charge or dereliction of duty has been preferred against him he has not been afforded the opportunity of meeting the same.

9. Wherefore your petitioner respectfully prays that you will cause a full investigation to be made into the subject of his petition, and afford him such relief as you may deem his merits justify.

And your petitioner, as in duty bound, will ever pray.
Nelson, 1st October, 1903.

F. H. DURBRIDGE.

PUBLIC PETITIONS A TO L COMMITTEE, 1902.

MINUTES OF EVIDENCE.

Taken Session 1902, on the Petition of Arthur Burrell and Frederick Henry Durbridge.

THURSDAY, 28TH AUGUST, 1902.

(No. 1.)

The petition having been read,

Mr. Graham said,—Mr. Chairman and gentlemen, the two men whose petition has just been read are present. They are accompanied by Mr. Maginnity, their solicitor, from Nelson, who desires, with the permission of the Committee, to appear on their behalf. They are here in connection with the charges which have been read. These are the only charges of which Mr. Burrell and Mr. Durbridge have been made cognisant, their position in respect to which they are able, I understand, to effectively defend. The day before yesterday a very voluminous file of papers was laid on the table of the House, and has not yet been printed. These papers contain a large number of *ex parte* statements—as I should designate them—against the men, and it would not be fair to call upon them to defend themselves against something that they have never heard about. The question for the Committee will be as to whether the investigation should be confined to the charges that have been made known to the men, and which they have had an opportunity of perusing, or whether it should range over the whole series of papers of which Messrs. Burrell and Durbridge have no knowledge whatever. I believe that hardly any one has seen the bundle of papers. I myself, have glanced through them, and am in a position to say that, to my knowledge, evidence can be produced here to absolutely disprove a great number of the statements made by Inspector Macdonell, and I am informed that all the other statements can be disproved. I am sure that the Minister of Justice would be willing that the charges should be disproved if they can be. It will be a question for the Committee to decide whether the investigation shall range over the whole of the statements. If so, it would be only fair that the matter should be postponed until what has been promised is done—viz., the printing of the papers—so that members of the Committee may have all the information, as well as the men themselves, because it would be impossible for the Committee to understand the matter without the papers, and it would be unfair to try the men on something they have not had an opportunity of perusing. Mr. Maginnity appears for the men by permission of the Committee.

Mr. Maginnity: May I ask the permission of the Chairman to appear on behalf of the petitioners? May it please you, Mr. Chairman and members of the Committee, Mr. Graham has somewhat anticipated the initial remarks that I proposed to make in regard to the scope of this investigation. Of course, gentlemen, I know that I am expressing your feelings when I say that if a man were to be tried upon evidence that he has not seen he would be seriously prejudiced, and the general administration of justice would be interfered with. Now, I do not propose to find any fault at all with anybody in this matter. I come here with a strong case on behalf of the men, and in support of that case it is unnecessary for me to find fault, because the men's own case, I think, will commend itself to the members of the Committee. What I propose to ask of the Committee first is that the scope of the investigation should be limited to the charges referred to in the petition. Mr. Graham has rightly stated that a voluminous file of correspondence, containing charges against these men, and against the Police Force generally, has been produced and, I believe, laid on the table of the House since the petition was submitted to Parliament. Now, gentlemen, I think you will at once see that if the men are to be punished for offences it is only fair that they should be formally charged with them, and be afforded an opportunity of rebutting them. But I venture to think, gentlemen, that you will confine this investigation within the limits of the petition presented to you. It was upon those charges—i.e., those set out in the petition—that the men were dismissed the service; it is upon those charges that they come here to you, as the highest tribunal, to ask you to say whether or not they were rightly dealt with in the punishment that was meted out to them. Now, gentlemen, let me say this at once: there is no political significance to be attached to the action taken by these men. In support of that statement I should like to call your attention to the names of gentlemen who subscribed to a certain letter sent to the Government. If members of the Committee will look at those names they will see that they embrace men of all political shades—supporters of the Government and opponents of the Government; so that this has no political significance whatever, and I ask the Committee to deal with the men purely upon their merits. If the Committee is of opinion that the charges preferred, as set out in the petition, were of so serious a nature as to warrant the extreme course adopted by the Government, very well; then we must bow to the decision. If, on the other hand, the Committee is of opinion that the punishment was not justified and did not fit the crime, then I ask the Committee to make such a recommendation to Parliament that the men's wrongs will be righted. Their chief anxiety is that their characters should be cleared. At present they are suffering from the fact that they are dismissed officers of an important branch of the Government service. Now, gentlemen, I venture to believe and hope that that is a position you will not be disposed to allow these men to rest in. I have every confidence that their case will receive the careful and just attention of this Committee, and, if they have right on their side, that right and justice shall be meted out to them. Now—

Mr. R. McKenzie: I am sorry to interrupt Mr. Maginnity, but Mr. Graham wishes this matter postponed, and if the Committee agrees with that view I fail to see the use of Mr. Maginnity making this introductory address at present.

Mr. Graham : My suggestion is that if the investigation is to cover the whole of the new matter, of which the men have no knowledge, it is necessary to postpone consideration of the question; but it is for the Committee to decide whether the inquiry shall cover all that matter, or be confined to the charges made against the men of which they have knowledge.

The Chairman : I thought that that was what Mr. Maginnity was trying to show.

Mr. Maginnity : That is just the point I was leading up to. I do not wish unnecessarily to take up the time of the Committee, but it is only fair to the Committee (as it is to the two ex-constables) that the position should be described to it. What I propose to ask the Committee to do is to limit this investigation to the charges made; but I will also —

Mr. Lethbridge : I think the Committee must go into all the evidence which influenced the Government in dismissing these men. I do not see that we can confine the investigation to what you propose.

Mr. Maginnity : Would the Committee not be trying men upon charges that have never been made known to them?

Mr. Lethbridge : The Committee is quite willing, I think, to let the men see the charges—and I think the Department is, too.

Mr. Maginnity : I presume the public will see the charges when the papers are presented. I have not seen the papers. I know there is a compendious file containing charges and innuendoes, which, I may say at once, the men are quite prepared to meet.

The Chairman : Perhaps I can settle that matter at once by asking Commissioner Tunbridge if there is anything in the file beyond the charges on which the men were dismissed which influenced the Government in its action?

Commissioner Tunbridge : I cannot answer that question. I do not know what influenced the Government.

Mr. Graham : The papers have to be printed. If the men are now tried on what they have knowledge of only—although, from a glance through the papers, I believe everything there can be refuted, yet there are statements made which, if not refuted, will come before the Committee without the men having an opportunity of refuting them. I believe, myself, that it will be in the interests of the men that the papers should be printed, and as soon as possible, so as to give them an opportunity of knowing, not the charges, but the statements—the insinuating statements—that have been made against them.

Hon. Mr. Hall-Jones : Take another view of the matter: These papers will be printed and circulated broadcast throughout the colony, and in the interests of these young men it is only right that they should have an opportunity of replying to any questions put to them on any points brought out in those papers.

Mr. Graham : Or of bringing any evidence to disprove the assertions made.

Hon. Mr. Hall-Jones : That is, if those questions are raised before the Committee.

Mr. Graham : Exactly.

Mr. Maginnity : The difficulty is this: These men are both residents of the Provincial District of Nelson. One is working over at Collingwood, the other is keeping an hotel at Belgrove; and it will be a serious matter to them if they have to come to Wellington again. I would submit that they might be examined now upon any charges that you and the Commissioner might think it proper to examine them on which may be revealed in this correspondence. I do not know what the charges contained in the papers are, but I have such confidence in the men—in their integrity and *bona fides*—that I am prepared to put them at present before the Committee, and let the Committee examine them upon any charge in this file of correspondence, outside the charges referred to in the petition.

The Chairman : You are not asking for a postponement of the inquiry?

Mr. Maginnity : No, for this reason: it is impossible for these men to attend at Wellington again. That is the difficulty. I am quite satisfied that the Hon. the Minister of Justice is not appearing here in the position of prosecutor, nor is the Commissioner of Police. Therefore I cannot refer to anybody on the other side to ask, "What can you formulate against these men out of this correspondence which has been placed on the table of the House?" I can only leave it to you to say, "Here are various charges; we will examine you men upon this one and this one: what have you to say to this?" That is all I can suggest. The Hon. the Minister of Justice is here, and he might like to examine the men upon any charges outside of the petition, or within the petition—charges in the petition and in the correspondence. I suggest that if he does that the necessity for bringing the men back here again will be obviated.

The Chairman : You are placing the Committee in a very peculiar position. You ask at once that we shall decide whether we shall go outside of the charges in the petition, and take the whole file of correspondence. Then you say, on the other hand, that you are quite prepared to go on, and suggest that your witnesses be examined by the Committee upon anything in the file.

Mr. Maginnity : I did that for this reason: One of the members of the Committee mentioned that it would be impossible for the Committee to limit its investigation to the charges set out in the petition, and that it must investigate anything which was said that might have influenced the Government in coming to its decision to dispense with the services of the men.

The Chairman : The Committee can only take the petition as it stands. When we are deliberating after taking the evidence we will have the file to help us. Anything that you may ask for which can be given will, I have no doubt, be given in the course of the examination; but the Committee are here to deal with the petition.

Mr. Maginnity : Just so.

The Chairman : Of course, we do not know, and cannot tell, what influenced the Government. We have to get that out in the course of your case. You will have to establish your case. The Committee cannot establish a case for the petitioners. We are not here to do that.

Mr. Maginnity: No; but the case is already established in the petition. These are the charges that have been made against the men.

The Chairman: We have to hear these charges.

Mr. Maginnity: Very well; so far we are in accord. Now, the Committee in its deliberations will go further and consider what is contained in the file of papers. Now, I do not know what those papers contain, nor do these men. You will see what a serious disadvantage the men are labouring under. Mr. Graham has made a good suggestion—that is, to avoid the necessity of bringing these men back to Wellington they might be supplied with a copy of the correspondence, so that they might have an opportunity of perusing it; they can then present themselves to the Committee to-morrow morning, if desired. If it would be convenient to the Committee to adjourn the hearing until then, and meet as if these charges were properly formulated, we could look through the papers in order to meet the charges made in them. My anxiety is to enable the men's evidence to be taken now, so that they may return to their homes. They did not know until this morning that there are certain charges, or statements at any rate—I cannot say charges—made in the correspondence which took place after the hearing of the specific charges by Mr. Commissioner Tunbridge in Nelson. If the Commissioner will lend us his file of correspondence—I presume you will take the evidence on oath, Mr. Chairman—I will to-morrow examine the men upon anything that bears on the matter of this correspondence, which I believe the Committee propose to peruse before they make their recommendation to Parliament.

Some discussion took place at this stage, in the course of which *Commissioner Tunbridge* said, Might I be allowed to dispel some misapprehension which there appears to be on the matter? I understand that the Committee propose to adjourn the investigation till to-morrow morning in order to enable the ex-constables and their representative to peruse this file of papers that I have here. Well, this is not the file that was laid on the table at all. Generally speaking, it is; but the file laid on the table of the House, I believe, contains matters which this one does not—matters of which I have no cognisance. I prepared the papers laid on the table from the Police Department, but since they left the Police Department I understand other documents have been added thereto in order to complete the file; so that the file which I have here, although, generally speaking, a copy of that laid on the table of the House, is not an absolute copy.

After further discussion it was agreed to adjourn the hearing of the case till Friday, the 29th August, at 10.30 a.m., in order to allow of Mr. Maginnity and ex-Constables Burrell and Durbridge to peruse the file of correspondence laid on the table of the House.

FRIDAY, 29TH AUGUST, 1902.

(No. 2.)

Mr. Maginnity: May it please the Committee, I have had the opportunity, the Committee having been good enough to afford me the privilege, of going carefully through this very large file of correspondence with ex-Constables Burrell and Durbridge, and I think I may relieve the feelings of the Committee very much when I tell them that the thing is not so formidable as it appears. A large portion of the file—in fact, the major portion—is in connection with the complaints dealt with in the petition, so that until the proper time comes that need not occupy the attention of the Committee, nor need I weary the Committee by referring to that evidence. It was taken by the Commissioner, and is here verbatim on the file, so the Committee will be able to refer to it at its convenience and at the proper time. Now, the complaints made against ex-Constables Burrell and Durbridge, outside of those in the petition, number eight altogether—three being against ex-Constable Durbridge and five against ex-Constable Burrell. The first of those against Durbridge is with reference to his arresting a youth named Walker, with another youth, who had been guilty of sundry thefts in Nelson, and who had taken their plunder some eight or nine miles up what is known as the Maungatapu Range—a range of historical notoriety, in the vicinity of which the noted murders took place many years ago. These lads had camped there, and it came to the knowledge of the police, as you will see by the reports on the file, that many thefts had taken place; and I expect it also came to their knowledge that Walker was in some way connected with these thefts. The matter was put into the hands of Constables Kemp and Durbridge. Kemp is not here, but probably the Committee will have an opportunity of hearing him before deliberating on the case. At any rate, to make a long story short, the constables traced, through information obtained from one of the guilty persons—a lad named Howard—the whereabouts of Walker, and followed him up the Maungatapu. Howard had cautioned the constables that they must be very careful, otherwise Walker would take to the bush, and they would lose him. I may say, parenthetically, that the statements made with regard to Walker occupy the greater part of what I may call the first part of this file—that is, if we consider the file divided into two parts—the first of which, up to about page 144, deals with the eight charges. The greater portion of this evidence, as I say, deals with the complaints of Walker, and others who sympathized with him, though, I am pleased to say, these were not many. Walker makes many statements. I would ask the Committee particularly to note, in going through the file, that his statements in regard to cruelty or rough usage by the police are contradicted by Howard, his colleague in the thefts, and are contradicted by his own relations, who admit—and it is on record here, gentlemen—that Walker was treated with every kindness and consideration. Now, you will readily realise that if two young men are guilty of many thefts, establish a camp in the bush, and are known to have firearms, and so on, it is a case where the police have reason to deal with them in the most careful manner, and, if they think the lads are going to evade arrest, to take more than ordinary precautions, even to the extent of putting handcuffs on them and making them fast. That was done in this case, and that was all that was

done. That I believe to be the most serious charge—at any rate, it is the charge which occupies the greater part of part one of the file of papers. Now, the second charge against Durbridge is one of immorality, and upon that I shall have to invite the attention of the Committee to what appears upon the records. I must ask, sir, that you would kindly ask the Commissioner to give me the name of the girl. Of course, it will be given to me confidentially, and not made use of outside the Committee; but I ask that in order to enable Durbridge to refute the charge made against him, and, if possible, to bring the girl herself before the Committee. As I said, gentlemen, in the initiatory stages of this inquiry, I have nothing to conceal from the Committee. I look upon this as a Court of equity making an investigation into complaints, and which will deal with them not strictly in accordance with law, but in accordance with equity, although I shall have for a moment or two to ask the attention of the Committee to the provisions of the Police Regulations and the Police Act. The whole of the papers relative to the charge are from page 66 to 79. It is on page 67 that Chief Detective McGrath says, “I beg to report that I have seen Mrs. , who states that came to her place as housemaid about June, 1901, from the , where she had been employed for three or four weeks. She told Mrs. that she was *enciente*,” &c. The girl’s name is omitted from the documents. Will the Commissioner please give it to me?

Commissioner Tunbridge: The name of the girl alleged to have been pregnant is

Mr. Maginnity: Now I shall call upon Durbridge to trace , and, if possible, bring her before the Committee—that is, if the Committee think it necessary. But I will ask the Committee to note what Chief Detective McGrath states in his report upon this case. At the bottom of page 67 he says, “I saw ,” [that is, Miss], “who is now housemaid at Hotel, and her statement substantially agrees with the above. She says she was five months pregnant, and has no idea what caused the abortion. She declined to say who was the father of the child, but stated that he was not a member of the Police Force.” That was written on the 5th March, 1902—before the constables were dispensed with. He goes on to say, “ , the woman referred to by the Commissioner, is a reputed abortionist, and was committed for trial here for procuring abortion,” &c. That is the charge against Durbridge—charge No. 2—and I propose to examine him upon that. Charge No. 3, in the first part of the evidence, is one of assault on a lad named Bannehr, a respectable lad, I believe; I know that he is respectably connected, at any rate. There was some trouble either on Christmas Eve or New Year’s Eve, and the constable, in pursuance of his duty, interfered. It was at a late hour—I believe, between 12 and 1 o’clock—and the lad ran up and said, “What the hell are you doing?” or “What the devil is the row about?” or something like that. The Commissioner views the matter very well in his minute on the case. On page 88 he says, “This is another case where a statutory offence has been committed, if these statements are true, and can only properly be investigated before a Magistrate. A man who intrudes himself into a disturbance with the remark, “What the hell (or devil) is the row?” is not entitled to much sympathy; and after this lapse of time, and seeing that the statements have had to be drawn out of the witnesses, I shall certainly not attempt to deal with the complaint unless the evidence is given on oath. Had the complaint been promptly made I might have ordered the police to lay an information against the constable.” Now, to follow that for a moment, you will see by the records that the lad did not want to prosecute at all. This evidence was dragged out of him by Inspector Macdonell, in regard to whom I venture to say, gentlemen, that you will agree with me in concluding from this evidence and from his action in reference to the Nelson police that he wrote on every occasion with a very bitter pen indeed. On no occasion do I find that he has tried to protect his officers when they have carried out what I believe to have been their duty in a proper manner; but on every occasion he has taken steps against his own subordinates, and in his reports to the Commissioner—it is all on record—he throws in his whole weight against his subordinate officers. Well, now, to follow the Bannehr episode a little further: Bannehr went up to the police-station with his father, who called upon Durbridge to apologize. Durbridge said, “No, I will not apologize”; but after some argument he said, “If your son will apologize to me I will apologize to him,” which was done. Bannehr apologized for the action he had taken, and Durbridge apologized for striking him. There the matter ought to have ended. There is no doubt about that. I do not know, but I think it was probably an error on the part of Durbridge to ask for an apology at all. I believe that if he had followed his proper course he would have locked the young man up. But he did not want to be too hard. He had pushed the lad on one side, and eventually had to throw him, because he persisted in interfering. But I say—and I think the Committee will reasonably conclude—that when young Bannehr went forward and apologized for his action, and Durbridge then apologized in return, that charge ought never to have been made to the Department. That charge is a charge in common with others, and my remarks in regard to it apply to the whole. I do not propose to weary the Committee by recapitulating the various complaints. I am quite satisfied the Committee will see that there was nothing in those complaints to warrant the Government taking the very harsh measures they took in dismissing the men from the service. Now, although I ask the Committee to take an equitable view of the matter, the Committee will also, I think, look to the regulations which guide the Commissioner in dealing with offences of this sort. The regulations made under the Police Force Act are issued in pamphlet form, but the Committee will have an opportunity of having the Act and the regulations before them. These regulations have the force of law; they were made under the Act by the Governor, and have been duly gazetted. Now regulation 62 does not contemplate action being taken by the Government at all in regard to subordinate officers. Regulations 62 and 63 contemplate charges of this nature being dealt with by the Commissioner; and if we were arguing the matter in a Court of law I should have to ask the Court to hold that the action of the Government in dismissing these men was *ultra vires*. The reading of regulation 62 is: “An Inspector in charge of a district may inflict a fine not exceeding £1, or loss of seniority not exceeding six steps in

his grade, upon any constable guilty of misconduct. Misconduct calling for more severe punishment, or committed by members of the Force of higher rank than constable, will be reported, with the Inspector's recommendation, to the Commissioner, who may sentence non-commissioned officers or constables to reduction, loss of seniority, loss of long-service pay, or dismissal, as he may deem fit, and in case of officers will report the circumstances, with his recommendations, to the Minister in charge of the Department." . . . Now, I would ask the Committee to say that the ordinary interpretation of statutes would warrant it in concluding that, as there is a special provision made for the Government to deal with certain officers in the Department, the Commissioner himself must deal with the others under the regulation. Well, now, the Commissioner has fully appreciated his responsibility in the matter. He has an alternative: "Cases of breach of police discipline will be dealt with by the Inspector, unless he elects, under section 12 of the Police Force 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." (Reg. 63.) Well, gentlemen, these men were not without a remedy, and that was pointed out to them by the Commissioner after the complaint—that they had a remedy at law, and if they were not satisfied with his decision all they had to do was to lay an information in Court. The constables have no privilege whatever. If a constable is guilty of an assault he is just as liable to be punished for it as any one of us who commits an assault but is not connected with the Police Force. Section 12 of the Act, under which the regulations are made, reads, "Any Commissioner or Inspector may stop from the pay of any constable offending against the regulations made as aforesaid any sum not exceeding twenty shillings in respect of every such offence, or may cause such constable to be taken before a Commissioner or any two Justices of the Peace; and every such constable, upon conviction of any offence against any such regulation, shall be liable to a penalty not exceeding twenty pounds nor less than five shillings, to be recovered in a summary way under 'The Justices of the Peace Act, 1882.'" Now, neither of those courses was pursued by the complainants, and I will ask you, gentlemen, to consider this: Those eight complaints which are dealt with in the first part of the file (from page 1 to 144; part 2—from page 145 to the end—containing the complaints set out in the petition) are made by persons utterly irresponsible; they are not made upon oath; they are made without any view to ulterior proceedings—just to do these constables a bad turn. Now, you want to know what class of people these are who have made these complaints. I shall be quite within my rights in telling the Committee that in many instances they are people who have been before the Court, and in one or two instances have been absolutely imprisoned. It is the criminal class of Nelson that Inspector Macdonell got his information from to formulate these complaints to the Department. The constables were in some cases afforded an opportunity of making their explanations, and in every case they did make an explanation; but they have never yet been afforded an opportunity of meeting these complainants face to face, and cross-examining them upon the complaints that have been made. Now, gentlemen of the Committee, I have dealt with the three charges against Durbridge—i.e., in regard to Walker, in the first place, whom I may safely designate a juvenile bushranger; then—

Mr. E. McKenzie: Are you privileged to make that statement, do you think—a "juvenile bushranger"?

Mr. Maginnity: The young men were on the ranges—they were in the bush; they had fire-arms, and a tremendous supply of booty which they had stolen. I am not seeking for privilege. I am saying that that is an interpretation of official records. Now, with regard to the second charge against Durbridge—that of immorality—this I have already referred to; and the same remark applies to the third complaint—that of assaulting Bannehr. The five complaints against Burrell are all of assault: one is of assaulting Neave and others; another, assaulting Blincoe; another, assaulting Remnant; another, assaulting Allen; and another, assaulting Reed. In the case of Neave and others the Committee will see that the constable was entirely acquitted of the charge preferred by Neave and others by Mr. Marmaduke Wilson, who was the aggrieved party, and who was present when all that transpired between the constable and the lads happened. With regard to that charge, Mr. Commissioner Tunbridge makes the following minute: "In these cases the complainants had ample corroborative evidence had they desired to prosecute the constable, yet, notwithstanding that I advised them to do so, they did not accept my advice. Under these circumstances, I do not feel inclined to reopen the case after this lapse of time. After Wilson's written statement, made soon after the occurrence, not much reliance can now be placed on what he says to the contrary." The statement he made soon after the occurrence entirely exonerated the police; but it is all here, gentlemen, and I need not weary you about it. In regard to Blincoe, the constable, I understand, denies altogether the charges made, and the Commissioner in this case says, "These assaults, if committed as alleged, constitute statutory offences, and the complainants should have laid informations against the constables at the time, when the matter could have been inquired into on oath. As they failed to do this, in my opinion it would be unfair to the accused to now institute an inquiry where the complainants can say anything without fear of the consequences. You will observe from the papers returned to you this day that I have formulated charges for offence against the regulations, police discipline, &c., against the various officers concerned, arising out of the other reports submitted by you." There the Commissioner took what he considered—and what every right-minded man would consider—the proper course—i.e., that the man accused should have the opportunity of meeting his adversary face to face, and cross-examining him upon the complaints made. That is a cardinal maxim which I am quite satisfied the Committee will not wish me to lay any stress upon. Now, there is a charge in regard to an assault upon a man named Remnant. The Commissioner's finding in that matter does not appear upon the record.

Hon. Mr. J. McGowan : You have no right to make such a statement.

Mr. Maginnity : I said that it does not appear to be on the record. If it is, it is out of its order. You must not attribute any ill motives to me in this matter, sir.

Hon. Mr. J. McGowan : I simply say that when you make statements of that kind you should be sure that they are correct.

Commissioner Tunbridge : I will try to find the record of my decision.

Mr. Maginnity : The Commissioner has been good enough to say that he will try to find it. I have not a note of it in my notes, hence my statement. The next complaint is one with regard to an assault upon a man named Allen. With respect to this, the Commissioner makes this minute : "Another instance of a man nursing his wrongs" [this is in his memo. to Inspector Macdonell] "until you seek him out and invite him to make a statement. If assaulted, as he alleged, then he should have taken action spontaneously, and the matter could have been inquired into on oath. This suggestion that the complainants were afraid to complain is all nonsense. People do not put up with being knocked about without complaining these days. This man can lay an information if he desires." That requires no further comment from me. The last complaint is one by a man named Reed. This man has been before the Court, I believe, on more than one occasion—at any rate, he is very well known in Nelson. This is what the Commissioner says about him : "If this man had anything to complain of he should have done so at the time. The offence, if committed, is a statutory one, and could have been dealt with by a Magistrate. The nearest the man can give is that it occurred two or three months ago, and he believes it was certain constables. Would it not be manifestly unfair to put constables on their defence as to what occurred two or three months ago, when complaint could have been made at the time? No doubt, almost every person who has been proceeded against by the police imagines he has a grievance against the police, and is only too ready to ventilate his imaginary or real grievances when sought out and invited to make statements. This man can, if he wishes, lay an information, and then the matter can be investigated on oath." But that was not done, and you will see by the evidence and by his own statement that this man Reed really does not know who the constables were; but he states that he met Burrell in a railway-train afterwards, and told him about it; and Burrell made the statement in reply that if he had been there it would not have happened. Burrell will tell the Committee that he never met Reed in a railway-carriage, and never had any conversation with him. That is the class of complaint contained in this part one of the evidence. Now, gentlemen, the whole of these complaints were in possession of the Government at the time Mr. Commissioner Tunbridge made his inquiry into other complaints in Nelson during the month of March, and it was quite competent then for any of these aggrieved parties to have attended and made a formal complaint before him, and to have given evidence on oath; or it was competent for the Government to have officially submitted those complaints to the Commissioner, or to have directed him to make inquiry into them. But the Commissioner, in the most judicial manner, studying the case from both sides, as he was entitled to, and with a judicial mind, decided that in each instance it was not a case for prosecution. Another point that I ask to be allowed to make in this connection is this: Cabinet decided on the 13th April, 1902, and by the records appear to have come to their decision not upon those complaints outside of the petition, but upon the Commissioner's report on the evidence which he took in connection with the specific charges in Nelson in March. Now, I ask the Committee to kindly bear that in mind when they deliberate on the whole of the case before submitting their report upon it. I can only speak from the records, and can only conclude from them that it was upon that report of Mr. Commissioner Tunbridge, covering the whole matter, that Cabinet decided that certain things should be done—amongst others, that these two men should be called upon to resign. Now, gentlemen, I have done. I shall not have the opportunity of addressing you again on this matter. I can only tender to the Committee my very best thanks for the extreme courtesy extended to me, and the great consideration shown in postponing the hearing of this case more than once. If you will allow me, I will conclude by saying that all that has actuated these men is the feeling that they have been harshly dealt with upon charges that they have not had the opportunity of refuting; and I ask you, gentlemen, when considering the matter and making your official report to Parliament, to keep that uppermost in mind, and to remember the maxim that I have already had the privilege to refer to—that no man should be convicted until he has had an opportunity of being brought face to face with his adversary, and of answering there and then the charges made against him. As I said before, I am not finding fault with any one—not with the Government. This has no political signification whatever. I have the pleasure to number among my friends supporters of the Government and opponents of the Government; I am not actuated in one way or the other by the slightest political feeling, nor has this any political bearing whatever. In furtherance of that statement I can refer you to a pamphlet which I have reason to know has been supplied to pretty well every member of Parliament, and which contains a letter from most of the leading citizens of Nelson in regard to this matter. You, gentlemen, who know the residents of Nelson will see that a large number—in fact, the majority—of those signing the letter are supporters of the present Government; so that you will at once dispel from your mind the thought that there is any political bearing in the matter at all. There is nothing of the sort. These men have suffered what the public believe, and what they themselves feel, to be an injustice, and they come to you, as the highest tribunal in the land, to clear their characters. That is all I ask you to do. If they had been guilty of offences for which they ought to be punished, I should be the first to assist in having them punished, because I recognise that the office of constable is one of very considerable importance. But until that is proved against them I ask you, gentlemen, to give them that consideration which I feel sure you will see they are entitled to, after you have heard their evidence and gone carefully through the official records.

Commissioner Tunbridge : You said, Mr. Maginnity, that my decision with regard to Remnant's case did not appear on the records. My minute, on page 80 refers to this case as well as Blincoe's.

Mr. Maginnity : I only said that I could not put my hand on it. I did not make any reference to the Minister. Did you understand, Mr. Chairman, that I made any reflection on the Minister in any of my remarks?

The Chairman : No.

Mr. Maginnity : I prefer to take your ruling, sir. Now, Mr. Commissioner Tunbridge informs me that his finding on page 80 refers to Remnant's case as well as Blincoe's. I read the finding a few minutes ago. Remnant's name is not mentioned, so that I think it was quite excusable, sir, that I did not quote Remnant's name when it did not appear. I propose, with your permission, gentlemen of the Committee, to at once examine Messrs. Durbridge and Burrell with regard to the charges. They would then be relieved. They want to get to their homes, and I myself have to leave by steamer to-morrow. So with your consent I shall ask to have them examined on oath. I think that examination will probably occupy the Committee for the rest of the morning's sitting. I propose to examine Arthur Burrell first.

ARTHUR BURRELL examined. (No. 3.)

The Chairman : I may say, Mr. Maginnity, that it is not necessary to swear the witness. Mr. Speaker has ruled that giving evidence before a Committee is equivalent to a witness being examined on oath; he is liable to the same pains and penalties if he gives false evidence.

1. *Mr. Maginnity*.] You are now as if you had been sworn in a Court of law, Mr. Burrell, and you know the necessity for giving your evidence truthfully?—Yes.

2. Do you remember a complaint being made against you by Neave and others?—Yes, I do.

3. By Neave, Burns, Cox, and Simpson. Do you remember the nature of that complaint?—Yes.

4. What was it?—They complained that I had assaulted them, and in addition used obscene language.

5. Will you relate to the Committee exactly what happened, as near as you can?—Yes. An old gentleman living in Waimea Road, Nelson, named Marmaduke Wilson complained at the police-station that the youths in that locality were very troublesome—they were constantly insulting him and his daughter; in fact, he said the respectable people could not walk by without these youths having something to say to them. Sergeant Mackay instructed me to attend to that locality and see if this was going on.

6. In accordance with instructions, you went there?—Yes.

7. Now, just state what happened when you got there?—When I got there there were a number of youths sitting on the culvert near this old gentleman's house. I passed them. I did not think they would know who I was. I asked Wilson to walk by them and see if they would say anything, and I would be handy to hear what they did say. He came out of his house and walked along the street past these youths. I was not near enough to hear exactly what they said, but it was something to this effect: "Halioa, my father." I walked up to them and asked them why they could not leave the old man alone. I told them that complaints had been made about them, and advised them that they had better knock it off or they would get into trouble. One of the boys—about the biggest, I think—stepped up to me and put his hands out and said, "What has it got to do with you, anyhow?" and gave me some cheek. I just put out my hand and pushed him, keeping him off. I did not hit him. There was another boy on a horse. He put spurs into the horse, and nearly rode over me. I did not hit him. I just pushed him off.

8. Do you mean that you pushed his horse away, or pushed him off his horse?—I put my hand on the horse and pushed it away. That is about all that passed. I told the boys about the complaints being made, and windows having been broken there, and that I believed they had something to do with it—which I still believe they had. They denied it.

9. Did you knock any of them down?—No.

10. Are you sure of that?—Yes.

11. Was that the only occasion that you went up there?—That was all.

12. That was the only occasion when you met them?—Yes.

13. Do you know whether or not Wilson made a statement as to your conduct on that occasion?—Yes, he did.

14. Who wrote that statement?—His son.

15. Was Wilson present?—He was in the room—he was present.

16. Would you know the statement if I were to read it to you?—Yes, I would.

17. I will read it: "This is to certify that I, Marmaduke Wilson, was present with Constable Burrell on the evening of the 25th October, when he had occasion to caution several youths for their bad behaviour. The constable did not make use of any obscene or abusive language. Their conduct to him was threatening and defiant. The boys of this locality have been a source of great annoyance to my daughter and myself for this last two months. About eight weeks ago the windows in my house were broken with these larrikins throwing stones, two large stones coming through the window into the room in which two of my infants were sleeping. Had the stones struck them I am sure it would have killed them. Since Constable Burrell censured these boys it has had a good effect, and I have not been troubled with them. I am prepared to give this statement in any Court of law.—I am, MARMADUKE WILSON"?—Yes, that is the statement.

18. He was present when that was written by his own son?—Yes.

19. Is that the whole of that episode?—Yes, that is the whole of it.

20. Have you told the Committee all you know about it?—Yes.

21. Do you know a man named Blincoe?—Yes.

22. Have you been called upon to make any report in regard to a man of that name?—None whatever.

23. You do not know anything about it?—Not a thing.

24. Let me read this. There are two statements. The Inspector seems to have carried forward a statement of one man, and says that Blincoe's statement is very similar to Stapp's. Do you know a man named Stapp?—Yes; they are always together. They are mates.

25. Do you remember ever having to deal with these two?—Never. I have spoken to them. They are larrikins, causing a good deal of trouble in the streets on Saturday night.

26. Both Stapp and Blincoe?—Yes.

27. Just listen to this: "About half a year ago" [this was in February, so that would carry it back to August, 1901] "I was with Archibald Blincoe in Tasman Street, near the bridge. It was on a Saturday night about 11 p.m. We were going home when we were overtaken by Constables Burrell and Durbridge. Burrell said to Blincoe, 'You are the bloke that has been "slinging off" at people all night.' Blincoe denied it. Burrell then said, 'You are the fellow that said I was a bloody cow.' I think he denied this also. Burrell then hauled off and struck him on the side of the head, knocking him down on the road. He got up, when Burrell struck him again, knocking him down on the footpath, and while down Burrell kicked him. I remonstrated with him on his conduct. Durbridge, who was standing a little distance away, came up. I took Blincoe away, and they turned back. Blincoe did not interfere with any one that night, nor did he provoke the constable in any way. I urged him to report the constable, but he said it was no use, that the constable's word would be taken before ours. We did not complain to any one. The assault was spoken of the same as many other similar ones.—JOHN STAPP." Now, does that recall to your mind any quarrel with these people?—Not the slightest.

28. Is there any truth in that statement?—No; it is false.

29. Absolutely false?—Yes.

30. It is apparently corroborated by another man. This is what Inspector Macdonell says: "Archibald Blincoe, residing at 'The Wood,' Nelson: His statement is very similar to Stapp's, only he says he has no recollection of being kicked while down, only he had a pain behind the left hip for several days after. He says, 'Stapp wished me to report the constable, but I told him it would be two against two, and the policeman's word would be taken before ours, so we did not report him. I never provoked the constable in any way. Some time before he asked me what I meant by a remark I made to a companion. I told him, and I thought he was satisfied it did not refer to him. I heard of similar assaults by the police, but I did not interfere in any way.—ARCHIE BLINCOE.'" Here are two men, Blincoe and Stapp; the latter says that you made use of this foul language to him, "You are the fellow that said I was a bloody cow," and assaulted him: does that language recall anything to your mind? Do you remember ever using those words to him?—No, I never did.

31. What do you say, then, with regard to this charge?—This is the first I have ever heard about it.

32. Is there any truth in it at all?—Not the slightest.

33. You told the Committee that you have had occasion to speak to these lads?—Yes, on several occasions.

34. For what?—They get drunk and sing out in the streets, and carry on.

35. Do you know a man named Charles Remnant?—Yes.

36. Do you remember having anything to do with him at any time?—Yes, several times.

37. What have you had to do with him several times?—On one occasion I had to stop him from thrashing his wife.

38. Where was that?—In the street, close by the Postboy Hotel. He struck her inside—in the passage—and when he got outside he struck her again. I might say that Constable Durbridge was with me on this occasion, and we were going to arrest him, but his wife put her arm round Remnant's neck and asked us to let him go. She said that she was in the "family way"—to use her own words—and it might kill her if we took him in. For his wife's sake we did let him go. We thought that possibly what she stated might be the case. She took him home.

39. Have you been called upon to make any report upon that complaint?—No, never.

40. Were there any other persons present when this happened?—There may have been a few about.

41. Were the Remnants in the company of any other woman or any other man?—I did not notice anybody near. It was dark.

42. This is what Remnant says: "About the middle of February last year" [that is, eighteen months ago] "I was in the company of Joseph Symes and his wife in Bridge Street about 8.30 or 9 p.m. We saw two men a short distance away behind us; one of them called out my name two or three times. I did not reply at first, but, thinking it might be some one wishing to employ me, I went back to them, leaving Mr. and Mrs. Symes waiting. On coming up to them I saw it was Constables Burrell and Durbridge. Before a word was spoken Burrell hit me on the left jaw with his fist and knocked me over. I got up and asked what he did this for. He said something about telling yarns, and made another drive at me, but I got out of his way. Durbridge said, 'Give it to him; give him all he wants.' I went back to my friends, and the constables went away. Mr. and Mrs. Symes saw all that took place. I reported the matter immediately after to Sergeant Mackay, but he advised me to say nothing about it. I told him the constable would have a set on me, and would have me some way first opportunity. The sergeant said he would see to that, and that I need have no fear. I left then, and took no further action in the matter. Several weeks after this, one night I was going along Hardy Street; my nephew, George Gunderson, was with me. We passed Burrell standing in a doorway. When we passed Burrell called out, 'I know what you are talking about; you are talking about Durbridge.' I said, 'Mind your own business' (or something to that effect), and not to interfere with any one in the street. He replied, 'You need

a good dressing-down.' I replied, 'You are not fit to give it to me; your clothes save you.' He then jumped out on the street and invited me to come on, making as if to take off his uniform. He then buttoned up, and said to my nephew, 'Take him home, young fellow.' The latter replied, 'He can look after himself.' We walked on, and when some distance away Burrell called out, 'I will have it in for you.' Some months after this Burrell found my horse and cart without a chain on the wheel (the cart had 24 cwt. on, and horse was quiet). I was summoned, and had to pay 9s. 6d. The same day I saw Burrell pass a milk-cart without a chain, but the driver of it was not summoned. I am afraid I may at any time be set upon by the single constables. We continually hear of some one being ill-treated by them. The only reason I can give for Constable Burrell's conduct is that there is an old man in Nelson who knew Burrell before he joined the police, who said to me that he was pleased to see how well Burrell was behaving since he joined the police—that he was bit of a hard case or larrikin before then. I mentioned this in the Postboy Hotel. Burrell was supposed to be after a woman there, who no doubt told him. I often saw him there day and night, but oftener in the daytime. I saw Durbridge there too, but not so often. (This house bears a bad reputation.)—CHARLES REMNANT." That last clause, I think, is Inspector Macdonell's statement—i.e., "This house bears a bad reputation." I do not think it is part of Remnant's statement. Do you know anything about these occurrences? First of all, do you remember Durbridge striking this man?—I remember Remnant going to the police-station and making a complaint that he had been insulted, or something to that effect, to the sergeant, who asked me about it. Remnant was drunk that night, and I remember shifting him off the corner.

43. Where?—Somewhere in Trafalgar Street, near Dee's corner.

44. You remember moving him from Dee's corner?—Yes.

45. Did you strike him on that occasion?—No.

46. Was he the worse for liquor?—Yes; he is very seldom sober.

47. Did you strike him on any occasion?—No, never.

48. Do you remember the circumstance where he was walking down Trafalgar Street with his nephew, as he says?—No, I cannot. He is a man we often see; he is always about town. I get mixed up as to when I see him, it is so often.

49. Do you remember having any altercation with him, or any quarrel with him, or striking him?—Never. It is quite true about the cart. I summoned him for leaving his cart unattended.

50. The next case is with regard to Allen. Do you know a man named George Allen?—I fancy I know him. There is a family of them, two or three being sons. I know that there is a family of them, but I do not know which is George.

51. What is the Allen whom you know?—I think they work on the little sailing-yachts.

52. Where do they live?—At the Port.

53. Very well. Just listen to this: "The same night as William Reed was assaulted by the constables I was assaulted, I believe, by the same men. I was on my way home by myself pretty late, and when going along Haven Road I was passing Constables Kemp and Burrell. Pat Gallagher was with them. As I was passing them on the footpath one of them put his foot out in front of me to trip me. I said, 'What is the meaning of this?' One put his foot behind me, and the other at the same time struck me on the side of the head, knocking me down. I said to Gallagher, 'You witnessed that?' He said, 'Yes.' Kemp said, 'What is that?' at the same time giving me a clout in the face. Both constables then took hold of me, saying they would lock me up. Burrell then said, 'He can manage him; I need not interfere,' and he let me go after taking me back a few paces. Burrell said, 'We will let him go.' Kemp then let me go, and when he did so he kicked me as he was going away. I did not resist or attempt to retaliate in the least; I knew it was no use. I did not report it, as I had no witness. If I complained I might be worse treated another time. We often hear of this sort of thing on the part of the police. Arthur Young, of the Port, was interfered with by some constables the same night when passing them alone." [I may say that no complaint had been made by any one named Young.] "One of them put out his foot to trip him. He stumbled, but passed on without saying a word, and was allowed to go on without further interference. I do not like making a statement in this way; I think it looks like informing. I would prefer to go straight before them and make my statements there.—G. ALLEN." Do you know anything about that?—No.

54. Do you remember being on the Haven Road with Kemp? Do you remember ever striking a man at all in company with Kemp—any one?—Never.

55. Do you remember Kemp kicking a man in your presence?—No, never.

56. Have you had occasion at any time to arrest a man named Allen?—Kemp arrested Allen from the theatre one night for making a disturbance and using bad language.

57. Were you present?—No.

58. But you know he was arrested?—Yes.

59. Do you know whether it is the same Allen?—I think it is the same. It is either him or his brother.

60. Do you know a man named Reed?—Yes.

61. Have you been called upon to make any report in regard to a man named Reed?—No, never.

62. Now, just listen to this: "William Reed, fisherman, Port": is that the same man—the Reed that you know?—I think he is something of that sort.

63. "William Reed, fisherman, Port, Nelson, says, 'About two or three months ago, on a Saturday night, I was coming home from Nelson; when opposite the gasworks I met two constables—I think, Kemp and Burrell. Pat Callaghan, now in Wellington Gaol, was with them; they appeared to be questioning him. One of them said "Good-night" to me. I replied, "Good-night, sir." He asked, "Where are you going?" I replied, "Home, sir." He then asked my name.

I replied, "Reed, sir." He said, "You are one of the notorious Reeds," and at the same time bashed me across the face with his hand. I said nothing; I simply walked away. Pat Callaghan said, "Good-night, Bill," and I said, "Good-night, Paddy." I gave them no provocation whatever. I have told you all that took place. I was afraid to remonstrate, that I would be roughly handled and locked up. It was pretty late at night. On arrival at the Port I reported the matter to Constable Jeffries. I think it was Constable Kemp struck me, and that it was Burrell standing by. Next day I was in the train with Constable Burrell. I spoke to him about the manner in which I was treated. He declared he was not there, saying, "If I was there it would not have happened."—W. REED.' Do you remember being in a railway-train with this man Reed?—I never rode with him in a railway-train in my life.

64. There is no report from Constable Jeffries, I see. Very well. What does this mean? Here are two men making statements which you contradict, which you say are absolutely false?—Absolutely false. Reed was fined for using obscene language a short time ago, I know.

65. You know that?—Yes.

66. Those are the charges which have been preferred against you outside of the charges which Mr. Commissioner Tunbridge inquired into in Nelson, and you have stated that those charges are absolutely false?—Absolutely false.

67. You understand and appreciate fully the position you are in—that you are now as if you were on your oath in a Court of law?—Yes.

68. You still say those statements are false?—Absolutely false.

69. *Mr. Colvin.*] Who was the landlord of the Postboy Hotel at the time the occurrence referred to in connection with Remnant took place?—Mr. Wemyss, I think, to the best of my recollection. A change took place at about that time, a man named Coogan going into the hotel.

70. Was the Postboy Hotel looked upon as an inferior house, or with suspicion, by the police when Wemyss kept it?—Never. The only thing was that Wemyss used to drink a bit.

71. Did Wilson sign the statement that has been read, in your presence?—No, he did not; he cannot write. His son signed it.

72. It was in his presence that you spoke to the boys and pushed them away?—Yes.

73. Did you lay the charge against Reed for using obscene language, or was it one of the other constables?—It was Constable Jeffries.

74. Is Constable Kemp still in the Force?—Yes; he is stationed at Wellington.

75. *Commissioner Tunbridge.*] Perhaps I might be permitted to ask one or two questions. I am not quite sure of my position here before the Committee. I do not quite know where I am, but perhaps my action may be taken into consideration by the Committee in dealing with this matter. They might think—I am only putting this as a possible matter, with my words in the minds of the members of the Committee—that, these eight complaints having been made against these police officers, I ought to have inquired into them at the same time as I inquired into the others. I wish to explain my position in this way. As Mr. Maginnity has said, the regulations give the Commissioner and the Inspector the option of either inquiring into cases of this kind, or of having the men brought before a Magistrate and dealt with by a Court. At a departmental inquiry such as I can hold the evidence cannot be taken on oath. I have no power to administer the oath. Therefore any person can come before an inquiry that I may hold and can say anything without any fear whatever of the consequences. As a consequence of that, I have taken up this stand since I have had the honour to hold my present position: that where a statutory offence is alleged against a member of the Police Force, evidence can properly only be inquired into before a properly constituted tribunal, where it can be taken on oath. If a complaint is made promptly, and it appears to be a serious one, made in a *bona fide* manner, I instruct the police officer of the district to himself lay an information against the offending member of the Force. I have done so in some instances, but in cases such as these, where the complainants made no complaint for a long time after the alleged occurrences, and then only when approached by an individual and asked to make the complaints, I should not be acting fairly towards the members of the Force, and really the public generally, if I undertook to investigate a matter of that kind where, as I said before, the evidence could not be taken on oath. Therefore I decided, as my written decisions will show, not to attempt to investigate those cases in the unsatisfactory manner that I should have been called upon to follow, but to let all the parties go before a Magistrate and have the evidence taken on oath. That is the attitude I took up in these cases; it is the course that I have followed ever since I have been in New Zealand, and the course I shall continue to follow so long as I remain here in my present position. I know from thirty years' experience of police work that there is no difficulty in getting people who think they have a grudge against the police, and who have perhaps been brought before a Court and punished at the instance of the police—there is no difficulty in getting such persons to make statements, if you invite them to do it, especially when they know they run no risk in making such statements, about the police. The man Remnant says, "Something over a year ago a certain occurrence took place." Another man says, "I was knocked down and kicked, but I did not make a complaint, because I might be treated worse later on, and did not think it was any use." Well, gentlemen, even in England, where democracy does not rule quite so supremely as it does in New Zealand, people do not put up with such treatment as that at the hands of the police, and I am perfectly certain they would not in democratic New Zealand. And when a man seeking to make charges against members of the Force puts down in writing or tells me of such things I look upon his statement with very considerable suspicion, and certainly do not, and would not, go away from the course that I have laid down in dealing with matters of the kind to oblige that individual. After that little explanation I should like to put a question or two to the ex-constable. You say that the men who laid the charges against you, Neave and others, are young larrikins?—Yes.

76. Do you know that while you were in Nelson under Sergeant Mackay larrikinism was somewhat rife?—Yes.

77. Do you know that there were frequent complaints about the boys disturbing respectable people?—Yes, there were for a while.

78. In the way of larrikinism and also fruit-stealing?—Yes.

79. To such an extent that special precautions had to be taken in sending men out in plain clothes: is that so?—That is correct.

80. And it was in attempting to put down larrikinism, alleged against the lad Neave and others, that you interfered with the lads by Mr. Wilson's?—Yes.

81. In the presence of Wilson, the complainant?—Yes.

82. Who you say is a respectable old man?—Yes, he is.

83. Those lads would have a grievance against you?—Yes; they would take it very badly.

84. Lads do not like to be interfered with?—No.

85. You take it that that would be a reason why they should make a complaint, or make an exaggerated statement, against you when approached by Inspector Macdonell?—Yes.

86. As regards Blincoe, what is his character in Nelson?—Very bad.

87. In what respect?—He is looked upon as a low-down hoodlum in the town. He is pretty well always under the influence of drink.

88. How about Allen?—He is one of the worst in Nelson.

89. Do these remarks apply to Reed also?—Yes. You could not pick worse characters in Nelson than those mentioned, I think.

90. Have you seen the memorial that was sent in by the Nelson residents against the treatment that was being meted out to you?—Yes, I have.

91. Have the people who signed that memorial had an opportunity of witnessing your actions as a police constable while in Nelson?—Yes, every day.

92. Nelson, of course, is a small place?—Yes.

93. Perhaps I may mention a few of the people who signed that petition: The present Mayor of Nelson, Mr. Graham, M.H.R. for Nelson, Colonel Pitt, M.L.C., the Town Clerk, the Justices, solicitors, bankers, &c.?—Yes.

94. Now, as a matter of fact, the representative people of Nelson, the commercial community, and the private residents in the main have signed that petition, have they not?—Yes.

95. The number I have stated in a memorandum—seven hundred, I think?—It is something between two and three hundred, I think.

96. I merely put that question to the witness, Mr. Chairman, as showing one side of the case. The man is complained of by the larrikin Neave, and others, Blincoe, Allen, and Reed—drunkards and hoodlums; on the other side he gets the support of hundreds of the principal residents of Nelson. All I say is that it is a matter, in my opinion, of which side you are to believe—whether to accept the statements of hundreds of respectable people in Nelson as to whether these men carried out their duties, or to believe what four or five hoodlums state to the contrary.

97. *Hon. Mr. Hall-Jones.*] I would like to ask the witness a question with reference to the charges inquired into by Commissioner Tunbridge for which punishment was inflicted: do you dispute the judgment of the Commissioner as to your guilt?—No, not in the slightest.

98. You admit that you were guilty of the charges for which the punishment was inflicted?—Yes.

99. *The Chairman.*] Are Stapp, Blincoe, Remnant, Allen, and Reed young or old men?—They vary. Remnant, I should say, would be the oldest; I expect he would be 35; Reed, 30; Allen, 25; Blincoe would be about 21; Stapp, I should say, 18 or 19. The other four youths would range from 17 to 19.

100. Have you had any opportunity of judging whether they are old residents of Nelson or only new-comers?—I could not say. I was not there very long—only about two years.

101. In one of those statements it was said that the Postboy Hotel had a very bad character. The inference I drew from it was that it was a house of ill-fame?—That is the first I ever heard of it. It was quite otherwise, I thought.

The Chairman: From the statement of one of these people—

Commissioner Tunbridge: That was a statement by Inspector Macdonell.

102. *The Chairman.*] From that statement I should have judged at once that it was such a place. You say it is the first that you have heard of anything of the sort?—Yes.

The Chairman: I ask that question because I know Nelson probably as well as witness—perhaps a great deal better—and I know the houses and a great many of the people there.

103. *Mr. Colvin.*] Did the proprietor, Wemyss, at one time manage the Masonic Hotel, the principal one in Nelson?—Not in my time.

104. *The Chairman.*] You absolutely deny the statement that, according to what these men say, the greater part of your time you have been assaulting people in Nelson?—I positively deny it.

105. *Mr. Maginnity.*] You spoke about the Postboy Hotel and Mr. Wemyss?—Yes.

106. Did Mr. Wemyss not manage the Masonic Hotel before he took the Postboy?—That question has just been asked me. I do not know.

107. *Mr. Hardy.*] I am not altogether certain that I understood the witness's reply to the *Hon. Mr. Hall-Jones.* You know the finding of the Commissioner with regard to the charges made against you?—Yes.

108. Do you think that his finding was a reasonable one?—I do.

109. Under the special circumstances?—I think it was reasonable.

Mr. Maginnity: I would like to know at this juncture whether in the opinion of the Committee it is necessary to call the girl———. Of course, you will understand that I do not wish to put the girl to the unpleasantness—she is in attendance—of examining her upon what the members of the Committee will at once see is a very delicate matter indeed, and that it is only under extreme

circumstances that I would do it. I refer to the charge of immorality against ex-Constable Durbridge.

The Chairman : The witness himself has not been examined at all upon that point.

Mr. Maginnity : No. It is in regard to the second charge reviewed in this correspondence against ex-Constable Durbridge—the charge of immorality. I ask the decision of the Committee whether the girl should be brought here. She is in attendance, but I should very much prefer that she should not be called.

The Chairman : We can hardly say until we have heard something about it.

Mr. Maginnity : My object in calling her would be to refute the statement made by Inspector Macdonell. You will see that it has already been refuted by Chief Detective McGrath. It is one of the charges made against Durbridge outside of those in the petition.

The Chairman : Does the girl charge Durbridge?

Mr. Maginnity : No. Her evidence will go to exculpate the ex-constable entirely. I may say that Durbridge is married to one of the girls that Inspector Macdonell has the effrontery to animadvert upon.

Hon. Mr. Hall-Jones : We cannot say, Mr. Chairman, whether it will be necessary to call the girl until we have heard from Durbridge.

The Chairman : That is so.

Mr. Maginnity : This document that I have here is a copy of a report written by Chief Detective McGrath. He reports as follows (page 67 of the file) : "I beg to report that I have seen Mrs. ———, who states that ——— came to her place as housemaid about June, 1901, from the ———, where she had been employed for three or four weeks. She told Mrs. ——— that she was enceinte—"

Commissioner Tunbridge : Perhaps the Committee would like to hear all the names. The object in cutting them out was that they should not appear in the printed matter that will go forth to the public.

Hon. Mr. McGowan : I would like to say, Mr. Chairman, that from the evidence given I think we must necessarily have Inspector Macdonell here. Several statements have been made regarding him, and, as Commissioner Tunbridge has not pressed for his attendance, I think it is my duty, in the interests of fair play, to ask that the Inspector's evidence should be taken by this Committee.

Hon. Mr. Hall-Jones : I shall also ask the Committee to call several witnesses.

The Chairman : The Committee will decide, after hearing the evidence, whether it is necessary to call more witnesses, and, if so, what witnesses ; but they cannot decide until the whole of the case by the petitioners has been heard. When they have heard that they will decide on the course to be taken.

Mr. Maginnity : I understand that the same right will be extended to the petitioners, if you deem it necessary to call further evidence, to refute any statements that may be made by witnesses called by the Government to oppose the petition.

The Chairman : You have the right to call any evidence you wish to establish your petition.

Mr. Maginnity : And to refute statements made?

The Chairman : Yes, that is so.

Mr. Maginnity : I hope the Hon. Mr. McGowan will accept my oft-repeated assurances that we do not want to do anything unjust. I hope it is not imagined that I wish to steal a march in order to establish my case. I want to stand or fall upon the *bona fides* of the men. I am satisfied that the Committee will give everything brought before them their favourable consideration. More than that I cannot ask. I wish, Mr. Chairman, to go a little out of the order of the correspondence, and to now take the charge of immorality against ex-Constable Durbridge.

110. *Hon. Mr. McGowan*.] Before you do that I would like to ask ex-Constable Burrell a question or two. I want to make sure that I have taken your statements correctly in some cases, because they may come up again. You mentioned a document from Mr. Wilson, Mr. Burrell?—Yes.

111. Will you explain to the Committee how that document was obtained?—After I was called upon by Sergeant Mackay to answer the charge I made it my business to look this man Wilson up. I went to the building where he was working—he was working for Baigent, the present Mayor of Nelson. I called him on one side, and told him my business—that I wanted his statement with reference to the affair that took place in Waimea Road. He told me that he had not time to do it there, and asked me to go to his house. I did so, and took the statement at his house.

112. *Hon. Mr. Hall-Jones*.] Did you dictate the statement to him?—No, I did not. It was dictated word for word. Mr. Wilson himself dictated it.

113. *Hon. Mr. McGowan*.] You made a statement about Remnant being drunk, and going to the police-station to make a complaint : was that when he was drunk, or not?—He was drunk then.

114. What was the complaint about that he went to make?—He went to make a complaint that I had insulted him, I understand, at the time.

115. If he was drunk why did you not take any action : do you allow drunken men to be at large?—No ; he was not too drunk to take care of himself. He could walk without being a nuisance to anybody.

116. Was that the occasion upon which you summoned him for not having his cart attended?—No.

117. It was on another occasion?—It was before that that I summoned him.

118. Did he complain of the summons, or of your assaulting him?—He complained, as near as I can remember, that I had assaulted or insulted him.

119. Is it easy for a man who is drunk to go to the police-station and make a complaint about a policeman assaulting him : do you know of any other cases in which it has occurred?—Yes, I do.

120. Is it frequently done?—No; but it is done.

121. Could you give us cases in which it has been done?—I have seen it done in Dunedin, not in Nelson.

122. Is that the only case of the kind that you know of in Nelson?—Yes.

123. The same thing has been done in Dunedin?—Yes; I can remember men doing the same thing there.

124. A drunken man, who is not arrested, goes to the office and complains that he has been assaulted by the police?—I could not say whether he was a resident or not.

125. I do not want to get down anything from you if you do not agree with it. If you want to withdraw anything you are at perfect liberty to do so, as far as I am concerned. I just want to take your statement correctly. You said before the Committee that the statement that you assaulted Remnant is untrue?—Yes.

126. In fact, you said that all the statements with regard to the assaults are untrue?—Yes.

127. Do you consider that the report by Inspector Macdonell, which has been read by my learned friend, is incorrect?—Yes, I do.

128. You consider it an untrue report?—Yes.

129. *The Chairman.*] Did you consider it your duty as a policeman to lock up every man that you saw drunk in the streets if he was not obstructing the thoroughfare, creating a nuisance, or interfering with anybody?—No, I did not.

130. *Mr. Hardy.*] If he was going along a very dangerous place and there was a probability of his being drunk being a menace to himself, what would be your position then?—I would lock him up.

131. *Mr. Maginnity.*] I think you told us that Remnant was not helpless, but that he was the worse for liquor?—Yes.

132. *Hon. Mr. McGowan.*] We have it in evidence that Remnant, Allen, Blincoe, and Reed are drunkards and hoodlums?—Yes.

Mr. Maginnity: I will now call ex-Constable Durbridge.

FREDERICK HENRY DURBRIDGE examined. (No. 4.)

Mr. Maginnity: Will you explain to the witness, Mr. Chairman, the position he is in with regard to his evidence?

The Chairman: The Speaker of the House has ruled that any witness or petitioner giving evidence before a Committee of the House is equivalent to being upon his oath, and for any false statement he may make he can be punished, in precisely the same way as if he were on oath—he is subject to all the pains and penalties.

133. *Mr. Maginnity.*] Do you understand your position?—Yes.

134. Have you been called upon by your late Inspector, or by any other person, to furnish a report upon a complaint made that you had been guilty of indiscretions with a girl named Miss ———?—No.

135. No complaint has been made to you?—No.

136. Then, will you listen to this, please: "On the afternoon of the 10th February instant I called at the ——— Hotel, Nelson, and saw Mrs. ———, the licensee. I told her who I was, and what I came to see her about—viz., in reference to the condition, &c., of ———, and Constable Durbridge's supposed connection therewith. Mrs. ——— was very unwilling to say anything on the subject. She gave me to understand that she was afraid to do so. I assured her she had nothing to fear, &c., and that if she was in any way molested over the matter to communicate with me, and I would see she got justice. She still appeared to be very frightened. Ultimately she made a statement to me to the following effect: 'It is quite true ——— got into trouble in this house. She was a servant here; she did not like to tell me of her trouble; she told the woman next door, and requested her to tell me. She did so. When I saw the girl afterwards she at first could do nothing but sob and cry. She afterwards told me all about it, and told me Constable Durbridge got her into trouble. I knew he used to be after her since I took charge of the house; but I understand she got into trouble before I did so, and while the woman next door had charge of it. Shortly after her admission she left for Wellington. I understood it was to try to get quit or rid of her trouble. Shortly afterwards I received a telegram saying she got quit or rid of it. A Mrs. ———, of the ——— Hotel, Wellington, sent me the telegram for her. I burned the telegram. ——— was an excellent girl in every way until she met Durbridge; I never met a finer girl. I was exceedingly sorry for her. The single constables in Nelson bear a bad name for immorality. It is considered they have too little to do, and are not properly looked after; that is the general opinion so far as I know. I often hear of rows and assaults committed by them. I hope it will not be known that I have said anything. I am going out of this house soon (it is a tied house), and I might be prevented getting another.' On the 14th February instant I called again to ask which of the women next door told her of ———'s condition. As soon as she saw me she said, 'I wish to God you would not come here; you will be seen, and I shall get into trouble.' I asked if any one had been calling on her. She said, 'Yes; Durbridge was here, and asked if you had been here asking anything about him.' I said, 'No, I do not know him; is he here?' He replied, 'Of course he is,' and left. 'I am frightened you will be seen, and I shall get into trouble.' I next (same day) called on ——— next door, and asked for her married daughter, who had informed ———, as before stated; but she denied all knowledge of the matter, and pretended she did not believe the rumours about ———, &c. I could see at a glance she was not telling the truth. She was fencing every question. I left her and went to a Mrs. ———, who is carrying on a ——— shop opposite the ——— Hotel. I asked her if it was true Constable Durbridge kicked up a row with her for connecting his name with ———'s trouble. She said it

was her daughter-in-law he had been to. I then saw her daughter-in-law, who stated as follows: 'My name is ———, wife of ———, Waimea Road, Nelson. We all heard of ———'s trouble, and Constable Durbridge was blamed for it. I was not spreading it. I believe my mother-in-law said something about it. Some weeks after ——— went to Wellington Durbridge came here and accused me of telling something about the girl, &c. I denied it. My mother-in-law asked him if he was not going to do something for the girl, &c. He simply laughed and passed it off, saying he had nothing to do with it; &c. The girl came back about three or four months ago. She was in old ———'s. She told ——— about it; said Durbridge was the father of her child, and that it was a boy. ———'s daughter ——— had tea with us at the time, and told us all the girl told her mother. They made no secret of it then. We do not wish to be mixed up in this matter.' I next called on ———, the old woman who used to have the ——— Hotel, but she was evidently put on her guard. She was stopping at the time at a place called 'The Wood' with a married son. All I could get out of her in answer to many questions was simply, 'I know nothing about it. I have nothing to do with it. I don't understand or interfere with such matters. I would not think ——— would do the like of that,' &c. I gave her up. She is an untruthful old woman. I questioned her *re* girl's statement to her when she came back on a visit from Wellington—having tea with her, the child being a boy, &c.—but she gave the same evasive answers: could not remember; did not understand, &c. I am given to understand ———, the ———, could give evidence if he wished, but he will not do so, as he is very friendly with Mr. ———, who is the bosom friend of Sergeant Mackay, and gets all the possible horse-hire from the police that can be given. Although ——— and his wife promised me not to mention my interview with them, he immediately told Mr. ———, who, I am told, said to him, 'He had no business in your place; put the b—— up as high as a kite.' He was referring to me. This is all the information I got in reference to this case, with the exception of the attached report from Constable Williams. I requested Constable Williams to report anything he knew to me direct. He hesitated a good deal, as he is afraid they shall be revenged on him, and from what I have heard all over Nelson I should not be surprised if they did. Durbridge, Burrell, and Kemp are apparently clubbed together, and, I believe, prepared to support each other in anything, and I very much fear they are too much favoured by the sergeant in charge. It will be observed that I instructed Sergeant Mackay to investigate and report on this charge on the 24th December last, but he did nothing in the matter. I attribute the difficulty in obtaining information to the fact that he knew such a complaint was made. Mrs. ——— told me she heard Sergeant Mackay received several anonymous letters *re* Durbridge and the girl ———. If he did I never heard of it; but, judging from his failure to make any inquiry when instructed to do so, I would not expect to hear from him on the subject. Unless information can be got in Wellington, I do not expect to get much more in Nelson in reference to the girl's miscarriage, &c. Any steps taken shall have to be extremely cautious, and by trustworthy men, otherwise every effort shall be defeated. I find the number of people that can be *squared* is simply astonishing. Referring to Constable Williams's report, I understood he means a Mrs. ———, a supposed abortionist, not a Mr. ———. I am not, however, positive. I may add that in all my experience I never came across such a state of matters as appear to exist in Nelson apparently since the time Sergeant Mackay is alleged to have been drunk.—E. A. MACDONELL, Inspector." That is the complaint, signed by Inspector Macdonell, at that time in charge of the Greymouth Police District, which embraced Nelson. It is a serious charge, as you appreciate?—Yes.

137. Is this the first time that you have heard that complaint?—It is the first time that I have heard it.

138. Do you know Miss ———?—I do.

139. I do not want to go into all these innuendoes. It is a delicate matter, and I will put my questions as delicately as I can; but it is of so serious a nature that plain speaking must be resorted to; so you can understand that I have no desire to be rude in the matter, but I will not be unnecessarily vulgar. You are charged with having been familiar with Miss ——— to the extent that she was with child by you?—Yes.

140. What have you to say to the charge?—I deny it point-blank. She was never in the "family way" to me.

141. You have heard what Inspector Macdonell said about visiting Mrs. ——— and the others: have you had any conversation with any of these people to shield you from any consequences?—No. Mr. Barnett told me that Inspector Macdonell had been up to him relative to this girl, and I told him that I did not care who had been there; it did not concern me in the least.

142. Is that the only conversation you had with any person on the subject?—Yes.

143. You distinctly state that now?—Yes. I can bring the girl forward, and the Committee can ask her any questions about the matter.

144. *Hon. Mr. Hall-Jones.*] You know the charges inquired into by the Commissioner upon which he inflicted punishment on you?—Yes.

145. Do you dispute his judgment in finding you guilty on those charges?—No, not in the least.

146. *Mr Colvin.*] Was this Miss ——— a native of Nelson?—She is a native of Tadmor, I believe.

147. You deny having any connection with Miss ———?—Absolutely.

148. Did Inspector Macdonell ever charge you with this, or bring it up and report it to the Commissioner?—This is the first I have seen of it. I was told in Nelson that the Inspector was making inquiries; but I did not pay any attention to it, simply because I knew he could make all the inquiries possible and not prove——

149. But he did not ask you personally?—No; he never mentioned it to me.

150. *Mr. Maginnity.*] I omitted to ask the witness if he was a married man?—Yes, I am.

151. Who did you marry?—Miss Smith.

152. Was she one of the young ladies whom you took into the police-station to have some tea—under charge No. 1 against you, which was inquired into by Commissioner Tunbridge?—Yes.

153. She is now your wife, living with you at Belgrove, where you are keeping an hotel?—Yes.

Miss ——— examined. (No. 5.)

The Chairman : You are going to be examined by Mr. Maginnity before this Committee, Miss ———. Giving evidence before the Committee is equivalent to giving evidence on oath, so that anything you may say will bear all the pains and penalties that it would if you were sworn.

154. *Mr. Maginnity.*] Do you know Mr. Durbridge, who was formerly a constable in the Police Force?—Yes.

155. I want to ask you a delicate question, Miss ———; but you will understand that what you state here is probably not going outside of the Committee, so that you need have no hesitation in answering; and, moreover, it is a matter of very great importance; therefore what we would under ordinary circumstances respect as modesty must not weigh with us in an inquiry of this sort. A complaint has been made to the Government that some time ago—the exact date is not mentioned—you were pregnant to Mr. Durbridge: is that true, or is it false?—It is false.

156. *Commissioner Tunbridge.*] It may be suggested that, although what this young lady states is correct—namely, that she was not pregnant to the ex-constable—there might have been immoral relations between them, and I think that should be settled. I will therefore put that question to Miss ———. Is it true, Miss ———, that immoral relations have ever at any time taken place between yourself and ex-Constable Durbridge?—No.

Examination of FREDERICK HENRY DURBRIDGE continued. (No. 6.)

157. *Mr. Maginnity.*] The next complaint is No. 1 in the correspondence, in regard to the treatment of a lad named Walker, who was charged with a number of thefts; the charges are all set out in the correspondence. You remember being sent out with, I think, Constable Kemp?—Yes.

158. Will you describe shortly to the Committee the steps you took in regard to the arrest of Walker?—On information coming to the police-station Constable Kemp and I were detailed off by Sergeant Mackay to make inquiries relative to a stolen dog, which Walker was supposed to have stolen, and then to have gone across the Maungatapu. On making inquiries we found that Walker and a boy named Howard had camped over the Maungatapu, in the Pelorus. We proceeded there. The first day we were unsuccessful, and came back. When we reached town we heard of the boy Howard, who was one of the suspects. We found Howard, who made an open confession of the whole thing, and told us he would take us to the camp the next morning. Howard stayed with us that night, and we got up early the next morning and proceeded to the camp. We reached it at about 2 or 3 o'clock in the afternoon—I would not be sure of the exact time. I may say that on the way Howard told us to be very careful how we approached the camp; that Walker had in his possession two or three rifles, and was an excellent shot; and that if Walker saw us coming he would take to the bush, or might make a fight for it. So we took every precaution in approaching the camp. Constable Kemp went in front of me; I stayed behind with Howard, because we had suspicions of him too, and being in the bush we did not wish him to escape. I therefore kept him near me, and Kemp went down to the camp. The barking of the dogs attracted Walker's attention, and he came to the track to see who was coming. Kemp put out his hand like that [indicating action] to him, and said, "I arrest you for various thefts." Upon that Walker turned round and made a plunge away into the bush, but Kemp put his hands on Walker's shoulders and prevented him. I could see the whole affray.

159. What happened when Kemp put his hands on Walker?—Walker struggled, and they both fell to the ground. Kemp held him there, and I ran up and handcuffed him. I put Kemp's handcuffs on him, and he got up and said, "All right, I will keep quiet. The game is up; you have got my mate and me." We talked to him quietly and kindly, and brought him back to the tent. When we were about 10 yards away—Kemp having hold of him all the time—he swung round and made another plunge away. Kemp caught him again, and I took him by the collar of the coat and gave him a shake. He then wrestled for a good while, and I said, "If you won't be quiet we will have to make you"; so I put the handcuffs round his ankles. They were a large pair of handcuffs, and went round his legs. I then said, "Now, you can stop like that till we are ready to deal with you." We had a look through the tent, and found sundry articles that we had on our books as being stolen. I took Walker back to the tent and asked him which were stolen and which belonged to him. He said that certain things in the tent belonged to him. After some time spent in taking an inventory of what was there, we took the handcuffs off his legs, he promising that he would behave himself. We took them off his ankles, but not off his hands. That night Constable Kemp slept handcuffed to Walker, and I handcuffed to Howard. The next morning we started for Nelson.

160. Was any unusual or unnecessary harshness or cruelty used to Walker?—No, none whatever.

161. Did you meet a boy or a young fellow as you were going up to Maungatapu?—We met a lad as we were going down the other side.

162. Is it a fact that one of you drew his revolver and told the lad to put up his hands?—It is absolutely false.

163. Will you tell us what happened?—We saw the boy coming up the track, and I suggested that we should "plant" behind some scrub till he came along, in case the person might be Walker. I was looking for the dogs, as Walker was supposed to have two or three with him. The boy

came up, and we jumped out on him on the narrow track. He, of course, stood quite surprised. He said, in answer to our questions, that his name was not Walker; that he had come from Canvastown and was going to Nelson. He saw our revolvers, and asked, "What are you doing with these?" I believe that I said, "We are just going over here for a bit of shooting." He said he was very hungry, and we gave him some lunch, and he went about his business. We did not tell him our mission at all.

164. You are quite sure that neither of you drew a revolver on him?—I am positive. I will swear to it.

165. Walker, the complainant, says that you did. How far off was he when you met the boy?—He was some four or five miles away at the time.

166. What sort of treatment did Walker receive at the police-station?—The very best of treatment.

167. Was he searched before he was put in a cell?—Yes, by Constable Burrell. Constable Kemp and I searched him at the camp; and then at the station Constable Burrell searched him, before he was placed in a cell, in the presence of Kemp and myself.

168. He states that he had in his possession the night he was in the cell a razor, I think, and a knife, and some cartridges and matches: can that be true?—No, he had not; because I remember quite well that Burrell took his belt off with a sheath knife.

169. You are quite certain that Walker was searched?—Quite positive.

170. He had rather a large stock of things, did he not?—Yes.

171. What load did you give him to carry down the Maungatapu?—I gave him a ham, about 12 lb. in weight, rolled up in a blue blanket.

172. He says that he came down laden like a pack-horse, and you came down without anything: what were your and Kemp's swags?—We carried over a hundredweight each right down to the trap at the foot of the hill.

173. Sergeant Mackay was waiting at the foot of the hill with a trap?—The boys carried two hams up the hill on the other side. Walker had a ham and a blanket; Howard carried a ham and a blanket too.

174. They had some goods planted in a cave on this side of the hill?—Yes, just over what they call the horse-bridge.

175. Were these collected and brought down?—Yes. That is where Kemp and I made up our load. We walked up the other side with nothing, but we picked up our load there and carried it along.

176. Are those the whole of the circumstances connected with the boy's arrest?—Yes.

177. He was tried in Nelson?—Yes.

178. Was he convicted on any of the charges?—He pleaded guilty to all charges, and was admitted to probation.

179. Do you know who sat on the bench?—Mr. Robinson, S.M., and Mr. Trask, the man whom the boy went to work for immediately afterwards.

Mr. Maginnity: I would ask you at this juncture, Mr. Chairman and gentlemen, to note that in this correspondence Walker's statement is absolutely contradicted by his mate Howard, and also by his own relations. You will see that in the correspondence.

180. *Mr. Maginnity*.] Did you see any marks, Mr. Durbridge, on Walker's legs from the weight of the handcuffs?—No; there were none.

181. He says that his legs were scraped owing to his being manacled?—The handcuffs were not on his ankles ten minutes.

182. *Hon. Mr. Hall-Jones*.] He was handcuffed, and had another pair of cuffs on his legs?—Yes. We were in the bush, and realised that if he got half a chance and got away we had no chance of catching him.

183. What was his age?—He would be about eighteen or nineteen.

184. And what style of physique?—He was rather weedy to look at—wiry and thin.

185. How did you put the handcuffs on his legs—one round each ankle?—Yes, the chain being between his legs. He was not asked to move about while handcuffed like this. I carried him into the tent.

186. On the following day you brought the hams and the swag back?—We brought two hams, two blankets, and a bridle into Nelson.

187. Did Howard and Walker carry all the stuff there was to carry?—One carried a ham and a blanket, and the other a ham, a blanket, and a bridle.

188. What became of the hams?—Wilkie Bros. got them, I think. You will see from the papers that the goods were returned to the owners.

189. They were returned from the police-station to the owners?—Yes.

190. *Mr. Maginnity*.] There was something taken from Kirkpatrick's?—Yes.

191. What was it?—Sundry articles—oatmeal, rolled oats, cornflour, jam; sugar, and washing-soda.

192. Do you know what became of these things?—Yes. They were at the police-station, and Kirkpatrick's office was rung up, and Mr. Duff, the manager, came to the station and had a look at the goods. He received them, and left a receipt. He came up again and said that it was no use his taking the stuff back again; that we men were there on the premises, and if we would take it he would sell it to us for so-much. Kemp said that we would give him so-much for it, and eventually he said, "Very well; I will give you a receipt," which he did.

193. He really sold the stuff to you at the barracks?—Yes; to the single men messing at the station.

194. *Hon. Mr. Hall-Jones*.] Do you know whether Kirkpatrick had been paid for the jam prior to their selling it to the constables?—I do not for a moment think they had.

195. You say that you did not bring out your revolvers when you met the boy in the scrub?—That is so.

196. Then, how came he to ask you, "What are you doing with revolvers"?—He saw them in our belts. A police revolver hangs down. It is quite easy for any one to see it.

197. *Mr. Maginnity.*] I propose, Mr. Chairman, to take the last charge outside of the petition. It is one of assaulting a lad named Bannehr. Were you called upon, Mr. Durbridge, to make any report in regard to a young man named Bannehr?—No.

198. Do you know anything about some trouble between yourself and Bannehr?—Yes. We had a little trouble one Christmas Eve, which we settled at the police-station in front of his father.

199. How long ago was it?—It was last Christmas Eve.

200. Will you tell the Committee, shortly, what led up to Bannehr's going to the police-station?—Constable Kemp was called upon to remove a half-drunken lad from Trafalgar Street; he was making a disturbance, and interfering with a couple of cyclists. The boy was a bit jubilant, and started arguing the point with Kemp. Kemp insisted on his going away, and pushed him down the road. Bannehr, with a number of other lads in a sort of jolly state, came across. I happened to be standing on the road, and Bannehr came up to me and asked me what the hell I was doing, thinking it was me that had interfered with the young men. I said, "That is not your business. Mind your own business." "Oh," he said, "I want to know what the devil you want interfering with a man like this." I asked what business was that of his, and told him that he had better get away home and not interfere with the police. He said he would see me damned before he would go home; it was a free country, and he would do as he liked. He had a walking-stick in his hand, and put on a haughty air. He expressed his influential powers over me as a constable, and so on. I said, "Look here, the best thing you can do is to go home. I do not want to argue the point with you at all," and I pushed him away like that [action indicated] two or three times, until I upset him. He then got cross, and said, "Damn you, I won't go home," and made a smack at me with his walking-stick. As he did so I put my hand out and caught him under the chin, saying, "Don't come any games with me." I caught him with my open hand under the chin, and he fell backwards on the road. He made another smack at me with the stick, and I said, "Now, don't be looking for trouble here. The best place for you is home." He said he would be damned if he would go home; what right had I to interfere with him; he would do as he liked. He and a lad named Daniels then rushed me, as if they were going to throw me. I let them get hold of me—both of them—and stooped low down to the ground. I then stood up rather suddenly, and they fell over my head. Bannehr laid on the ground, and made out that he was terribly hurt. I have seen men stunned, but I never saw a man who was stunned get up so rational as he did. He just laid down for a minute or two, and was then as rational as I.

201. Had he been drinking?—Yes, he had that night.

202. Now, that was the assault?—Yes.

203. Did you see him again that night?—Yes.

204. Where?—When Kemp and I returned to the station at between 2 and 3 o'clock Bannehr came in, walked up to the mess-room, and asked for the sergeant. We told him that the sergeant was in bed, and that if he had any complaint to make we were quite prepared to take it. He persisted in his request, but we objected to call the sergeant.

205. *The Chairman.*] You are referring to the young fellow's father?—Yes. He said that what I had done to his son was a very wrong thing for me to do. I replied that I could not see it; that he had his son's story, and it was only fair that he should have mine. "And, what is more," I said, "there is a sober man who was with us." But he would not listen to it. He said that his son was not drunk, that he never drank, and could not drink, and all the rest of it. However, after some argument, he asked me for an open apology. I said, No; I had never apologized to any man, and would not to his son. But I said, "I will apologize on this condition: that I get an apology from your son." He said that he thought I had overstepped the mark in assaulting his son, and I ought to apologize. After some further argument, I convinced his father, in front of the other boys with him, that young Bannehr and Daniels did their best to try to throw me, and that it was through that that he got the fall. Mr. Bannehr admitted then that his son was in the wrong and that I was, and we apologized one to the other and shook hands. Mr. Bannehr said, "There will be no more about this; we will let matters drop at that."

206. Are you sure that this young fellow apologized to you?—Yes.

207. Did you make that a condition of your apologizing to him?—Yes; I stipulated that before I apologized. I made the remark that I would apologize to no man, and that I would apologize to his son on the condition that he apologized to me.

208. Had he come up to you, or did you go up to him?—He came to me. He came up poking his nose into business that did not concern him.

209. That is the whole history of the case?—Yes.

210. *Hon. Mr. Hall-Jones.*] Is this young Bannehr a lad of good reputation?—He does not knock about with the most respectable class in the town. He is a lad who has got too big an opinion of himself; that is my idea.

211. Did you say he was drunk that night?—He was under the influence of liquor, but I would not say that he was drunk. It was Christmas Eve, and he had been having a night out.

212. Am I to understand that he came up and used bad language to you, and that you put forward your hand and caught him under the chin?—Yes.

213. Did he fall then?—Yes.

214. And then there was a rough-and-tumble on the ground?—No, there was no rough-and-tumble at all.

215. But, notwithstanding what occurred, you laid no charge against the young man?—No; it being Christmas Eve, we allowed them a little latitude.

216. *Mr. Hardy.*] You thought that the method you adopted, which you describe as “standing up rather suddenly,” was the best way to protect yourself when two men rushed you?—Exactly.

217. You did not really strike at them?—No; I did not strike at Bannehr at all. He struck at me with a walking-stick first, and I put out my hand in that way [indicated]. It is very simple to give a man a sudden chuck under the chin so that he will go backwards.

218. *Mr. R. McKenzie.*] Whereabouts did the occurrence take place?—In Trafalgar Street, opposite Mrs. Jackson’s shop.

219. Were there many people about?—I only noticed the crowd of boys. It was between half-past 12 and 1 o’clock in the morning.

220. What was the language that Bannehr used?—He asked me what the devil we were doing there. There were other words used.

221. Did he use any obscene language?—No, no obscene language.

222. You said that he made at you with a stick: why did you not take him in charge?—I said before that we always allowed a little latitude on Christmas Eve.

223. Do the police allow the general public to go along and make hits at them with sticks occasionally?—No, not in every case; but there are exceptions.

224. Why did you not take the young man in charge?—Because I used my own judgment and let him go.

225. Do you think that you carried out your duty as a constable?—I consider that I did.

226. *Hon. Mr. Hall-Jones.*] I would like to know from the constable whether he received any instructions to allow any special indulgence on account of Christmas Eve?—Yes. On a special occasion the sergeant always said that we were not to be too strict with the public.

227. You allowed yourself to be knocked about and assaulted and let the man go?—No; I was not knocked about and assaulted.

228. *The Chairman.*] You considered that you had a perfect right to use your own discretion as to yourself, but you would have considered it your duty, if you had seen the same thing occur with any one else, to have locked the man up?—I do not know that I should have.

229. Not if you saw a man strike another with a stick?—He did not strike me; he only struck at me. He did not actually commit the offence; he made an attempt at it.

230. *Mr. R. McKenzie.*] What right do you consider that you had, as a policeman, to catch Bannehr by the neck?—I used my own discretion as a constable.

231. Do you consider that he assaulted you?—No; I consider that he attempted to assault me.

232. Was that sufficient for you to take him in charge?—Well, I suppose that if I had resorted to extreme measures I could have done so.

233. Were you on duty at the time of the occurrence?—Yes.

234. You say that Bannehr attempted to assault you with a stick: did that justify you, as a constable, in taking him in charge?—Yes.

235. Did you carry out your duty?—I did not take him in charge.

236. Did you carry out your duty as a constable?—I consider that I did, seeing that it was a special occasion.

237. Suppose it had been a stranger that Bannehr had assaulted, would you have treated him in the same way then?—Undoubtedly so. During my experience I made no difference to any man.

238. Bannehr’s father is the editor of a newspaper, is he not?—Yes.

239. A highly respected, influential citizen?—Yes.

240. You were not lenient to the son on that account?—No.

241. More than you would be to an ordinary stranger?—No, never during my service.

242. *Mr. Hardy.*] There are certain rules and regulations laid down for the observance of members of the Force?—There are.

243. You also get instructions from the sergeant?—Yes.

244. But, as a constable, you thought you had the right to read between the lines and to judge whether those rules bore on special occasions which you might have to deal with?—Yes; those were the instructions that we in the depot had from the sergeant. Any man who reads the regulations will know that if the letter of them was carried out it would be almost impossible for people to travel along the streets at all.

245. You think that an intelligent constable should not be a machine—that he should think for himself?—Any intelligent man, I consider, should use his own discretion.

246. *Mr. Hall.*] If you had to lock up all larrikins on Christmas Eve, could you find accommodation for them?—No, it would be impossible to do so.

247. *Mr. R. McKenzie.*] You said something about young Bannehr’s character?—Yes.

248. Has he ever been charged with any offence, to your knowledge?—No.

249. So there is nothing whatever against his character as far as you know?—Nothing whatever.

250. *Mr. Maginnity.*] Had you any “down” on this boy?—None whatever.

251. What is his age?—About twenty or twenty-one. He stands about my height. He is a fine, big, strapping young man.

252. Before you put a hand on Bannehr at all, who made the first overture at an assault?—Bannehr did, by striking at me with his walking-stick.

253. It was then that you put up your hand and chucked him under the chin?—Yes.

254. And it was after he fell that he and another person came at you?—Yes; he and Daniels rushed me. He admitted that in front of his father before the apologies were offered on either side.

255. Mr. Burrell, in his evidence with regard to the man Remnant, said that Durbridge was there when he (Burrell) spoke to Remnant at the Postboy Hotel, if I remember rightly?—Yes; when Remnant was thrashing his wife.

256. *Mr. Maginnity.*] In corroboration of what Mr. Burrell stated with reference to the complaint against him in regard to assaulting Remnant, do you remember anything transpiring between Burrell and Remnant?—No, I do not remember. I remember that on one night when I was on night duty Burrell was with me. We were down by the Postboy Hotel. We had been to see the train go out. When we were by the Postboy Hotel we saw this woman, who has been mentioned, about the hotel, going in and out, and I had some suspicion. So I stood in the dark and watched what was going on. Then I heard a smack, and the woman cried out, "You dirty coward; you struck me." Then I saw a man pass across under the light. I walked up to him and said, "What is the matter here?" He replied, "What has it got to do with you?" I said, "I want to see who you are, and what you are. Come down into the light." I brought him into the light, and saw that it was Remnant. I said, "You are a cowardly man to strike a poor woman like that." He denied having done so. I then said that I thought the best thing he could do would be to come up to the police-station with me. We went up the road, and I was taking him up the little lane by Kirkpatrick's factory when he laid down on the road. As he did so his wife came across and asked us to let her take him home, "for God's sake." She said that she was suffering from a miscarriage. Those are the words she used while the man was lying down. I asked whether he was her husband, to which she replied, "Yes, and knocks me about; but for God's sake do not lock him up." I asked her whether she could take him home, and she said "Yes," so I let him go.

257. Mr. Burrell told us that something was said about a confinement; you say that it was a miscarriage that was spoken of: which is correct?—It was a miscarriage that was mentioned.

258. It was something in regard to birth, at any rate?—Yes. Remnant, I might state, is a really bad egg—a really bad man. On several occasions during my term, when on duty at night in Nelson, I have hunted him away from round a very immoral place there, at about 12 o'clock at night, he having beer in his bag.

259. You cautioned him away?—I cautioned him away, and told him to go about his business.

260. Where is he now?—He is working for Neal and Haddow, driving a trap.

Mr. Maginnity: If you would permit me, Mr. Chairman, I would like to call attention to a remark made by Inspector Macdonell on page 216 of the correspondence, in regard to "Constables Burrell and Durbridge having two young women in the station at midnight." Inspector Macdonell puts in parentheses, after the words "two young women," the words "and not of the best repute." What I want to emphasize is that at the time one of those young women was the *fiancée* of the present witness, and has since been married to him.

261. *The Chairman.*] What is the general tone of the Postboy Hotel, Mr. Durbridge: is it a well-conducted and well-kept house?—I have never heard otherwise of the place.

262. You would say that it was a respectable house?—Yes.

263. Fit for anybody to stay in?—Fit for any man.

264. Or woman?—Yes, or woman.

265. I mean at this particular time when you saw Remnant striking his wife?—Yes; the house was then run on the best of lines, to the best of my knowledge.

266. *Mr. Colvin.*] It was owned by Mr. Wemyss?—Yes; and managed by a woman of the name of Mrs. Le Foe.

267. *The Chairman.*] Did you know that Remnant went to the police-station and complained?—I heard that he had been there complaining.

268. Was his complaint about this particular occasion?—I could not say if it was about that or not. I heard the sergeant say that Remnant had been there complaining about some of us young fellows, but he said that Remnant was in such a state of semi-drunkenness that he told him to go away and come back when he was sober.

269. Do you know Stapp, Blincoe, Remnant, and Reed?—Yes.

270. What sort of men would you say they were?—Stapp and Blincoe are slightly better characters than either of the others, but they are not what you would call the respectable community at all.

271. Are they men who get drunk?—Yes; you always find them about the hotels—I mean Blincoe and Stapp.

272. Are they young or old men?—Blincoe is, I suppose, about twenty-two or twenty-three, and Stapp nineteen or twenty, I should think.

273. *Hon. Mr. Hall-Jones.*] In this Remnant case did you see the blow struck?—No.

274. You only heard the remark?—That is all. I should have locked Remnant up had his wife not been there with him.

275. *The Chairman.*] Burrell was there at the time referred to, was he not?—Yes.

276. Do you think he was in a position to say whether Remnant struck his wife or not?—No, he was not, because we were standing away, and there was not sufficient light to see. All we could judge by was the sound of the blow and the remark by the woman.

277. *Hon. Mr. Hall-Jones.*] I think you said that Remnant was lying on the road when his wife came over: how did he come to be there?—He threw himself down; he was stubborn, and would not go.

278. You used no violence?—No.

279. *The Chairman.*] Is it true that you, with other single constables, whilst in the Force, were constantly in the habit of assaulting or being rough to people whom you had nothing to do with?—No, it is not true.

280. You say that any statements that you constantly assaulted people whom you had to arrest or interfere with is absolutely untrue?—I say it is absolutely untrue.

281. *Mr. Colvin.*] Is it possible for a constable to arrest a man who does not want to be arrested without being a little rough with him?—It is impossible. You must use the necessary force to arrest a man.

282. And I suppose a constable is only a human being himself?—Yes.

Mr. Colvin. And that if a man gives him a tap he is likely to resent it.

283. *The Chairman.*] Do you know a man by the name of Wilson Marmaduke Wilson?—I was inquiring into some stone-throwing there—

284. But do you know him?—No; I have not seen him myself.

285. Do you know Burns, Neave, Cox, and Simpson, or any of them?—I know all of them.

286. What is their general character?—Their general character is not much. They belong to the larrikin class of Waimea Road. I was inquiring into a stone-throwing case they were supposed to be guilty of.

287. You would say they were larrikins?—Yes, they are larrikins beyond any doubt.

288. You deny having used unnecessary violence or cruelty towards the young man Walker that you arrested over the Maungatapu?—I deny using any unnecessary violence, or anything of the sort, to the boy. We only used what force was necessary to secure his arrest.

289. Did you ask the lad from Canvastown what his name was?—I do not recollect that. I remember quite well asking him where he came from, because he said he came from Canvastown. I had never been over the range before.

290. Do you know if there is such a place?—I have not been there, but I believe there is.

291. *Mr. R. McKenzie.*] The man Remnant you describe as a "real bad egg"?—Yes.

292. Do you know anything against him?—I have already explained that on several occasions I have hunted the man away—

293. But is there anything in the police records of Nelson against him?—Not that I am aware of. I have not heard of him being charged with anything.

294. Is it customary with the Nelson police to take members of the public into custody and then let them go?—The man was not in custody. I took him under the light to see him and identify him.

295. Did you not say to him that he had to go to the station with you?—Yes.

296. Was not that taking him in charge?—No.

297. What was it, then?—It was taking the man to the light, to suit my own ends—to see who he was.

298. But did you not say that you let him go on the pleading of his wife?—Yes.

299. If you did not take him in charge how could you let him go?—I had the man with me at the time.

300. But you say that you let him go: how could you let him go if you did not have him in charge?—Then I say that we did have him in charge.

301. Well, then, I ask, is it customary with the Nelson police to take the public in charge and then let them go?—I have known of several occasions where men have been let go.

302. Do you know of anything against Cox, Neave, Burns, and Simpson?—Not more than that they are just street larrikins.

303. But you might apply the same terms to Mr. Maginnity and myself, we will say?—No; you have not been throwing stones, as these young men were.

304. Have you ever heard of any of them being charged with misconduct?—Yes; with stone-throwing, as I have already stated. I was inquiring into a stone-throwing case that they were accused of.

305. Were they punished for it?—No.

306. You could not prove it?—No.

307. Is this boy Burns one of the family of that name who live down at the Port?—I could not tell you.

308. What is his Christian name?—R. Burns.

309. In the case of Neave, you say that you could not prove the charge against him?—We could not prove the case against him of stone-throwing. But the boys were there before the window was broken, and immediately afterwards there were none of them about.

310. You have not been able to prove anything against them?—No.

311. So that they may be as respectable as any other boys in Nelson?—Yes.

312. I never heard of anything against Neave and Burns until you told us. I thought they were well-behaved lads?—I have had occasion to speak to them several times.

Mr. Maginnity. I proposed calling Mr. Graham as a witness, Mr. Chairman, and questioning him, but he will have the opportunity later on of giving evidence, and will know exactly upon what points his evidence will be desired—upon the general conduct of the police during the time over which the charges extend, and also with regard to one or two other matters, notably the character of the Postboy Hotel. We do not wish any reflection at all cast upon it from the mere accidental fact of the woman being there that night, because it is a perfectly respectable house. As I say, there are one or two other points on which Mr. Graham will be able to afford information to the Committee.

THURSDAY, 11TH SEPTEMBER, 1902.

EWEN MACDONELL examined. (No. 7.)

1. *The Chairman.*] You are Inspector Macdonell?—Yes.

2. I may say that it has been ruled by the Speaker that in cases before Committees all evidence given is equivalent to being given on oath?—I see.

3. So that all the pains and penalties for misstatements, or anything of the sort, before this Committee are precisely the same as if you were sworn in a Court of law?—Just so.

The Chairman: Well, Mr. Tunbridge, the Committee is all ready.

Commissioner Tunbridge: I do not propose to examine Inspector Macdonell, Mr. Chairman. He is merely here in case the Committee might desire to ask him any questions on evidence that has been given. Perhaps Mr. Maginnity desires to examine him. I should, however, be glad to ask him a few questions later on, perhaps, so far as the case affects my own individual action; that is all.

4. *The Chairman.*] You seem to have made a report on these cases, Inspector Macdonell?—Yes, I made a number of reports.

5. But there is one report in particular where a great many things have been done by inference and innuendo?—I beg your pardon.

6. With reference to an hotel, the name is left blank in the evidence where you are made to say that this hotel, at any rate, is of doubtful character?—Yes.

The Chairman: Had you any evidence to guide you in saying that?

Mr. Maginnity: May I ask which hotel is referred to?

7. *The Chairman.*] It is the Postboy Hotel, is it not?—Yes.

8. Will you please tell the Committee how you arrived at that conclusion?—I beg your pardon. I did not arrive at any conclusion. I simply said what I was informed. I was informed by different people that it was a house of doubtful character morally. I reported that to my superior officer for his information. I was not making a charge against the hotel. I was simply stating what I was informed.

9. Did you get your information from reliable sources?—Well, I thought so.

10. Will you tell us some of the people that you got your information from?—I got it from some of the police.

11. Will you tell the Committee from which of the police you got this information?—I think I got it from two—Constables Williams and Bird.

12. How many constables are there in Nelson?—Six.

13. These were two of the constables in Nelson at the time?—Yes—that is, to the best of my recollection; and others told me something similar, besides the constables. I might say again, however, that I did not make any charge against the hotel. It was only for the information of my superior officer. But, Mr. Chairman, I would like to ask you this in reference to the matter: The Chief Justice the other day stopped a solicitor from asking the police where they got information, or any question whatever in reference to it. The law would not allow the Supreme Court to inquire into that.

14. You are before a Committee of the House now, not the Supreme Court: we have power to call for persons, papers, and things?—Yes.

15. It is a very different matter from the Supreme Court. We do not know anything about what the Chief Justice did. You are before a Committee of the House?—I understand that, but I did not know whether the law was the same.

16. We do not know anything at all about the Chief Justice's law; it is the law of this Committee?—Very well.

Hon. Mr. Hall-Jones: I think the witness should be informed that he need not answer any question asked him which he considers against the public interest to answer.

The Chairman: A witness can, of course, always decline to answer questions; but there is a way of dealing with him if he does so.

Witness: I might say that I am not afraid to answer any question. The only thing I look at is this: that some of the people at Nelson might perhaps be subjected to annoyance, and it may not have any bearing on the matter before the Committee. I should be sorry if any innocent person who said anything in good faith should be subjected to any annoyance. I have been long enough in the world to know that these things can take place.

17. *The Chairman.*] It would seem that all the persons you got your information from were very truthful, honest, and straightforward witnesses?—I did not say so.

18. Well, I will put it in this way: Where people happened to differ from what you thought it ought to be, were they untruthful?—I never said so.

19. But if it is in your report—I suppose you would not deny that?—No, I do not deny anything that is in the report.

20. In one case you say, "I gave her up. She is an untruthful old woman"?—That is perfectly true.

21. There was only this one untruthful person in the case?—I never said so. But my statement is perfectly true. Her answers were most contradictory. She asked me not to take them down, and I ceased doing so. I told her I did not care how often she contradicted herself.

22. How long do you think this irregular state of affairs has existed in Nelson?—I could not say definitely. I was not aware of what was going on in Nelson until I got there at the time of the Jubilee—at the beginning of February last. To correct myself, I might say that the only thing I heard of before then was with reference to one constable. That was by one or two anonymous letters, and I think the Commissioner got one.

23. Of course, you do not take any notice of anonymous letters?—It was in reference to one—

24. But you would not from your position treat anonymous letters seriously?—I would, and often did, and got valuable information from anonymous letters.

25. But would you not think that a person sending anonymous letters was a bit of a coward?—That may be so; but there may be good reason for it. I have received dozens and dozens of anonymous letters in my time, some entirely untrue and some perfectly true.

26. Could you tell us whether you got more truth than lies from the anonymous letters?—It would be very hard to say. I would not go by an anonymous letter unless it was somewhat verified on inquiry.

27. You think that anonymous letters should receive some attention—so much so that inquiry should be made?—Undoubtedly.

28. But you would not act upon an anonymous letter?—No, certainly not.

Commissioner Tunbridge: I think the anonymous letter referred to is mentioned on page 73.

29. *The Chairman.*] Do you know that the whole of the statements in this anonymous letter have been contradicted?—I would expect that the letter would be pretty well contradicted.

30. It has been proved that the whole of it is untrue?—I am not aware of that. To contradict a statement is a different thing from proving it to be untrue. It may be so for all I know, but I have good reason to believe the contrary, if I believe people who were not at all willing to give evidence in the matter.

31. *Hon. Mr. Hall-Jones.*] You received the anonymous letter?—Yes.

32. The Committee has not the advantage of having the whole of the evidence before it: what was the subject of that anonymous letter?—It was in reference to a young woman who was supposed to have got into trouble with one of the constables.

33. Did you make inquiry into the case?—I could not go to Nelson myself, but I sent the information to Sergeant Mackay confidentially, asking him to inquire into it.

34. Certain statements were made concerning what had occurred to this girl?—Yes.

35. Did you while you were in Nelson have an opportunity of forming an opinion as to the credibility of the person who gave you the information?—Yes; I believe certain people, at any rate, who told me certain facts. I had no reason to doubt them, nor have I now.

36. Had you any reason at that time—never mind what has occurred since—to doubt the credibility of the person who gave the evidence regarding what occurred to Miss ———?—No.

37. You say you frequently received anonymous letters?—Yes.

38. That would be owing to the people not wanting to lay the information before you on account of having to come forward and be known?—Yes; that is the usual cause.

39. Do you act upon these anonymous letters without making further inquiry?—No.

40. Unless you have something substantiating any of the statements you take no action?—No, certainly not.

41. You say you were only in this district from February of last year?—I was in the district for a little over two years, but I was not aware of what was going on in Nelson until I went there.

42. When did you go to the Westland District?—Two years ago.

43. From where?—Wellington.

44. Where were you before you were in Wellington?—At Invercargill and Dunedin.

45. You had a good opportunity, I suppose, during those two years in the Westland District of judging of the men under your charge there?—Fairly good.

46. How many men had you under your charge at Nelson? You mentioned two names—Constables Williams and Bird: who were the others there?—Constables Burrell, Durbridge, Kemp, and Aldridge, and Sergeant Mackay; and Constable McGrath was also there.

47. What I want to get at now is the names of those constables who were not in any way implicated with Burrell and Durbridge: was Williams in any way implicated—when I say “implicated,” I mean was he in any way associated with them in any of the matters for which they were punished?—No, he was not implicated in these offences.

48. Was Bird?—No, not so far as I know.

49. Was Aldridge?—No, not so far as I know.

Commissioner Tunbridge: He has left the Force.

50. *Hon. Mr. Hall-Jones.*] Was he in the Force at the time the circumstances referred to occurred?—Yes; it is since then that he left.

Hon. Mr. Hall-Jones: Well, Mr. Chairman, I would ask that he be called. His evidence would be important to the Committee.

Commissioner Tunbridge: I think that perhaps Inspector Macdonell's mind is at fault over Aldridge. He resigned before the inquiry was held, and prior to his resignation he had for some months been in charge of the Havelock Station. I interpose merely for the purpose of putting the Inspector right. He is speaking to the best of his recollection.

51. *Hon. Mr. Hall-Jones.*] What I want to get at is this: Was Aldridge in the Police Force at Nelson when these offences, or any of them, were said to have been committed by these two men?—Yes.

52. Do you know of the charges made against Burrell and Durbridge that were inquired into by the Commissioner?—Yes.

53. I may say that I have only the petition to go upon. I have no other information at all. I think a *précis* of the whole thing ought to have been supplied. One of the charges against Burrell is “improperly taking into the single men's mess-room at the Nelson Police-station, in company of Constable Durbridge, two females named ———, about midnight on the 18th July last”?—That was one of the charges.

54. How long have you been in the Police Force?—Twenty-six years and a half, nearly, and I was eight years before that in the Force in the Old Country—in fact, more than that.

55. I am quite content with your having been 26½ years in the Police Force in New Zealand. Now, I am going to put a very pertinent question to you: During the whole course of your career in the Police Force did you ever before know of policemen taking single girls—respectable or otherwise—into the single men's quarters at midnight?—No, never.

56. Do you think that men who would do such an act are fit to remain in the Police Force?—No, I do not.

57. Now, there is another charge against Constable Burrell—namely, “Improperly leaving his beat without just cause and going to the Nelson Police-station about 2.30 a.m., 14th instant.” How do you work the Police Force there—I suppose you divide the work so that the town is always protected by certain men?—Yes.

58. Then, if in the course of a night a man leaves his beat, is it a fact that the town is unprotected?—It would be—his beat would be.

59. How many men had you on duty at night in Nelson?—Two.

60. The town was divided into two?—Yes.

61. For the time a man is away from his beat that part of the town is entirely unprotected?—Yes, unless there is an arrangement with the other man to look after it.

62. Then he has to neglect his own beat?—Yes.

63. If any policeman who has been instructed by his superior officer to look after the welfare of a part of the town deserts his post, and neglects his duty—for which he is paid—that part of the town is unprotected?—Yes.

64. Do you consider it conducive to discipline to overlook an offence of that nature with a fine?—I would prefer not to answer that question.

65. Then I will not press it. But is it not absolutely necessary that when instructions are given, whether from Wellington or from the Inspector in charge of the district, that men are to be on certain beats on certain hours, those instructions should be given effect to?—Oh, yes.

66. Now, do you consider that a man who would neglect his duty—would neglect to look after the welfare of the thousands of people intrusted to him—by leaving his beat is fit to remain in the Police Force?—In my opinion, it would depend a good deal on his previous character.

67. But, supposing it was a young officer, would it not give an indication of what he was going to be in years to come if he started in that way?—Yes, I should think so.

68. Would that give you a good impression of that officer?—No, it would not.

69. That is charge No. 2 that I have been referring to. You say you would be guided in your opinion as to the man's fitness for remaining in the Force or not by his previous character?—Yes.

70. Then we come to charge 3: “Improperly leaving his beat without just cause and going to the Nelson Police-station at 12.30 a.m., 15th instant, and remaining there until 1.20 a.m.” That is the following night?—Yes.

71. I do not know at the moment if there are any more such charges. I have not looked through them thoroughly, but these charges follow one on the other, and of both of them the constable was adjudged to be guilty. Now, with those two charges preferred against him, would you consider him a fit man to remain in the Police Force?—I would not like to say that he should not.

72. Do I understand, Inspector, that when a man has certain work intrusted to him which he is paid for doing, and has the welfare of thousands of people to look after, he is justified in leaving his beat?—No, he is not justified in leaving his beat.

73. If he is not justified in leaving his beat, I ask you, as a man who has had a great deal to do with the Police Force, and passed through all grades up to your present position, is he fit to remain in the Police Force?—I cannot say. It might be a serious thing.

74. There might be burglaries, houses might catch fire, or people might be killed while he was away enjoying himself at the police-station?—Yes, certainly.

75. Now, the next charge mentioned in the petition is against Durbridge: “Improper conduct as a police constable in going with a number of other men to the Bush Tavern, Nelson, after closing-hours (11.40 p.m.) one Saturday about the middle of last football season, and demanding and obtaining drink from the licensee for himself and companions.” Were you acquainted with the circumstances of this case?—Yes.

76. In the course of your duty as an Inspector you have had a good deal to do with trading after hours in hotels?—Yes, a good deal.

77. I suppose that is one of the most difficult things to deal with?—It is.

78. Should it not be the duty of a policeman, whether in uniform or not, to set an example to the rest of the community in connection with such matters?—Undoubtedly.

79. Would the fact of a policeman in private clothes being in an hotel after hours have a good effect on the general community or those in the hotel who knew him to be a policeman?—In my opinion, it would have a very serious effect indeed.

80. It would look as if the police were encouraging it?—Yes; and, worse than that, if the police go into hotels after hours they place themselves, in a way, under the control of the hotel-keeper.

81. They lose their freedom of action?—That is so.

82. A policeman who goes into an hotel after the ordinary closing-hours places himself at the mercy of the hotelkeeper?—That is so. I never saw a case where it would have a good effect in the way of making him carry out his duty in the future. I may say that, in my opinion, the only remedy for that is to remove the man, so that he cannot do such a thing in the same place again.

83. It may be that I have an exaggerated idea of what the Police Force should be, but do you think removal would be sufficient?—No, I do not. I say that, in my opinion, that is the only chance of the man being able to do his duty afterwards.

84. But what should be done to the man who does that?—He ought to be punished, undoubtedly, in my opinion.

85. Considering the necessary discipline that must be maintained in the Police Force, do you think dismissal for this offence alone would be too severe?—I have seen simpler cases where dismissal followed.

86. You have known of men being dismissed for simpler cases than that which I have mentioned?—Yes; that is, going in to have a drink while on duty—not after hours at all.

87. Men who have been drinking while on duty?—That is so.

88. Would you say that they were properly dismissed?—Well, their superiors thought so.

89. Did you concur in that opinion?—Not in every case; but in some cases I might if they were really bad men and misbehaved themselves.

90. In connection with a policeman in private clothes going into an hotel and drinking after hours, would you say the measure of punishment would be controlled by who paid for the drinks?—No.

91. Would you consider him guilty even if he did not pay for the drinks?—Undoubtedly I would.

92. You look upon it as a very serious matter, even though the policeman is not in uniform?—I would.

93. If a man was guilty of this, would you consider him guilty of a very serious offence?—Yes; getting drink after hours, for the reason stated before.

94. The next charge in the petition is this: "Being asleep at Nelson Police-station at 11.45 p.m., 18th November last; again at 1.15 a.m., 19th November; again at 4.15 a.m. same day; and again at 11.45 p.m., 20th November, when he should have been on duty." I suppose you inquired into all these several matters?—Well, I cannot say—

95. I mean you inquired into the several matters connected with the charges against these men—you, as Inspector for the district, were no doubt asked to report upon them, or should have been?—I forwarded some of the reports made to me to the Commissioner without doing anything in the matter myself.

96. But, with regard to the charges that I mentioned just now of men being asleep in the police-station when they ought to have been on duty, did you make any inquiry into these allegations?—No; I forwarded the reports that were made to the Commissioner.

97. Reports made by the policemen concerned or other policemen?—Other policemen. From the information I received I thought the matter required very serious investigation. I had reason to believe the thing was a practice. I was given to understand so. I had to hurry away at the time, and I forwarded the evidence to the Commissioner without investigating these particular cases.

98. Is the evidence that you forwarded on the file?

Commissioner Tunbridge: Certainly. It was taken afterwards at an inquiry when the Inspector was present. He examined the witnesses.

99. *Hon. Mr. Hall-Jones.*] You are aware of the finding generally in connection with the cases mentioned in the petition—that is, single men taking girls into the single men's quarters at midnight (I say nothing as to the respectability of the girls), and entering a publichouse after the hour when the law said it should be closed, and other charges which were made at the time—and I again put this question to you: Do you think that men who have been proved guilty of these charges are fit to remain in the Police Force?—No, I do not.

100. Who was in local charge at Nelson at the time?—Sergeant Mackay was until he was shifted.

101. How long had he been in charge there?—I think he was there about four years altogether, but I am not sure. He was there before I went to that district.

102. I understand that all the reports of the Inspector are upon the file?

Commissioner Tunbridge: Yes, all of them.

The Chairman: I would like to point out that up to page 78 of the file the Inspector is called "McDowell" in every case. These papers were laid on the table of the House, and they are incorrect.

Commissioner Tunbridge: I might explain, Mr. Chairman, that that is a mistake on the part of the typist. He has read the "n" as being a "w." The documents were required to be typewritten very urgently. They were wanted the day after they were given out to be typewritten, and were done at top speed. I believe, about six persons were set to copy the file. No doubt the editing was not done properly on account of the haste.

103. *Mr. Lawry.*] Did you say, Inspector, that you received complaints relative to the conduct of the Postboy Hotel?—It depends on what you call complaints. The fact was mentioned in connection with the alleged visits of members of the Police Force to that hotel.

104. That the hotel was not well conducted?—Yes.

105. Were those complaints made to you verbally?—Yes.

106. Is it customary to receive complaints verbally?—Undoubtedly.

107. Do you not have any written record of complaints made by your subordinates?—Yes, if they report them in writing.

108. That is, if the complaints are important?—If they report in writing the record is kept; otherwise I may or may not take it down in writing.

109. You keep no record except in your memory?—I do keep records of anything of importance.

110. Do you not consider a charge against an hotel an important one?—I do not in this case. It is an important charge in one respect, but these are charges that are very hard to prove.

111. Would you, as an Inspector of Police, not suppose that if it was important enough to put

in your report it was important enough to record in your office?—It is recorded in the report, and if the report was written in copying-ink—as is often done—there would be a copy in the office.

112. Are the Committee to understand that you always take verbal complaints from your subordinates in cases of this nature?—No, not at all. I say that this fact about the hotel was mentioned in connection with complaints against the constable. It was not a complaint against the hotel. It was simply mentioned in connection with the other charge.

113. Do you not state in your report that the hotel was not well conducted?—I did not say so. I said that it was so reported—that it was so by repute.

114. Do you think it right to damage the reputation of an hotel by repute?—I was reporting facts as far as I was aware. Whether they damaged the reputation of the house or not I cannot help it. And I may say that this report of mine was simply for my superior officer's information.

115. But now it is for the information of the public?—Evidently; but I am not responsible for that, and I regret that it should be so.

116. You are not responsible for your report?—I meant nothing of the kind, sir. I mean that I am not responsible for its now being before the public.

117. Did you get the complaints against the constable for injury to the young woman by means of an anonymous letter?—Yes; I am pretty well sure that I got two letters.

118. What is the constable's name?—Durbridge.

119. Did you know the young woman?—No.

120. Did you know her by repute?—No, I did not know her at all.

121. Did you investigate the case?—Yes, I made some inquiries in reference to the case.

122. Were you satisfied that the charges made against Durbridge were true?—Well, I was satisfied there was something in the charges from the evidence I got, whether the whole of them were true or not.

123. Was it a case of seduction?—I could not say that. All the information I received was that the girl got into trouble, and went to Wellington to get quit of her trouble, and so forth. I did not inquire into the matter.

124. Was Durbridge charged with finding money for the purpose of paying for procuring abortion?—No.

125. You never heard of such a rumour?—Yes, I did.

126. Did you believe it?—Well, I neither believed nor disbelieved it. I would not doubt such a thing, for it is very common—especially in Nelson.

127. *Mr. Hardy.*] What is it that is common in Nelson?—These abortion cases.

Mr. Maginnity. Might I ask, sir, if you will kindly note that reply to Mr. Lawry's question: that the carrying-on of abortion is common in Nelson?

Witness. Question me on it and you will get more. I can say a great deal about that matter.

128. *Mr. Lawry* (to witness).] Why do you not bring the criminals to justice?—We tried very hard, but they were not convicted when we did bring them up. We had four or five abortion cases before the Court in Nelson in my time.

129. Did you know anything about the reputation of the girl referred to—you seem to have great faith in reputations?—I did not say that I do, and I do not know why I should be told so.

130. You gave the Committee that impression. However, that is neither here nor there?—I heard of the girl, and have it in writing that until she met this constable she was a most decent girl. That is what her mistress told me, and I had no reason to doubt it.

131. You believed the girl?—I have never seen her in my life that I know of.

132. Well, then, do you believe the statement made by her mistress about the girl's character?—I did believe it.

133. You have no reason to doubt it?—No, because she made her statements very unwillingly and with fear.

134. Then, from the character given her by her mistress you would not believe that the girl would make a false declaration?—Oh, what nonsense! I have seen too much of that sort of thing.

135. Then, you believe there is wholesale perjury?—I know there is a great deal of perjury.

136. Do you believe this girl has perjured herself?—I do not know what she has said.

137. Would you believe that the girl had committed perjury if she came here and swore that Durbridge never had any immoral connection with her?—I would not believe her.

138. And yet you give the Committee the impression that you believe what is written in anonymous letters?—I did not say so.

139. You said that you believe them, because you act upon them?—No; I inquire into them to see whether the information given in them is correct or not.

140. You were not aware that the girl had sworn here that Durbridge never had any immoral connection with her?—I was not aware of that. I did not know until this morning that she had been here at all.

141. You knew it before I put the question?—Yes; that she had been here.

142. Did you not know what sort of evidence she gave?—I heard that she denied that Durbridge was responsible for her condition.

143. On oath?—I did not hear that.

144. You heard what the Chairman said about evidence given here being equivalent to that given on oath?—I was not aware of that. It may be so for all I know, but I did not know that it was so. I do not dispute it.

145. Did the girl ever make any charge to you as to Durbridge being the father of her child?—How could she when I never saw her in my life?

146. Then, how came you to bring that into your report as one of the charges against Durbridge?—I reported what was reported to me.

147. On hearsay evidence?—Of course—what else had I to go by?

148. From the man in the street?—He may be in a street or in a house. I got a great deal of information in this case from people in houses.

149. Well, you are satisfied now that the girl swore before this Committee that Durbridge was not the father of her child?—I say, from the information I received before, and from the manner in which I received it, I would not believe her if she did say so. I would like to see the telegram that was sent from Wellington.

150. The Hon. Mr. Hall-Jones asked you something about Durbridge and another constable being in the police-station at 12 o'clock at night with two girls?—Yes.

151. Do you know anything about the circumstances of the case?—I think I do. I had their own version of it, and I had other people's versions of it. That is all I know about it.

152. Were the constables ever charged with being there for immoral purposes?—I do not think so.

153. Are you aware that Durbridge has since married one of those young ladies?—I heard so.

154. And that he has gone into business with her as his wife?—I heard that he was married to her, but I did not know about going into business.

155. Would you be surprised if you were told that Commissioner Tunbridge had said publicly in Nelson that the charge laid against the constables by you were of a most trivial nature?—I could not say anything about that.

156. Did you consider the charges serious?—I did consider some of them serious and some not.

157. Do you consider that Commissioner Tunbridge was justified in dismissing virtually the whole of the charges laid by yourself?—It is not for me to pass an opinion on what Commissioner Tunbridge does.

158. If you had been in the same position as Commissioner Tunbridge, would you have exonerated the constable?—Well, if I were going to give a decision, as I sometimes do, I would consider it very carefully, and not give it at once.

159. I suppose you are aware that public meetings were held in Nelson relative to the conduct of those police officers?—Yes; I saw about that in the papers, and I saw the pamphlet this morning.

160. As far as you read the papers the verdict of public opinion in Nelson was entire exoneration of the men?—Yes; if I would judge by the papers, but perhaps I might know the writer.

161. After all that has transpired, if a recommendation was made to the Minister of Justice, for instance, that one or both of the constables should be reinstated, would you object?—I could not.

162. Would you approve of their being reinstated?—I do not think that is a fair question. I would not interfere at all.

163. Were any of the complaints made against those constables of recent date, or were they, say, six or twelve months old?—I do not think they were twelve months old, as far as I remember, but some of them were made some time previously. Some of the complaints I investigated there were made a short time before, and some of them, as I say, a considerable time before.

164. Twelve months before?—Well, perhaps so, but I should hardly think so.

165. Were they reported on at the time?—No; I did not hear of them then. I have said already that I heard nothing of these complaints, except the allegation against Durbridge, till I went to Nelson in February, at the time of the Nelson Jubilee.

166. Were any complaints made against the constables other than embodied in the report?—I referred, in my reports, to all that came to me, except in the case of one charge that was reported to me while the inquiry was going on. I did not report that in writing.

167. *Mr. Hall.*] Do you consider those two young men referred to an average sample of what the Police Force are?—No.

168. Do you consider them better?—No.

169. Then, do you consider them lower?—I consider, from what I know of them, that they are not a sample. They are not equal to the general run of constables in the New Zealand Police Force.

170. In what way?—In various ways, according to my information—assaulting people frequently without proper cause. This, of course, is in addition to the charges investigated. After doing so, if my information is correct, they have gone to people to influence them not to give evidence against them. That has been done in different cases, or else what the people told me was untrue.

171. Do you know the men they are said to have assaulted?—I know some of them; but I did not know them till this matter occurred.

172. You heard of their reputation?—Yes.

173. Is the reputation of the men assaulted a good one?—Fair, middling, and good. The reputation of some of them was good, and of others very good, as far as I am aware. With some of them it was middling, and with others it was indifferent.

174. *The Chairman.*] Was the reputation of none of them bad?—I would not say they were criminals.

175. *Mr. Hall.*] Were they the kind of men who would quarrel with policemen?—Some of them. But, in my opinion, that would not justify their being assaulted. They would be liable to be brought before the Court, but should not be assaulted.

176. You say that it is a very grave thing for a policeman to go into an hotel after hours?—Yes, for the purpose of drinking. Of course, I myself often go into an hotel after hours, but to inspect only, not to drink.

177. It is not therefore a very grave offence to go into an hotel after hours?—Not if a policeman goes in on a lawful errand.

178. But if he goes in as the friend of the hotelkeeper?—Well, I would not approve of that.

179. Now, as a matter of fact, Inspector, would you not have to discharge half the policemen in the colony if that was an unpardonable offence?—I do not think so. Perhaps you know more than I do.

180. With regard to the class of policemen that you had stationed at Nelson, were they young men?—Yes, most of them.

181. I mean previous to these men being dismissed?—We had some old men there.

182. You had several aged policemen there?—Yes; three or four.

183. Was there not, in consequence, a considerable amount of latitude given to the larrikin element in Nelson?—I could not say that at all. There may have been some, but I do not look upon Nelson as a bad place for larrikins. It is one of the quietest places in New Zealand that I have been in, as far as larrikins are concerned. There are no public works, such as coal-mines, or anything of that sort, to draw rough characters.

184. Do you not think that, if a number of aged policemen were placed in a town of considerable size, the bringing-in of young and energetic men would naturally cause irritation?—Yes.

185. Amongst the larrikin class who wanted to have their own way?—Yes, I would expect that.

186. Do you not think that this case is one of that kind?—No, I do not.

187. Why?—On account of all the complaints I heard. Nelson is not the only place that I have had supervision over and done duty in; and I must say that the state of affairs that existed in Nelson was such as I never found anywhere else in the whole course of my career.

188. The class of men that you want for policemen are, I suppose, men with a considerable amount of energy?—They are all the better for it.

189. Would you take them more for their energy than you would for their morality?—No, never.

190. You would not take a man from a Young Men's Christian Association to be a policeman?—I have seen some men from the Salvation Army in the Police Force.

191. *Mr. Colvin.*] And good men too?—Yes, in some respects.

192. *Mr. Hall.*] But a man wants an exuberance of spirits in a way so as not to be a coward, and if he has that exuberance of spirits you will admit that he might be tempted to go into a public-house after hours once and again?—No; I would not allow that at all. They may do it, but I have been over five months in charge at Napier, and am not aware of one such offence—not one.

193. Now, with regard to the reports that you furnished to the Commissioner, of course they were confidential?—Well, no, not strictly confidential, but they were for his own information. I thought that probably further investigation would be made into the matters complained of before an inquiry was held. It was entirely a matter for my superiors, and not myself. I reported as I found things.

194. Do you, after all your years of experience, come to the conclusion that there are not many men in the Police Force at the present time who have been guilty of more indiscretions than the men in question?—Do you mean that there are not many that have been?

195. I mean that there are not many men in the Police Force at the present time who have been guilty of more indiscretions than these men?—I do not agree with that at all. I may have known a few that I had reason to believe did more serious things than these men and are still in the Force, but only a few.

196. *Hon. Mr. Hall-Jones.*] Do you mean proved cases?—No; men that I have known perhaps for many years.

197. How do you come to make that statement if the cases were not proved?—Very simply. Supposing that some of them told me with their own lips what they had been guilty of—

198. But you do not always take a man's confession as being true?—Not always; I judge for myself. But I have seen such men a long time after who may have told me confidentially.

199. *Mr. Hall.*] Is there an Inspector at Nelson?—No. The Inspector is at Greymouth, but he has control over the district.

200. Did he send in a report, are you aware?—I was Inspector at the time.

201. You had a sergeant of police at Nelson?—Yes.

202. Did you confer with him?—Often.

203. Did you confer with him on this matter?—No, I did not.

204. Was it not your duty to confer with him?—I do not think so.

205. Were you asked to report direct without conferring with the sergeant of police?—By whom?

206. By the Department?—No; because I sent my reports in first.

207. Were you asked by anybody else?—No. If I were told by anybody else I would not pay attention to it.

208. Have you had any conversation with the sergeant since?—Yes.

209. Does he hold the same opinions as you yourself?—I do not think so.

210. Do you not think that he would be in a better position to judge of the merits of the case, seeing that he was there permanently?—Unfortunately, he was more or less implicated himself for allowing such things to exist under his supervision, and charges were made against him at the same time; so I would not expect him to be of the same opinion as myself.

211. You say that the sergeant of police was himself implicated?—Yes; charges were made against him.

212. He was head of the police at Nelson?—Yes.

213. Then, would not the natural inference be that if the sergeant was implicated the rest of the police there would be demoralised?—I would say that I would not expect the others to attend to their duties as they ought to do.

214. Seeing that the sergeant of police was implicated, if the young men committed any indiscretions, would you not exonerate them to a certain extent on that ground?—Well, hardly; I could not altogether. If you wish to get my opinion—I do not want to volunteer it, but I offer the opinion that, if the sergeant had done his duty strictly with the men, the sort of thing that they were guilty of would not have occurred; at any rate, not to such an extent.

215. *The Chairman.*] Have you known, during your long experience in the Force, of people being assaulted by policemen wholesale and no case being brought before the Court?—No, not before this.

216. But these cases were not brought before the Court?—No.

217. Do you not think it was rather an unusual thing that people should be continually assaulted by these policemen and yet not bring cases before the Court?—I think it was very unusual indeed.

218. Of course, people who are assaulted have their remedy?—They have.

219. Were there any of the cases mentioned brought before the Court?—Not so far as I know.

220. Do you know Stapp, Blincoe, Remnant, and Reed?—Yes.

221. You have seen these people?—I have seen Stapp and Blincoe, but only once, and then I spoke to them for a few minutes only.

222. Would you say there was anything of the larrikin class about them?—I am not aware that there is—I mean with regard to Stapp and Blincoe.

223. You would not take their word as against the constables' would you?—Under certain circumstances. I know that, as a rule, if constables misbehave themselves they deny it. That is my experience.

224. Was Durbridge charged at the inquiry with being the cause of the downfall of Miss——?—No.

225. It was only reported upon by you to your superior officer?—That is all.

Commissioner Tunbridge: I might explain that when the reports came to me I directed Inspector Pender here to have the matter investigated, in order to see how far we could corroborate or disprove the statements contained in the Inspector's reports. The Chief Detective here inquired into them, with the result that there was found to be absolutely no evidence whatever to support the suggestion that abortion had been procured. The doctor was seen, and the girl herself, and the proprietor of the hotel where she was staying. Their statements were taken, and went to prove that the girl herself had made no secret of her condition. She was making preparations for a woman to take charge of the child when it was born, and everything was perfectly fair and above-board. The doctor who attended her said there was no sign whatever of abortion having been procured. Consequently there was no evidence to tender against the constable, so he was not charged. The girl herself denied to the Chief Detective that Durbridge was the father of her child, and, of course, she has repeated that statement here.

226. *The Chairman.*] You have told the Committee that Nelson is notorious for supposed cases of abortion?—Yes, it has been.

227. You say the police have inquired into such cases and tried to get convictions, but they have never been able to establish a case?—Parties were tried, but the juries acquitted them.

228. Cases were tried before the Court, but no convictions were obtained?—There was a number of cases—either four or five—one after the other.

229. And in each case the accused persons were acquitted?—Yes.

230. That is to say, the cases could not be established?—The juries would not find them guilty.

231. You have already said that a worse state of affairs existed in the Force in Nelson than you have known in any other part of the colony during your experience?—That is so.

232. Can you account for that? Is it that the police there were all young men, or was the discipline very lax in connection with the Force?—I think the discipline was lax, and I think some of the men were very apt to quarrel with or assault people. One of them in particular, I think, was a bit of a fighting-man, and consequently was anxious to show off his ability.

233. That is a part of the training in the Force, is it not?—No.

234. Do you not train the men to box?—No. A few of them box, but they are not supposed to practise on private citizens.

235. But is it not a part of the training at the depot?—No.

236. Are they not taught to wrestle either?—No, not that I am aware of. Three years ago I urged that they should be. At any rate, I suggested that such should be the case.

237. *Mr. R. McKenzie.*] For how long were you in charge of the Nelson District?—A little over two years.

238. Do you know the City of Nelson?—Fairly well.

239. How does it compare with other towns of similar size and population in the colony in the way of bad behaviour?—I consider it about the quietest place I ever saw of its size, and I gave as a reason for that that they have no public works of any consequence there—no coal-mining, gold-mining, or timber trade, or anything of that sort.

240. How many constables are there in the City of Nelson?—Six, I think.

241. Is that outside of the sergeant?—Yes.

242. What is the criminal record of Nelson?—I could not tell you. It is not great.

243. Comparing Nelson with other portions of the colony, is the criminal record large, or small, or comparatively small?—I should say that it would be comparatively small.

244. What are the duties of seven policemen there?—They are continually relieving one another on their beats. Two are on at night.

245. Is it on record in the charges that the constables were in bed when they were supposed to be relieving one another?—No, they were not in bed. There was no such charge as that.

246. Do you consider the duties of a policeman in Nelson onerous: is it looked upon as an easy place or a hard one?—I should look upon it as an easy one.

247. Do you think the duties could be performed satisfactorily with half the number of constables?—I hardly think so. As far as crime is concerned, perhaps they could be; but at the same time so large a place requires somebody about.

248. I am at Nelson a good deal and I never see a policeman about, so that I thought that two or three might be dispensed with; but I suppose there are more about when you are there?—I would not say that two or three might be dispensed with.

249. Have you, to your own knowledge, known of cases of hotels being kept open after hours in Nelson?—Not when I was there. I think it compares favourably with other places in that respect.

250. Do any of the police at Nelson live in hotels?—I do not think so.

251. Do you know of any reason for their going into hotels after hours?—No; unless they went to see whether the law was being broken or not.

252. But that would be immediately after closing-hours?—No; at any time that they may have cause to go. Their duty is to see that the law is obeyed.

253. With regard to the supposed case of abortion, you said that you would like to see the telegram that this girl sent?—I would like to know the explanation. According to my information, she said in the first place that she was in trouble by a certain man, and then she went away, apparently to get rid of her trouble, and she did get rid of it.

254. Did you see the wire?—No.

255. Do you think it exists?—I do not think it does, except in the telegraph-office. The woman who told me said she destroyed the original copy.

256. Can this woman be brought here to give evidence?—I suppose so.

257. Do you think it would be worth the Committee's while to bring her here?—I would not say that, because I know that the last time I saw her she told me that Durbridge had been there to see her, and begged me not to tell any one that I had been there, for fear of her getting into trouble.

258. Was this a young woman or an old woman?—A married woman keeping an hotel there.

259. There were no grave charges against these men before those under review were made, were there?—No.

260. They were looked upon as fairly good samples of constables?—Yes, as far as I know. As I said before, until I went to Nelson in February last, at the Jubilee time, I knew nothing of the complaints against them. I just heard of one complaint against them. I just heard of one complaint—that against Durbridge with respect to the girl—before then.

261. As far as you personally were concerned, you had nothing at all against the men except what was brought to your knowledge?—That is so.

262. And you only reported in your official capacity in the performance of your duty?—That is so, undoubtedly.

263. Did you inquire into the charges made at the request of the Commissioner?—No; I heard of them while at Nelson, and reported.

264. But after reporting did you investigate them?—I was present when the Commissioner inquired into some of them.

265. You did not make any inquiry yourself, apart from the Commissioner?—No; I preferred that the Commissioner or somebody else should do it. I did not wish to deal with them myself.

266. What evidence was called—any outside evidence?—Yes.

267. Was Remnant called?—Yes.

268. And his wife?—No, I do not think so; but another man and his wife who had been present when Remnant was, according to his own statement, assaulted were called.

269. Was Blincoe called?—No. That case was not inquired into.

270. Why?

Commissioner Tunbridge: Because it was a statutory offence, which should have been inquired into by a Magistrate, if any one.

271. *Mr. R. McKenzie*.] Was young Bannehr called?—No.

272. Why?

Commissioner Tunbridge: For the same reason.

273. *Mr. R. McKenzie*.] His case was settled out of Court?—Not so far as I was concerned. I reported on the cases.

274. He was not called at the examination?—No.

275. Was his father?—No.

276. Did you consider his case of sufficient consequence to be inquired into?—I did, certainly.

277. It occurred in the principal street of Nelson on the afternoon of Christmas Eve?—No; about midnight. I think it was after 11 o'clock, or about then.

278. Were you in Nelson then?—No.

279. Would there be a large number of people about the street between 11 and 12 o'clock?—Yes, it appears so.

280. With this row occurring between a private citizen and a policeman, was the policeman justified, in the discharge of his duty, in letting the man go and not laying an information against him?—Not if he did anything wrong.

281. The policeman accuses him of assaulting him with a stick?—I never heard that before.

282. If a man assaults a constable with a stick, is it the constable's duty to take him in charge?—Undoubtedly.

283. And lay an information against him?—Or charge him.

284. In this case had the constable any right to go and settle with the man's father, or the man himself, and not bring a charge against him?—If the man committed an assault and the constable did not arrest him he should have reported him.

285. The constable stated that the man assaulted him. If that was so, would it be the duty of the constable to take him in charge?—Undoubtedly.

286. And having done so he should proceed against him?—He could not do otherwise.

287. Take the case of Remnant. He appears to have been taken in charge by one of the constables: had the latter any right to take the man in charge and let him go again?—The constable did not take him in charge.

288. He says he did, for a certain portion of the road to the police-station?—I never heard that before. If he said so I would doubt it very much.

289. Supposing that the case was this—that the constable says he saw Remnant assaulting a woman, and that he went over and took him in charge; that he told Remnant to come along to the lock-up, and they started for it, but that Remnant laid down on the road opposite his own house, and his wife came out and pleaded with the constable to let Remnant go: under those circumstances had he any right to let the man go?—No. If the constable said that, I would say that he had no right to be a constable, in my opinion. I never heard it till now.

290. How did Remnant come to give evidence?—In connection with a charge against the sergeant for not reporting to me that Remnant made a complaint that he had been assaulted by a constable.

291. Is Remnant in Nelson now, do you know?—I do not know.

292. Would it be looked upon as a serious offence for a constable who had been playing football to go with other footballers into an hotel after hours and ask for drink?—Yes, it would.

293. Would it be looked upon as a grave offence?—Yes. I should say that in this case the hotelkeeper, hearing the noise, went and closed the house when they were coming.

294. The constable would not be any worse than the rest of the men?—Oh, yes, of course he would.

295. When he was off duty and in plain clothes?—Yes.

296. Why?—Because the regulations say that a constable is always on duty in a way (or in a sense) that he ought to carry out the law. In any case he is there to carry out the law to the best of his ability, and others are not.

297. I would not consider it a very serious offence for a constable to go into an hotel after hours with other people if he were off duty, provided they had walked the legal distance?—Of course, if a constable is a traveller he is entitled to go into an hotel, and commits no crime in so doing.

298. You cannot expect a constable to be better than the rest of the community?—Oh, certainly you can. He is there to see the law is carried out.

299. Is it customary with the police to carry a regulation like that out strictly?—After hours—oh, yes.

300. Would you dismiss a man for doing anything like that—*i.e.*, going into an hotel and asking for drink after hours?—I do not know. Perhaps I would not for the first time, but if he persisted I would. Before you came into the room I said that the influence of any member of the Police Force who does such a thing is gone as far as that particular hotel is concerned.

301. But in the case in question the hotel—the Bush Tavern—is outside Nelson?—I do not know whether it is outside or not. In any case it is not far away.

302. There is really no traffic, or disturbance, or anything else there in the evening—everybody is in bed at the time at which the offence was committed?—I do not suppose there would be much.

303. Would you, then, tell the Committee that a constable ought to be punished severely for going with other young fellows into an hotel under the circumstances under which Durbridge went into that hotel?—I look upon it as a serious offence, and I believe he himself did so at first.

304. Would you expect the Committee to think that that justified his dismissal?—I would not like to give an opinion on that.

305. *Mr. Hardy.*] You told the Committee that the girl whom Durbridge was supposed to have got into trouble came to Wellington to get rid of her child?—That was my information.

306. What do you mean by "getting rid of her child"?—Well, getting clear of her trouble.

307. But, as a police officer, what do you mean—that she was going to be confined, or that there was going to be a case of abortion?—I would understand that she came here to get rid of her trouble illegally.

308. You said that the girl came here to get rid of her child?—I did not say so.

309. Did you not cause the Committee to think that you said so?—I do not think so. I said that was the information I received. What I say is that if any one told me that any woman went away to get rid of her trouble I would certainly think that meant getting rid of it unlawfully.

310. *Hon. Mr. Hall-Jones.*] Some reference has been made to assault cases which have been said to be statutory offences, and hence they were not inquired into. To make the matter clear to the Committee I will ask you this: Take any one of such cases that have been referred to in connection with this inquiry, would it not mean that the complainant would have to issue a summons against the policeman, who had one of his mates with him at the time of the assault, and it would be a case of one civilian's evidence against two policemen's, would it not?—Yes.

311. And a Magistrate always supports the police?—I would not say that.

312. In other words, the Magistrate, after long experience, places great reliance on the word of a policeman?—In any case, in regard to the complaint in question, the policeman would be the accused, and if there was a doubt he would get the benefit of it. It would be a very poor chance for the citizen.

313. Would it not have been as well to have inquired into these cases at the same time as the others were inquired into—I mean these statutory offences?—I fancy so.

Commissioner Tunbridge : Here is the regulation bearing on the matter. [Produced.]

314. *Hon. Mr. Hall-Jones*.] It says, "Offences against the public, or where Magistrates have clear jurisdiction, will be always submitted to a local Magistrate or Bench of Magistrates." Was this matter submitted to Magistrates by the Commissioner or by any other person?—Not that I know of.

315. You say that you have some regulation which says that a policeman is always a policeman?—He is always supposed to be on duty if necessary.

316. I would ask the Commissioner to hand in a copy of the regulations.

317. With regard to the girl who got into trouble, you made some reference, I think, to telegrams?—Yes.

318. Do you know anything about telegrams in connection with the case?—I was informed at the time that I got the other information that telegrams passed between Durbridge and this girl when she was in Wellington. A lady in Nelson told me that she got a telegram from the girl, saying she had got quit of her trouble.

Mr. Maginnity : I would suggest that some effort be made to obtain those telegrams.

At this stage of the evidence further hearing was adjourned till 10.30 a.m. on the following morning, the Hon. Mr. McGowan intimating that he would call further witnesses, and asking permission for the Police Force to be represented by counsel, which was granted.

FRIDAY, 12TH SEPTEMBER, 1902.

Examination of Inspector MACDONELL continued. (No. 8.)

Mr. Skerrett : I ask your permission, Mr. Chairman, to represent the Police Department in this inquiry.

The Chairman : Very well. We are all ready, Mr. Tunbridge.

Commissioner Tunbridge : I would like to ask Inspector Macdonell a few questions.

Mr. Maginnity : May I be permitted to point out, sir, that Mr. Skerrett has just asked the permission of the Committee to appear for the police, but we have understood hitherto that the Commissioner was appearing for them. He is going to cross-examine on their behalf, I understand.

Commissioner Tunbridge : I do not think that is quite right. Perhaps I had better make my position clear. As a matter of fact, I appear for myself, I think. Of course, you will understand that the examination of this witness by the Hon. Mr. Hall-Jones yesterday was to the effect that the decision of the Cabinet to dismiss these men implied, I believe, that my decisions in the matters I inquired into were not commensurate with the nature of the offences. That, I take it, was the trend of Mr. Hall-Jones's examination of this witness yesterday. Under those circumstances I should be glad to put some questions to the witness, but I do not, as Mr. Maginnity says, stand here as representing the Police Force. I think I represent myself, as far as my action has been brought into conflict with the action of the Government. (To witness :) 1. You say, Inspector, that you first heard of the condition of things in Nelson that has been mentioned when you were there at the Jubilee time?—Yes, with the exception of the alleged immorality on the part of Durbridge.

2. From whom did you get this information with regard to the alleged assaults and frequenting of publichouses—the charges that were inquired into in Nelson by me?—I got it from different people.

3. Will you kindly name them?—Principally from the constables there.

4. Which constables?—Williams and Bird.

5. From any other persons?—Yes.

6. Who?—I would ask whether it is fair for me to give all the names. I think I mentioned in some of the reports where I got information from. Personally, I have no objection to giving the names.

Commissioner Tunbridge : I am entirely in the hands of the Committee. I think it is a proper question.

The Chairman : The Committee want to know all this.

Witness : Well, I got some information from Mr. Bannehr, part proprietor and editor of the *Colonist*. He gave me the names of a number of people in Nelson who had been assaulted by the police.

7. *Commissioner Tunbridge*.] Any one else?—Yes; but I would need to refer to my book to get the names.

8. I do not mean the statements you took; I want the names of the persons who first gave you information about the cases—the statements you afterwards took are on the file?—Yes. I heard of the publichouse case—that is, the one against Durbridge—from one of the constables.

9. That is, the Bush Inn case?—Yes. I got some information, at any rate, in connection with that case from Constable Williams, I think. At any rate, it was either him or Bird who referred me to a person. I saw that person and got some information from him.

10. Did you get any information from any other person?

Mr. Skerrett objected to this question, and the Commissioner said he would not press it any further.

11. You say, Inspector, that you received a good deal of information from Constables Bird and Williams?—Yes.

12. You believed what they told you?—Generally. In many instances they told me what they themselves had heard. That is what I understood.

13. Did you know that Constables Bird and Williams were antagonistic to the single constables and the sergeant?—I would not put it in that way. I understood there was jealousy in the station.

14. There was ill-feeling?—Some ill-feeling.

15. There was ill-feeling between Bird and Williams on the one hand and the single constables and the sergeant on the other?—Yes, for some time. It was not always so.

16. I am speaking of the time when you first heard of this trouble in Nelson?—That is so.

17. When Constables Bird and Williams gave you certain information?—Yes.

18. Then, at the time you knew of the ill-feeling existing between the sergeant and the single constables on the one hand and Constables Bird and Williams on the other?—No, I was not aware until later on that there was ill-feeling. I understood from them that considerable irregularities were going on, but they did not allege in any way that there was any ill-feeling between them. They said that conduct was going on that they did not approve of.

19. On that did you instruct these constables to, as it were—I will put it in the way in which it presents itself to me—spy on the sergeant and the single constables, and send you confidential reports?—I did not.

20. You did not instruct them to spy?—No, I never did.

21. Well, then, will you put it in your own words?—I instructed them to report everything they knew that had occurred in the past—what they had told me. I asked them if they had reports, and Williams said they had, and I told them to give me the reports.

22. To send those reports to you direct?—No, I did not tell them to do that. I told them to give me the reports, but for days they did not give me any. It was not until the night before I left that they handed them to me in the Masonic Hotel. I certainly asked for them; but I must take strong exception to the word "spy."

23. When they handed you those reports did you not instruct them to send you any other reports that they might have?—If anything offensive occurred; that is so.

24. Behind the back of the sergeant?—I would not say behind the back of the sergeant, but unknown to the sergeant.

25. Without his knowledge?—Yes.

26. He was their superior officer?—Yes.

27. You have already said that you believed what these constables told you to be true?—Generally; as far as I knew, I had no reason to doubt them.

28. You had no reason to doubt either of them?—Not at that time.

29. You thought they were reliable and trustworthy at that time?—Yes, on the whole. One of them I would not depend a great deal on if he was in trouble; but, on the whole, I had no reason to think that what they told me was not true.

30. When they handed you the reports you accepted them as trustworthy?—I accepted them for investigation.

31. Did you accept them as trustworthy?—I could not say until they were investigated.

32. Did you not send those reports on to me?—I did.

33. If you had had any doubts then as to the trustworthiness of these reports would you have sent them on?—Yes, I would. I sent them just as they were.

34. Is it not a fact that you can place no trust in Constable Bird?—I would not say that; but I would say that if he was in trouble I would not trust his word very much.

35. Did you say with reference to Constable Bird, in a report dated the 3rd March, 1901, "Now, whether he committed a breach of the regulations or not, he told me an untruth, and in such a way as to show that he cannot be trusted"; and later on, "I could never trust him again, and should not like to have him in my district"?—That is perfectly true.

36. Those are your own words with reference to Constable Bird, written on the 3rd March, 1901?—That is quite right.

37. There were some reports submitted where it was stated that Constable Bird acted improperly in his capacity as Police Gaoler?—Yes, that is right.

Hon. Mr. Hall-Jones: What was the date of the reports received by the Inspector from Constables Williams and Bird?

Commissioner Tunbridge: It was in 1902.

Witness: I would like to make an explanation about that. It looks inconsistent on the face of it, but I think I can satisfactorily explain that. On the occasion referred to just now I suggested Constable Bird's suspension for improper conduct in gaol, and I urged that he be removed from the position of Police Gaoler on account of his conduct in a particular case; and in any similar case in future I would not believe him. But that does not say that I would not believe a word he said if he was not in trouble or in a similar position.

38. *Commissioner Tunbridge*.] You say here distinctly, "I could never trust him again, and would not like to have him in my district"?—That is perfectly true.

39. Yet, notwithstanding that very strong expression with regard to his trustworthiness, you went to Constable Bird behind his sergeant's back?—Excuse me, I did not. He came to me, unknown to the sergeant, if you like.

40. And you received reports from him which reflected on the sergeant's conduct, unknown to the sergeant?—Yes.

41. You treated them as if they came from a man who could be relied upon?—I would not disbelieve every word that man said afterwards, but if he were in trouble himself I would certainly receive anything he said with great caution. I would point out that I did not deal with this case at all. I forwarded it on for investigation. Of course, it would depend on circumstances as to how much credence I would place on his statements.

42. Constable Williams was examined at the various inquiries held by me, was he not?—Yes.

43. After the pitiable exhibition he made of himself there, do you say you could place any reliance on what that man might say in the future?—Oh, yes, I would.

44. Did he, in the cases under examination, produce documents and memoranda which he stated he had made months before, but which were proved conclusively to have been made on the eve of the inquiry?

Mr. Hall: What cases were these?

Commissioner Tunbridge.] The cases against the other constables.

Witness: I am astonished at Commissioner Tunbridge saying that. I had the documents considerably before the inquiry, and sent them on to him.

45. *Commissioner Tunbridge*: I do not mean just before my inquiry, but when the matter cropped up?—I thought you meant your own inquiry.

46. I will put my question again. Did Constable Williams not produce reports and memoranda which he alleged—of course, he was not on oath, because I had no power to put him on oath—he had made at the time of the occurrences many months before, but which were practically proved to have been made at about the time when you first approached him to give your information?—I say, emphatically, No. They were proved to have been made, or additions to them, subsequent to the time he referred to. They showed on the face of them that they were not made on the eve of the inquiry. They might have been made the day after the occurrence for all I know.

47. I have here a memorandum-book of the constable's. Do you see this book, containing an entry dated the 18th July, 1901?—Yes.

48. When did we hold the inquiry—in March, 1902?—Yes.

49. That is eight months, is it not, afterwards?—About that.

50. Now, here is a report purporting to be made on what date?—18th July, 1901.

51. Will you look at the entry which precedes that report and read it, or I will read it if you like. The entry in the book preceding the one purporting to be made on the 18th July, 1901, reads as follows: "C. Remnant, driver for Neil and Hannah, Vanguard Street"?—Yes.

52. Do you remember instructing this man to go and find C. Remnant, driver for Neil and Hannah, the day before?—I am not sure whether I sent him then, or on the former occasion.

53. A day or two before?—Yes, but I think I sent him for the same man on a former occasion; but I would not be sure.

54. Not in July, 1901?—No, certainly not.

55. When you were there on a former occasion it was March, 1902?—No; it was February.

56. Do you wish the Committee to believe that the report dated the 18th July, 1901, entered in this book was made subsequent or prior to this "C. Remnant" entry?—I do not know when it was done. I think it possible, although I do not suggest it, that the entry was made afterwards. This might have been the entry.

57. I will read the entry preceding that: "Joseph. John Baker, of Tibby Street, did ride a bicycle on the footpath in Waimea Road at 12.10 midday on the 22nd January, 1902." That entry is there, is it not?—Yes; but I was not aware of that. I never saw it except with you at the inquiry, and this was not referred to then.

58. It was produced?—You put it as if doubting my veracity. I do not dispute anything in it.

59. Now, will you read the book back from that entry, or, if you like, I will. The preceding entry in the book is that Thomas Walker, Russell Street, Nelson, did ride a bicycle without a light on the 2—Yes.

60. Another entry is dated 10.30 p.m. on the 18th January, 1902; another on the 25th February, 1902; and another on the 21st January?—Yes.

61. Now, is it reasonable to suppose that this entry of the 18th July, 1901, was made in this book in the position in which you now see it in July, 1901, although all these entries occur earlier in the book?—No; but I was not aware of that before. I never saw the book except at the inquiry.

62. Is it not a fact that a constable did, as I say, produce this and other documents as having been made at the time, but which practically proved themselves to have been made long subsequently?—He certainly produced that, and did say so.

63. Have you any doubt at all?—No, I have no doubt at all.

64. Did not the constable admit it?—He did.

65. That he produced false documents?—That book and another memoranda, and, if I remember correctly, a report too.

66. Those are two police officers who were called as witnesses against Burrell, Durbridge, Kemp, McGrath, and Sergeant Mackay, are they not?—That is so.

67. Knowing what you now know, do you think it would be safe for me or this Committee to inflict punishment upon any person on their uncorroborated statements?—No.

68. I will go back to the charges, which have not been properly explained. You were placed at a disadvantage yesterday, and I wish to put you right in that respect?—I have no desire to say anything but what is true. I must say, however, that I was not aware of the contents of that book before. I know that the constable admitted that an entry which he maintained was made long before was made subsequent to that; but I did not see anything before or after the one entry. Of course, I concluded that it was so when he admitted it. I might say that he was bowled out by you.

69. You did not succeed in bowling him out?—No; but probably the reason for that was that I did not hold the inquiry. Another man was also found to have made a false statement, and that was Sergeant Mackay, and nothing was said about it.

70. You are familiar with Regulation No. 2, are you not?—I have not the book here, but I have no doubt looked at the regulation.

71. Surely you are familiar with it, because it regulates your duty a great deal as an Inspector in the Force. Here is the book. [Regulations handed to witness]?—Yes, I know the regulation.

72. I will read the regulation: "An Inspector in charge of a district may inflict a fine not exceeding £1, or loss of seniority six steps, upon any constable guilty of misconduct," and so it goes on; but that is the point I wish to call attention to. You did not hold any inquiry under that regulation?—No.

73. You had power to do so?—Yes.

74. Then, perhaps you will explain why you did not do so?—My reason for not doing so was that there were so many complaints made, and I knew, from a previous inquiry, that there was a certain amount of feeling in Nelson against me, which led me to think that somebody else—an outside Magistrate, or some independent person—should hold the inquiry.

75. Did you formulate any charges against the police officers at all?—No.

76. Do you not think it was your duty to have done so?—No, I did not think so, because I considered that there should be further investigation. I told you that on the night you arrived in Nelson.

77. Never mind what you told me; that is not admissible here. You say that the reason why you did not hold the inquiry yourself was because feeling was running very high in Nelson, and there were so many charges?—Yes; and from my experience of a former inquiry that was held there.

78. Perhaps you would like an opportunity to give a little more explanation about your experience of the former inquiry. Do you mean that it was not held properly, or that the result was not satisfactory, or what?—No, I do not say that. I say that an attempt was made then to raise certain feeling in the place. That apparently was very successful, and went on again on this occasion.

79. That was a matter in which you alone were concerned—I had nothing to do with it?—Excuse me, you formulated the charges, and directed me to go on with them. I reported facts to you as stated to me, and you ordered me to lay certain charges. I believe I said in a telegram that I did not think they would succeed, and was told that if a police officer was not sober he was drunk. The telegrams can be produced.

80. You were not satisfied with the result of that inquiry, were you?—I never said so. I was not satisfied that justice was done; but that remark refers to many cases in my experience.

81. Well, now, with regard to the present cases, I formulated charges out of the report you sent me relating to breaches of discipline, did I not?—Yes.

82. And I inquired into those charges in your presence?—Yes.

83. You called all the witnesses you desired?—Yes; I was requested to act as prosecutor.

84. And you did so?—Yes.

85. What I mean is this: was the inquiry an exhaustive one?—Well, I did not think so.

86. In what way was it not exhaustive?—In many ways.

87. Will you tell the Committee in what way it was not?—It is very disagreeable for me to do it.

88. We shall have to put up with that?—I consider that I was not always treated properly there.

89. By whom?—By you.

90. I expected that answer; but, pray, do not have any diffidence, as far as I am concerned, because I have no power to punish you, and——?—That will not influence me one way or the other.

91. Then, do not have any diffidence about answering questions, as far as I am concerned?—When I found some of the constables to be telling untruths you told me, "Well, they are not on oath, and you cannot have them up for perjury in any way."

92. Quote an instance?—Yes; in Constable Kemp's case.

93. In what particular instance there?—I found him out to be telling an untruth in connection with one of the charges when he was giving evidence. You made the same reply in another man's case; you said, "Never mind what they said before, it is what they say now."

94. I understand now what you are referring to. Kindly allow me to put it in this way: The statements that these witnesses made who gave evidence in the presence of the accused, you say, differed from the statements they made to you?—Yes; but there was more than that in reference to Constable Kemp.

95. You say that I objected to your producing statements alleged to have been made to you as evidence against these men?—No, not as evidence; but in order to contradict them.

96. You mean that I objected when you attempted to test the credibility of the witnesses by producing statements previously made to you?—Yes; and to contradict them on those statements.

97. Did you not admit that those statements that you had in your pocket-book were not statements of the people at all, but mere answers to questions you put to them?—That is the usual way. Is not that exactly what is being done here now?

98. Both parties are together now; they were not in those cases. Do you not distinguish the difference between something you write down which a person is alleged to have said to you, not in the presence of the accused, but an *ex parte* statement—do you not distinguish the difference between a statement made under those circumstances and one made in the presence of the accused person?—I do.

99. Is it not a fact that what I objected to was this: your producing as evidence against these men some answers you had succeeded in getting from persons in reply to questions you put to them, not in the presence of the persons who were accused?—I was not making up anything.

100. You say here—these are your own words, repeated more than once—"I sought them out. They simply answered my questions"—Exactly. Is it not the experience of every police officer that if he is told some one knows so-and-so, and some one else so-and-so, he goes to inquire unless the people come to him? Very few people come and make statements from beginning to end. I make it a rule to question and re-question again, so that there will be no mistake about the statements made. I give them every opportunity to make true statements.

101. You allege that I shut this out?—I allege that you seemed to take the part of these men when they were put in a corner.

102. Now, since you allege that against me, I will ask you this: Was that the only occasion on which you have been dissatisfied with the decisions of tribunals before which you have taken cases?—No.

103. Do you remember the complaint made by the jury at Reefton about you?—Yes.

104. Because they did not see eye to eye with you?—Nothing of the kind; and I am surprised at you putting it in that way.

105. Which way would you put it? Did they not complain that you made remarks on their unfairness in dealing with a case?—No, they did not.

106. What did they complain of?

Mr. R. McKenzie submitted that this was not a fair question.

107. What was the difference between yourself and the jury at Reefton?—They objected to some evidence. I tried again and again to explain the relevancy of the matter, and I ultimately said that I was told outside that a certain man's friends were on the jury, and that really what was taking place looked like it.

108. As a matter of fact, it comes back to this: that you were dissatisfied with the jury in the same way that you were dissatisfied with me?—Oh, no, it is not exactly the same.

109. Because I did not pursue the case so far as you desired it to go: was that not so?—No, it was not. I thought right through the cases that you had a leaning towards these men. I did, indeed.

Hon. Mr. Hall-Jones: Are you referring to the cases that we are dealing with now, or to a previous inquiry?

Commissioner Tunbridge: The cases we are dealing with now. (To witness:) 110. In the Reefton case you say you were not satisfied with the action of the jury?—In that particular instance I was not.

111. I will pursue one or two other cases that occur to my mind to show that you frequently disagree with the decisions of tribunals before which you are engaged. Did you not express yourself very strongly on the decisions given by the Stipendiary Magistrate at Greymouth?—In some brothel cases I did. I wished to take some further action, and I was not the only one.

112. You were very biased in that case, were you not?—I was not biased; but I considered the Magistrate was peculiar in the brothel case, and pretty well every one in Greymouth said the same. I could give the same reply in reference to yourself in many cases. It is nothing unusual.

Mr. Skerrett objected to this line of questioning, on the ground that it was a mere recrimination between the Commissioner and the Inspector. *Commissioner Tunbridge* said he would not pursue it further, but would ask the witness a question with regard to charge No. 1 against Sergeant Mackay. *Mr. Skerrett* objected to this as being irrelevant, and some discussion took place as to the admissibility of any matters not referred to in the petition. The Committee considered this point *in camera*. On readmission of the witnesses, counsel, &c.,—

The Chairman said, The resolution that the Committee have arrived at is that the proceedings must be confined strictly to something that has a direct bearing on the petition. The Committee have also directed me to inform you that they will call such evidence afterwards as they deem necessary. I am also directed particularly to inform *Commissioner Tunbridge* that the Committee are not inquiring into his conduct in connection with the cases. The following is the resolution that has been arrived at: "That the Chairman inform *Commissioner Tunbridge*, *Inspector Macdonell*, and counsel for petitioners and the Crown, that the evidence must be strictly confined to such as has a direct bearing on the petition." We are not holding an investigation into the conduct of the police of the colony, but into these particular cases, and, so as to enable the Committee to arrive at a decision this session, it is necessary to be as brief as possible. The proceedings must therefore be confined to evidence strictly bearing upon the petition.

113. *Commissioner Tunbridge*.] Well, now, charge No. 2 against Sergeant Mackay has a bearing on the petition, inasmuch as it deals with the case of Remnant, who accused the two constables of assault. The charge was, "Omitting to bring under the notice of his Inspector the fact that Charles Remnant, of Vincent Street, Nelson, had complained to him of being assaulted by Constable Burrell about February, 1901"—Yes.

114. You have never seen my finding on that charge?—I did not see it till I saw the file here.

115. My finding was, "The sergeant ought at least to have made an entry of this complaint in the diary, under the heading of 'Occurrences,' and it would have been better had he submitted a report to his Inspector. But the constable at the time of the alleged assault was not on duty, and the offence was a statutory one. Remnant therefore had his remedy in the Magistrate's Court. Had the alleged assault been committed by the constable while on duty there would have been absolutely no excuse for the sergeant not reporting the matter. As the constable was not on duty at the time, the sergeant, in the exercise of his discretion, might not have considered it necessary to report the matter; but I cannot accept that as a sufficient excuse, and therefore convict him of this charge, and caution him to be more careful in future. I think, under the circumstances, that is sufficient punishment." Now, do you think that is a reasonable finding or not?—I do in that case, but perhaps it is not as strong as I would like.

116. You were the prosecutor, of course?—I was made prosecutor.

117. The punishment—a caution—may not seem very much; but does not a caution mean that there is a record placed on the defaulters' sheet of the person concerned?—Well, I always saw it done unless instructions were given to the contrary.

118. As a matter of fact, it is recorded here on the sergeant's defaulters' sheet [produced]?—Yes.

119. There it is: "Convicted of charge, and cautioned to be more careful in future"?—Yes.

120. In the case of a man of Sergeant Mackay's experience and record, including two instances of saving life, do you not consider that a caution entered on the sheet, which stands for all time against him, is a somewhat serious matter for him?—Yes, I do. The only point on which I differ from you on the matter is your view of not reporting the occurrence. If I were dealing with it I would make it stronger, but otherwise I have no fault to find with your decision in the matter. I would have made it a little stronger.

121. You do not mean the punishment?—No.

122. You mean the finding?—Yes. It was absolutely wrong, in my opinion, for him not to report.

123. You think the punishment is commensurate with the offence?—Yes. I would say that it was a fairly mild punishment. I would say it was mild under the circumstances, but a fair punishment.

124. You do not make any complaint that the punishment was not fairly commensurate to the offence?—No.

125. You know that Remnant himself had been convicted at the instance of Constable Burrell?—Yes; of leaving his cart unattended.

126. He had been hauled up and convicted?—Yes; he complained that another man who did the same thing was not prosecuted at all.

127. But is it not a fact that Remnant had been hauled up by one of the constables?—Yes.

128. Then, under these circumstances it is only fair to assume—and you, as a police officer, will know that this is so—that the man was not very kindly disposed towards the police?—Yes, towards a particular man; and especially if it were true that the same constable overlooked a similar offence committed by another person at the same time. I do not know whether it is true or not, but it would influence a man no doubt.

129. You remember the evidence of a person whose name cropped up in connection with the assault on Remnant—a person named Symes?—Yes.

130. Did you hear Mrs. Symes say, with reference to her husband, "My husband and I are separated through him taking drink and him ill-using me"?—Yes, something to that effect.

131. Men who take drink and ill-use their wives are not, as a rule, I suppose, very favourably inclined towards the police?—Not if the police have had to interfere with them.

132. But generally?—I have seen some cases where perhaps the wives may have been at fault for all I know, although I have no reason to think so in this case.

133. I am endeavouring to show the Committee the class of people upon whose evidence I had to rely at the inquiry. Now, charge No. 3 against Sergeant Mackay—this is with regard to the girls going to the police-station at midnight, and therefore it is relevant—is as follows: "Omitting to report the fact that Constables Durbridge and Burrell had improperly taken two single females named — and — into the single men's mess-room at the Nelson Police-station about midnight on the 18th July last"?—Yes.

134. My finding is as follows: "There is no dispute as to the facts of this case, full particulars of which are set forth in the evidence hereto annexed. Constables Durbridge and Burrell took the young women on to the station to have supper. The females are respectable, and there is no suggestion whatever that anything of an immoral nature took place or was intended, but the action of the constables was no doubt most indiscreet and liable to be misconstrued. In view of a wrong construction being placed on the constables' action the sergeant should have entered the matter in the diary and reported it to the Inspector. He is reprimanded and cautioned to be more careful in future"?—Yes.

135. Do you disagree with that finding?—I look upon that as a very serious offence. I look at it in this way: Had there not been very great laxity in that station the girls would not have been brought there. I think that possibly there was more behind than came out. I look upon it as a very serious matter, having girls there at that time of the night, or at any time. I would not have young women going to the single men's quarters at all, even in the daytime.

136. To the pure all things are pure?—I do not know. There is such a thing as virtuous indignation, you know.

137. You believed, when you submitted your reports, that the girls had been taken on to the station for immoral purposes, did you not?—I thought it probable that that was so.

138. You thought so?—I was suspicious.

139. Was not the police-station the home of these two single men—Burrell and Durbridge?—Yes.

140. They had no other place to take their friends?—No.

141. Was it not proved in evidence that Constable Durbridge had obtained leave from the sergeant to attend a Catholic social?—That was stated.

142. Did you doubt it?—I do not know. I would not accept all that they said, because I really believed, and believe still, that there was a combination in that station to support one another.

143. Did you not call Constable Williams to give evidence—in fact, was not his almost the only evidence tendered against these men besides their own admissions?—Yes.

144. Did not Constable Williams admit that there was a Catholic social on the night in question?—Undoubtedly. I knew that there was a Catholic social all right.

145. Did you doubt that Constable Durbridge and the girls had attended the Catholic social?—I did not doubt that he was there with them.

146. What is it you did doubt?—Possibly I doubted the permission given.

147. Permission for the constable to remain out after 11 at night?—Yes.

148. There was no evidence that it was not given?—No; but from the whole tenor of the conduct of the constables and the sergeant I was satisfied there was a combination among them to support one another.

149. You had no evidence of that?—No.

150. I had to go on the evidence only at the inquiry?—Yes, I know that.

151. Do you consider my finding a reasonable one on the evidence—not upon prejudice, or anything that might be in my mind that was not supported by evidence?—No, I do not.

152. You think it was not strong enough?—Undoubtedly. Young women on a station at midnight! That is my view of it.

153. I will take what was proved in evidence. Was it not proved in evidence that this man and the girls had been to the Catholic social?—Yes, I believe that is true. I have no reason to doubt that.

154. And that when going home from the social at about midnight they were passing within about 100 yards of the police-station?—Yes.

155. And that while they were standing talking at the corner of the street Constable Burrell, who was going off duty, came up to them?—That was stated.

156. Is not that the evidence?—Yes.

157. Was it contradicted?—How could it be contradicted? These girls were probably seen before they were brought there, and the men made the matter known to them.

158. Was it possible to disprove it?—It was possible to have seen these girls beforehand and got their statements separately before they put their heads together with these men—as we have had to do in many cases to be successful.

159. Was there any reasonable ground for supposing that that had been done—that there was collusion between the men and the girls?—I have no doubt at all about it—not the slightest in my own mind.

160. Did you ever suggest that in your cross-examination of these men?—How could I?

161. You were allowed to cross-examine?—I was there to ask questions. In one case—that of Constable Kemp—I sat down altogether and refused to proceed any further.

162. The evidence, as I say, showed that the constable and the two girls passed within 100 yards of the police-station?—Yes.

163. On their way from the social to the home of the girls?—Yes; they went that distance off their usual route to go to the station, according to the evidence.

164. Was it not stated distinctly that in going to their homes the direct route would bring them within about 100 yards of the station?—Exactly; but they went back that distance from the road to the station.

165. Yes, to get to the station; but I am speaking of the time that Constable Burrell joined them. Burrell was then going off duty. The evidence showed, did it not, that as he was going off duty he came across Durbridge with the two females?—Yes.

166. And that the constables then invited the girls?—That is what they said.

167. I am speaking of the evidence?—Yes, that is what was stated.

168. The constables then invited the girls to go to the station to have a cup of cocoa?—So they said.

169. Is not that the evidence?—Yes.

170. Upon which I had to deal with the charges?—Yes; I do not dispute that.

171. The girls consented to go?—Yes.

172. And all four went to the police-station?—Yes.

173. Was there any secrecy about their entering the police-station?—I do not know—

174. Did not Constable Williams say that they appeared to enter the station quite openly?—I do not think so. If I remember correctly, he came to the station and found them there. I do not think he saw them come there; but I may be wrong.

175. Did he not say that when they were in the mess-kitchen they were talking loudly?—Yes.

176. And that the light was full on?—Yes.

177. And that the door was wide open?—Yes, I believe so, to the best of my recollection.

178. That Constable Williams said that?—Yes.

179. You believed him?—I believed that.

180. Did the indications go to show that there was anything of an immoral nature?—Not at that time; but they went to show terrible laxity in the station—that such a thing should take place. That is my opinion.

181. That two constables should, under the circumstances I have described, invite two lady friends—one of whom was engaged to one of the constables, and has since been married to him—to their own home to partake of a cup of cocoa?—To single men's quarters; but I do not know anything about the cocoa.

182. Did not the evidence show that Constable Williams went and called the sergeant?—Yes; which showed that he had a sense of right and wrong.

183. And that the sergeant came on the scene and found the circumstances as described by Constable Williams: the door wide open, the gas full on, loud talking going on—not whispering, or anything of the kind—and the girls and the two constables sitting down drinking cocoa, or something of the kind: was that not so?—It may have been so. I do not remember exactly.

184. That was the evidence?—Yes, to the best of my belief—that is, the sergeant's evidence.

185. And Constable Williams's evidence as well, was it not?—No.

186. That the door was open?—Yes, but not what took place when the sergeant came there.

The Chairman: We will probably call Constable Williams as a witness.

Commissioner Tunbridge: The Hon. Mr. Hall-Jones yesterday, as you know, questioned this witness on my findings, as to whether he considered them proper, and so on; and that is the reason I am now cross-examining the witness upon his replies. (To witness:.) 187. For not entering that occurrence in the diary I reprimanded and cautioned the sergeant?—Yes.

188. Do you think that punishment was commensurate?—No.

189. What would you have done to him?—As I said before, I would consider before inflicting punishment, but I would look upon it as a very serious matter.

190. Notwithstanding that the question of immorality was not involved?—I know nothing of that. The question of immorality was not shown.

191. Did the evidence in the remotest degree point to immorality?—No, not there. But what I thought at the time, and what I think still, is that proper investigation was not made in the first place. Information of these charges was sent to the men before it should have been. The girls should have been seen separately before any knowledge of the charges had been given to the men. If that had been done I would depend more upon the evidence.

192. Why did you not do that?—Because I had no time. I sent to you to get somebody else to do it.

Mr. R. McKenzie: I would like to ask Commissioner Tunbridge whether he allows the Inspector in charge of, say, the Wellington Station to let the constables take single girls into the station?

Commissioner Tunbridge: In reply to that, I say I do not allow it, because I have reprimanded and cautioned Sergeant Mackay for letting them. (To witness:.) 193. Now, with regard to charge No. 4 against Sergeant Mackay—"Neglect of duty in not reporting Constable Durbridge, whom he saw lying asleep on the floor of the Nelson Police-station at 4 a.m., 19th November last, while the constable should have been on duty"—Yes.

194. My finding in that case was as follows: "This charge rests entirely on the uncorroborated evidence of Constable Williams. This constable's evidence during the inquiry was proved in several instances by his own reports and memoranda to be untrue. Under these circumstances I acquit the sergeant on this charge." Do you consider that a reasonable finding?—Yes, on the evidence; but I would make the same remarks with regard to it that I made in reference to the last—that I was anxious that further inquiry should be made, and I mentioned to you at the time that I had reason to believe that the single men in Nelson—three of them in particular—were spending more than half their time in the station when they should have been on duty, and no notice was taken of it.

195. You are going into long statements. You say you mentioned things to me. I have no recollection of them. I only recognise what is in writing?—I told you that while there, and your reply was, "We will see how the thing comes out." I wanted to take some steps to try to verify that.

196. Can you tell me how it would have been possible to verify this charge by any possible inquiry that could have been made?—Yes.

197. Then, will you tell me?—The men might have been questioned separately without being given any warning. I believe that if Constable McGrath and others had been so asked it would have been proved that such was the case, and that it had been well known to Sergeant Mackay for a long time.

198. But there were only two constables concerned in this case—Constable Durbridge who was accused, and Constable Williams who gave the information?—But if it was a general thing—if it had happened several times before to the knowledge of the sergeant—was there anything surprising if it happened at this particular time without notice being taken of it?

199. I do not quite follow your argument. I am asking you whether you consider, on evidence of this class, that my finding was a reasonable one?—On the evidence taken I think the finding was reasonable.

200. Can you indicate the possibility of calling any other evidence on this particular charge?—As I have said already, the rule of evidence allows a certain course of conduct to be proved to show a particular act, and if that had been followed in this case possibly evidence would have been obtained; but on the evidence given I should say that the finding was reasonable.

201. I want to know if you can indicate to the Committee how it would have been possible to have obtained any other evidence than that of Constable Williams in this case, where it was a case between himself and Durbridge—there was no third person present on the occasion?—No. But, as I have stated already, if we had found that sleeping in the station when they should have been on duty was a common thing there with the constables it would certainly have supported Constable Williams's evidence in this particular case.

202. Well, now, did you not watch the station yourself for two consecutive nights?—Yes.

203. Did you find the men sleeping on the station?—No; but I was not in Nelson at the time the alleged offence was committed. If I had gone away the men might have gone into the station to sleep. They knew I was in Nelson; but, notwithstanding that, and the fact that I was about the place, I found them there when they should not have been there, and for a considerable time.

204. Now, one of the charges against Constable Durbridge is the same as one against Constable Burrell—that is, "Improperly taking into the single men's mess-room at the Nelson Police-station two females, named ——— and ———, about midnight on the 18th July last"?—Yes.

205. This is the same matter as that which I have referred to in connection with the charge against the sergeant for not reporting it. My finding was: "The facts are not denied, but, as there is no suggestion that the females were other than respectable, or that they were taken into the station for an immoral or other improper purpose, the worst that can be said is that it was a very indiscreet act on the part of the constables to take them into the station at that hour of the night. It should, however, be borne in mind that these constables reside on the station, which

is therefore their home for the time being in addition to being the police-station. But the open manner they went about the matter clearly shows they did not consider they were doing much wrong. The taking of females into a police-station late at night cannot, however, be tolerated, as, if it were, abuses would soon arise or improper motives would be imputed. Therefore the constables are each reprimanded and cautioned to be more careful in future"—Yes.

206. Do you take exception to that ruling?—I think it was too lenient; I do indeed.

207. Notwithstanding that there was no question of immorality?—No immorality was proved; that is all I say.

208. I do take exception, Mr. Chairman, to the way Inspector Macdonell puts this. I had to go on the evidence, and his remarks about not proving go to show that, notwithstanding that he produced all the evidence he possibly could——?—I did nothing of the kind.

209. You were given a free hand, were you not?—No; my remarks in the sergeant's case apply to this. There was no proper investigation beforehand, as a smart police officer would make, so that all these people could not make up anything.

210. But you were there?—Yes.

211. And you were to blame?—Excuse me. As suggested I think it will be found in my reports that I did not complete the inquiries, and I sent them forward with the view of having a thorough inquiry and the sending of a neutral man.

212. But was it not well known to these men that you were making inquiries?—Yes; some inquiries, but not all.

213. Then, how would it have been possible for another person to have gone there then and carried out inquiries unknown to the men when they already knew of your own action?—They knew nothing of this particular case, as far as I know. They knew that I was inquiring into certain things—about some of the assaults, Durbridge's supposed connection with the girl, the Bush Tavern case, and one of Kemp's cases. Those are all that they knew of, so far as I know.

214. You stated in one of your reports, "*Re* Constables Burrell and Durbridge having two young women (and not of the best repute) in the station at midnight"—"and not of the best repute"?—I did.

215. What evidence had you that these girls were not of the best repute?—I heard that they were not.

216. From whom?—Different people.

217. Name them?—Not unless I am compelled to. It is contrary to all police rules to disclose the source of evidence.

218. Then, I will name them. Was it Constable Williams?—He was one.

219. The self-convicted falsehood-teller?—He is not the only falsehood-teller in these cases.

220. The Committee, of course, will know the reliance that can be placed on Constable Williams's statement?—The Committee surely can judge for themselves without your repeating that.

221. You put in your report "and not of the best repute"?—That is true.

222. Were not these two girls in situations at the time?—I believe so—that one was a barmaid and the other something else.

223. Not a barmaid; was she not a housemaid?—I was told she was a barmaid.

224. At any rate, they were both in respectable situations, as far as you know?—I did not know that.

225. They were both in situations?—I did not know whether they were or not when I wrote the report.

226. Did not the evidence show that they were both in situations?—The evidence did; but that was subsequent to my report.

227. Do you still maintain that these girls were not of the best repute?—I do not say whether they were or not.

228. Have you any reason now to believe that these girls were anything other than of good character?—I am doubtful of one of them, at any rate.

229. Still doubtful?—I am.

230. But you have no evidence to prove that they are other than of good character?—No; simply what I heard.

231. And you put that in your report?—For your information.

232. On the statement of Constable Williams?—Not alone.

233. Partly?—Yes.

234. Was Constable Bird the other one?—No, I do not think so.

235. Now, charge No. 2 against Constable Burrell is, "Improperly leaving his beat without just cause, and going to the Nelson Police-station about 2.30 a.m., 14th instant"; and my finding is as follows: "Although, strictly speaking, this charge was not proved, inasmuch as the Inspector could not say who the men were, or even if they were policemen at all, whom he saw enter and leave the station on the night in question; still, the constable admits he left his beat and went to the station to get some tea. This appears to have been the practice at Nelson long before Sergeant Mackay went there (see Constable McGrath's evidence), and apparently the constable took it for granted he could do so without running the risk of punishment. I am of opinion the constable remained on the station much longer than sufficient time to get his tea, during which period his beat was left unattended, and I therefore severely reprimanded and cautioned him on this charge. The punishment would have been more severe had not the constable up to this time had a clean defaulters' sheet." What is your opinion of that finding?—I think it is reasonable.

236. Notwithstanding that you told Mr. Hall-Jones yesterday that you thought a man who left his beat, and so on, ought not to be kept in the force?—I would not say that in a particular case; it would depend on the man's character.

237. You were being asked about this particular constable yesterday?—Yes.

238. And did you not tell Mr. Hall-Jones that you thought a man who left his beat of a night without just cause ought not to be kept in the Police Force?—I do not think so.

Hon. Mr. Hall-Jones: That was not the witness's reply to my question.

Commissioner Tunbridge: I certainly took that to be the answer. (To witness:) 239. You admit my finding to be reasonable on the evidence?—Yes, on the evidence.

240. Now, with regard to this question of going to the police-station to get a cup of tea: Of course, if a man is found out doing it, it is wrong, and you as Inspector and I as Commissioner cannot recognise it in any way?—No.

241. That is what you mean?—Yes.

242. But do you consider it a very heinous offence for a constable who is out on eight hours' duty, when the town is quiet, at 2 o'clock in the morning—and in Nelson, above all towns—to walk into the police-station to get himself a cup of tea?—No, not if that was the only reason.

243. Is there any other reason in this case why the man should do it?—I was satisfied the men were there for hours, especially this man—that it bore out what was represented to me before then to a great extent, for even when I was in the town this sort of thing went on. This is a serious aspect of the case, in my opinion.

244. But it was not proved that this man was there for hours. As a matter of fact, it was not proved that he was there at all—he himself admitted it?—Surely his own admission—

245. To show that the man did not think it a very serious matter, did he not admit it himself?—He did not know then what I knew, and that is how he came to admit it. I called upon him for a report in the morning, and he reported. He did not know that I could not swear to it.

246. Taking the case as it stands according to the evidence, do you consider that the severe reprimand and caution were commensurate to the offence—I mean, as shown by the evidence?—I would have dealt more seriously with it than that.

247. What would you have done?—I am not prepared to say right away; but I would have dealt with it more seriously than that, under the circumstances.

248. Do you usually deal severely with men, then?—It depends entirely on their conduct in the particular cases.

249. You see, this was a man with a clean defaulters' sheet up to that date?—Yes; but I did not look at the sheet at that time.

250. This entry is on his defaulters' sheet: that he is severely reprimanded and cautioned [sheet produced]?—Yes.

251. He was about two years in the service at the time?—So I believe.

252. That record would stand against him so long as he remained in the service, would it not?—Yes.

253. Do you not consider that a serious punishment?—Yes; anything on the defaulters' sheet is more or less serious.

254. Now, with regard to charge No. 3 against Burrell: it is a similar charge to the last one, and occurred on the following night?—Yes.

255. The last charge that I read to you was the one about leaving his beat and going to the station on the first night?—Yes.

256. My finding with regard to charge No. 3 is as follows: "This is a similar case to the preceding one, and occurred on the following night. Here, again, I am of opinion the constable remained longer than necessary to prepare and take his tea, to say nothing of him having improperly left his beat unprotected. He is fined 2s. 6d. and cautioned for this second offence." Well, now, you think that that is not severe enough, the same as the other?—Yes, under all the circumstances.

257. Was it proved by Constable McGrath, or did he not admit, that the police at Nelson had been in the habit of going to get their tea of a night?—Yes. I heard that for the first time when it came from yourself.

258. Constable McGrath has been at Nelson for a long time, has he not?—Yes; for years, to my knowledge.

259. And he probably knows what has been going on?—Yes.

260. He admitted that in Nelson it had been the practice for the constables to go in and get a cup of tea?—You asked him whether it was so in Sergeant McArdle's time, I think. That was the first I heard of it, and I wondered how you came to hear of it.

261. If you wish to know, I will tell you that it was merely a chance shot, because I thought it had probably been a practice?—It was a lucky chance shot when you mentioned the very man's name—i.e., McArdle.

262. Was not Sergeant McArdle the officer who preceded Sergeant Mackay?—I am not sure; but he was there some time before.

263. Was it not on Sergeant McArdle's retirement that Sergeant Mackay went there?—I could not say that. It may be so.

264. You will not contradict me when I say that it was?—Not at all.

265. Was it not very natural, then, that I should ask whether it was the practice in Sergeant McArdle's time?—It struck me as being peculiar—as if you knew it. I was satisfied that you had some private information which I had not got.

266. Well, all I can say is that I had no private information whatever. I merely wished to find out what had been the practice before Sergeant Mackay went there; and I put the question to a constable who had been there years before, and he admitted that it had been so under the previous sergeant—that the constables used to go and get their tea the same as they did under Sergeant Mackay?—Sergeant Mackay told me he was not aware of it at all.

267. *Mr. R. McKenzie.*] Was not Sergeant McArdle in charge of the Nelson Police District, then?—He was in charge of the subdistrict.

Commissioner Tunbridge: He was never an Inspector; he was only a sergeant.

Mr. R. McKenzie: There was no other Inspector, was there?

Commissioner Tunbridge: There has been no Inspector at Nelson since Inspector Aitcheson was retired.

268. *Mr. R. McKenzie.*] Was not Sergeant McArdle in charge of the Nelson police in the same way as Inspector Macdonell?—No; he was in charge at Nelson in the same way as Sergeant Mackay.

Commissioner Tunbridge: Inspector Macdonell was in charge of the Greymouth District, a portion of which is Nelson. Sergeant McArdle was simply the sergeant in charge of Nelson before Sergeant Mackay was appointed.

Mr. R. McKenzie: He was not the Inspector at Greymouth.

Commissioner Tunbridge: Yes.

Mr. R. McKenzie: Who was the Inspector?

Commissioner Tunbridge: Ellison was the Inspector before Macdonell, Cullen before Ellison, and Pratt before Cullen. (To witness:) 269. Now, to resume my examination: Considering that these young men were going to the station the same as the older men before them had done, do you not think it was very reasonable for them to have considered that they were not doing very much wrong?—Yes; if all they did was to go there, get some tea, and go back immediately, I would not think it a serious matter.

270. That was all that was proved, was it not?—I do not think so. I saw them there for a considerable time.

271. Yes; that is what I said—that I considered they remained there longer than necessary?—Yes. If that was the only object, I would not consider it a very serious matter.

272. Do you think that a man should be dismissed from the service for going to the station at 2 o'clock in the morning, while on duty, to get himself a cup of tea, the same as others had been doing for years before?—No, if that was all he did.

273. Or even if he stayed half an hour longer than was necessary?—If he stayed too long——

274. You would dismiss him then?—I do not say so. I would consider it seriously.

Examination interrupted by arrival of hour of 1 o'clock.

Mr. Skerrett: Before the Committee adjourn, may I ask for one direction? There are some independent witnesses apart from the police whom I would like to bring forward. I understand that Mr. Maginnity has asked to be allowed to cross-examine Inspector Macdonell, and probably the next sitting-day will be entirely occupied by his cross-examination. I desire the opportunity of submitting to the Committee the witnesses whom I suggest ought to be in attendance; and I will ask the Committee, if they agree with my representations, to authorise you, Mr. Chairman, to direct the attendance of these witnesses.

The Chairman: If you will submit the names of any witnesses that you may wish to call to the Committee we will decide.

Mr. R. McKenzie: I would like Mr. Skerrett to give the Committee some indication as to whether the witnesses referred to can give material information.

Mr. Skerrett: Yes. If this matter is to be investigated properly, it is essential that they should be before the Committee.

Mr. Maginnity: Will the Committee hear me for a moment? They will do me the justice of remembering that when I entered upon these proceedings I stated that I was most anxious for a very full investigation, both on the part of the men and on the part of the people of Nelson. I am most anxious to meet my friend in every possible way, and also to meet the convenience of the Committee; but I am getting somewhat nervous now owing to the early approach—the immediate approach—of the close of the present session; and I am satisfied that the Committee would, with me, feel the greatest regret if by any means this investigation was not completed in time to enable the Committee to submit their report to Parliament; and I shall ask the Committee now, at this stage, if it happens that their investigation into matters which have already been brought and are still to be brought is not sufficiently completed to enable the Committee to make a full report to Parliament, to consider in the interregnum whether they would be prepared to make such a report to Parliament as would lead to an investigation taking place by some independent tribunal during the recess, so that the matter may not be allowed to remain open until next session, when a new Parliament will have been elected. It is possible—I hope not probable—that some of the faces I see around me to-day may not be here if we have to meet again. But I would ask the Committee with all seriousness to consider my representations, so that the matter shall not be hung up, and make a recommendation to Parliament in order that some independent tribunal may be set up, and that the matter may be finally dealt with.

Mr. Skerrett: They must hear the evidence before they can make any report.

Mr. Maginnity: Just so; but the evidence may not be completed, and I ask the Committee to consider that point. I have a good many witnesses to call; and I shall have to ask the Committee to concede me the right to call rebutting evidence to any evidence my learned friend may think fit to bring before the Committee. My anxiety, in view of what I have heard about the termination of the session, is that we should finish the whole inquiry, and that justice should be done.

FRIDAY, 19TH SEPTEMBER, 1902.

The Chairman : I have just received a message from Mr. Skerrett saying that he is not able to be in attendance this morning. He says, "May I suggest that the Committee should proceed with the cross-examination by Mr. Maginnity of Inspector Macdonell, reserving me permission, should I think it necessary to do so, to recall him?" He has some Court business to attend to this morning and cannot possibly be in attendance here.

Mr. Maginnity : May it please the Committee : Before resuming the investigation this morning would the Committee permit me to tender my apologies for non-appearance here yesterday and to express to the Committee my sense of the kindness they have extended to me by permitting the investigation to be continued to-day. I want to say, Mr. Chairman, in my own defence, that it was a matter that I could not possibly foresee. We did not get news of the "Wainui" being unable to work Westport until late in the afternoon, otherwise I could have come by the "Penguin." But the news reached me at 4 o'clock in the afternoon, and I was then helpless, and therefore I at once telegraphed to Mr. Graham.

The Chairman : I may say that the worst feature I see in connection with the matter is that the Committee and the Government are blamed in an article in a local paper for—at any rate, by inference—purposely delaying this inquiry, with the view of not reporting this session. It must be well known to the petitioners themselves that a fortnight's delay was granted in the first instance at the request of their solicitor, so that we had nothing to do with that. Further, I see it is stated in this article in the paper that the Committee are very slow—that they sit only once a week. That also is contrary to fact. We did on one occasion sit on Thursday and Friday, and I have no doubt the Committee would sit on other days, but we have other important Committees, which must sit, to attend. At the commencement of the session the days were set apart upon which the various Committees would sit, and the Petitions A to L Committee was set down for Thursday. It is impossible to go back on an arrangement of that kind, excepting in a case of urgency. It has always been the desire of the Committee to meet people coming from a distance in every way in which they possibly can. I think, in justice to the Government and the Committee, it is my duty to mention the matter here, because the whole article is absolutely contrary to fact.

Mr. Maginnity : I can quite recognise the justice of the Chairman's remarks. I may say that I did not see that article until after my arrival in Wellington last night. What the Chairman has stated is exactly the fact. It is a little unfortunate that the men are resident at a distance from the centre of investigation; but that is a difficulty that cannot be overcome. I fully appreciate, sir, the endeavours the Committee have exercised to meet us in every possible way. I should like, while saying this, to state that I am a little anxious to get to the end of the investigation as quickly as possible, because I am most desirous that the Committee should make a report to Parliament before Parliament rises. Another reason is—although it is quite a subordinate matter—that personally I cannot attend in Wellington again after to-day, and these men whose cases you are inquiring into are here and are anxious to get back to their homes. One of them is out of employment at present, but they are both anxious to get back to Nelson, one to carry on his present work and the other to seek employment.

Mr. Graham : If it is any satisfaction to the Committee, sir, I should just like to confirm your statement. The case was first set down for the 14th August, but counsel for the men could not attend, and you agreed, at their request, to adjourn the case for a fortnight. As Mr. Maginnity has said, it is a little awkward coming from a distance. This is the fourth time that he has come from Nelson to attend here, and I am quite sure the Committee will recognise the inconvenience that he and the petitioners have been put to and will accelerate business by every means in their power.

Mr. Maginnity : I am ready, sir, to go on with my cross-examination of Inspector Macdonell, but I understand that Commissioner Tunbridge has yet some few questions to put in order to complete his examination.

The Chairman : That is so.

Examination of Inspector MACDONELL continued. (No. 9.)

1. *Commissioner Tunbridge.*] You said on Friday last, Mr. Macdonell, with reference to the charge against Burrell of going to the station to get tea, that you agreed with the finding, but you thought the decision was a light one?—Yes.

2. Which do you consider would have been more serious—a constable going to the station or going to a publichouse?—I would think it more serious to go to a publichouse.

3. I severely reprimanded and cautioned Burrell on the charge of improperly leaving his beat—that is charge No. 2 against him—the first charge of leaving his beat. On the second such charge I severely reprimanded and cautioned him, and fined him 2s. 6d. Those were my decisions in those two cases?—Yes.

4. They are the decisions which you consider too light?—In all the circumstances, I do consider them light.

5. Well, now, is this [document produced] a decision that you yourself gave in the case of Constable Brown, of Dannevirke, who when on duty went into a publichouse to play billiards [document handed to witness]?—That is so.

6. What was your decision in that case?—He was cautioned to be more careful in future. But I would like to explain the circumstances under which that came about.

7. These speeches, Mr. Chairman, run away with the time. The man was charged with playing billiards in the Junction Hotel at Dannevirke for twenty minutes when doing plain-clothes duty on the night of the 29th July, 1902. For that offence, Mr. Macdonell, you merely cautioned the man to be more careful in future?—That is so, but I wish to explain the circumstances.

8. Of course, the explanation will be an entirely *ex parte* one, because I have not got the reports before me. It was a matter dealt with by the Inspector, Mr. Chairman, and whatever explanation he may make will be incomplete, inasmuch as the papers are not before the Committee.

Witness: I wish to state the circumstances. Every case must be judged on its merits. I hesitated even to inflict the punishment named—I mean, even to record it against him—on account of the circumstances of the case. I believe that it is not an unknown thing at all for men in plain clothes to go and play a game of billiards, even when on duty. In this case the constable was told to look after two suspicious characters who were supposed to be about the place. He went out in plain clothes, went from publichouse to publichouse, and while doing so—acting in the capacity of a detective in plain clothes—played billiards in the billiard-room of one hotel for twenty minutes. Those are the exact circumstances. The act was not done in prohibited hours.

9. *Commissioner Tunbridge*.] Now, do you consider insubordinate conduct or language on the part of a police officer to his superior a serious matter?—It depends on the nature of it.

10. Do you consider insubordinate conduct or language on the part of a subordinate officer to his superior a serious matter, or do you not?—I do, if it is of a serious nature. You know that the distinction between insubordination and otherwise is very fine in some cases.

11. Did you not in a Greymouth case when a constable came before you for insubordinate language towards his sergeant simply reprimand him?—That is so—simply because I considered the sergeant provoked the constable.

12. Then, why did you punish the constable at all if the sergeant was to blame?—I considered that the sergeant was to blame in the first instance, but the constable was not justified in what he said.

13. At any rate, you merely reprimanded the constable?—Yes.

14. How long have you been in charge of a district?—It will be three years in February next.

15. Are the two cases that I have mentioned the only two instances in which you have imposed punishment at all of any description since you have been in charge of a police district?—Very likely they are; I am not certain just now.

16. Well, you will not deny it?—No.

17. In one of those two cases you reprimanded a constable for insubordinate language towards his sergeant, and in the other you cautioned a constable for being inside an hotel and playing billiards for twenty minutes while on duty?—He was not exactly inside the publichouse.

18. Is not that the report?—Excuse me. The billiard-room is away from the publichouse altogether.

19. It is on licensed premises, is it not?—Yes, on the premises.

20. *The Chairman*.] That is splitting straws?—There was no drink in the billiard-room.

21. *Hon. Mr. Hall-Jones*.] The man was on detective-work?—Yes, at the time. I have often known detectives to play billiards.

22. *Mr. Hardy*.] Are they allowed to play billiards under the Police Regulations?—It depends on their duty. They may be watching suspicious characters in the place.

23. *Commissioner Tunbridge*.] If the man was on duty in the hotel playing billiards, why did you punish him at all?—I say that he was not justified in playing billiards at all, but I say that I believe it is a common thing for the detectives to do. The police officer who does not know that detectives often play billiards when on duty does not know much about the Police Force of New Zealand, in my opinion.

Commissioner Tunbridge: Mr. Chairman, I object to these statements of the Inspector appearing on the minutes of evidence. These minutes have to be printed, and I think these “asides” are altogether out of place. I submit that that last statement of the Inspector’s is altogether irrelevant, and I must ask that it be expunged from the minutes.

The Chairman: I will ask the witness to refrain from “asides,” because it is only prolonging the investigation. It does no good, and is only wasting time.

Witness: But the Commissioner puts it as if detectives playing billiards while on duty was a most unusual thing.

The Chairman: Will the Inspector allow me to finish speaking? I, as Chairman, must protest against it. We want to get this investigation finished at some time. I am perfectly certain that the Inspector, if he was examining a witness in Court, would not allow him to make any “asides,” but would say at once, “Confine yourself to answering questions.” Surely the Inspector can answer the questions put to him without making a speech on each one.

Witness: That depends on their nature, sir.

24. *The Chairman*.] I say that such a thing would not be tolerated in any inquiry. You would not allow a man to make “asides” in an inquiry that came before you?—That is not my experience.

The Chairman: It seems that it is simply keeping us here for “asides.”

Hon. Mr. Hall-Jones: I would suggest that it would have saved time if, in putting that question about the man playing billiards, the Commissioner had told the Committee that the man was acting as a detective at the time. That would have placed an entirely different complexion on the statement.

Commissioner Tunbridge: I can see from the way in which it has commenced that my cross-examination is likely to take up a good part of the morning. I think it would be as well if I reserved the remainder of my cross-examination and allowed Mr. Maginnity to go on with his. I understand that he is not able to come back again. Perhaps the Committee would permit of that course being taken. I am in Wellington at any time, and it is no inconvenience to me to come here.

The Chairman nodded assent.

25. *Mr. Hardy.*] Before we go away from that point I would like to ask the Inspector if it is according to the Police Regulations that a detective is allowed to play billiards when on duty in plain clothes?—I do not know that there is anything in the regulations in reference to it.

26. Why was the man fined for doing a thing which is not contrary to the regulations?—He was cautioned, not fined. He was wasting his time. That is the main consideration that influenced me.

27. Then, he was not engaged in the prosecution of his duty when he was wasting time?—I should think he was not. No doubt he went to the hotel for that purpose—to look out for the suspicious characters—for he went to every hotel in the place. But he wasted his time.

28. *Mr. Maginnity.*] Pursue that a little further, Inspector, will you? Then, the man was guilty of a dereliction of duty?—Yes, I considered so.

29. For which you thought a caution was sufficient?—Yes.

30. I want to traverse the evidence you gave when you were examined by the various members of the Committee, and also upon your cross-examination by the Commissioner. First, will you tell the Committee, please, upon what ground you referred to the Postboy Hotel as a house bearing a bad reputation?—I have answered that already, I think.

31. I want you to answer it again, please. The statement is on page 16 of the printed matter. It is at the end of Remnant's evidence, and would appear to be Remnant's statement to the Inspector, but a reference to the original file of papers laid before Parliament will show that that is the Inspector's note appended in parentheses—i.e., "This house bears a bad reputation." In the printed matter it would appear to be a statement of Remnant's, but that is a mistake. Remnant's statement apparently stops at the word "often." Now, I am asking the Inspector upon what authority he makes that statement in an official report to the Commissioner?—I have answered that before.

32. Will you kindly tell us? The Committee will stop me if I ask an improper question. Please answer on until I am stopped by the Committee. Am I right, Mr. Chairman?

The Chairman: Yes.

33. *Mr. Maginnity.*] Now, if you will answer the question we will save time?—Simply because I was told it was so.

34. I am asking you upon what authority did you make that statement?—Simply because I was told so.

35. That is not an answer to the question. It is no use fencing. Who was your authority—who told you?—Different people.

36. Give us their names?—Am I bound to do that, Mr. Chairman?

The Chairman: Of course, we cannot force any witness to answer.

Witness: I may say that I regret very much having to mention Mr. Bannehr's name, because his partner took a very active part, it appears, in the agitation. I am very sorry that I had to do that.

37. *Mr. Maginnity.*] You need not regret anything if what you stated was true?—It was true.

38. Well, then, you had nothing to regret. Mr. Bannehr's partner is not accountable for the wickedness of Mr. Bannehr, or for his virtue?—I did not say so.

39. If what you stated was untrue the Chairman will permit you to withdraw it?—I got the information from Mr. Bannehr on the understanding that it was private.

40. You have already given Mr. Bannehr's name; I have not mentioned it. Was Mr. Bannehr one of those who told you that about the Postboy Hotel?—No.

41. Who told you that the Postboy Hotel was a house of bad reputation?—Different people.

42. Now give us their names?—I must decline to do that unless the Committee insist on it. I do not know what bearing it has on the case.

Mr. Maginnity: It is impossible for me, Mr. Chairman, to meet a charge if I do not know what I have to meet. The Chairman has already said that he will stop me if I ask an improper question.

Hon. Mr. Hall-Jones: The point, I take it, is this: the police often have difficulty in getting information; they have to get it from all sources, and it is got by them from people who perhaps do not wish their names published broadcast throughout the colony.

Mr. Maginnity: The character of the house, sir, and of people frequenting it is involved in this statement, which has been made public. It is here in the printed papers.

Witness: That is not through me.

43. *Mr. Maginnity.*] Excuse me. It was you who said that the house bears a bad reputation. I did not say so. I want you to tell the Committee upon what grounds you made the statement. You say that it is not relevant; but I would point out that if your information upon this point was improperly gained or is untrue your information on the charges against the constables will be equally untrue, and I want the Committee to weigh the value of your evidence in regard to this matter in comparison with your evidence with regard to the charges against the constables. Now, will you tell us your authority for stating that "this house bears a bad reputation"?—I must decline, unless the Committee insist on it.

44. I will suggest names to you. Did you get any information about the character of the Postboy Hotel from Constable Williams?—I must refuse to answer that unless the Committee insist upon it.

The Chairman: The witness has already been told that the evidence must be given. As I say, of course we cannot force him to, but we will know how to deal with him later on.

Witness: All right, then. I did get information from Constable Williams about the character of the house.

45. *Mr. Maginnity.*] Did you get information from Constable Bird about the conduct of this house?—I think so, but I am not positive.

46. You are not positive. Did you get any information about the house from any person besides these two constables?—I did.

47. How many other people?—I remember two.

48. Tell us who those two were?—They are not members of the Force.

Mr. Maginnity: The Committee ought to know who they were, because those informants may be informants in connection with some other charges, and I may possibly have to represent to the Committee the character of those informants. Therefore it is only fair that the Inspector should tell the Committee who those other two were.

Some discussion took place at this stage as to whether the source of police information should be disclosed. Commissioner Tunbridge stated, in reply to a question, that he thought the names should be given to the Committee in this case, and eventually it was decided that the names should be disclosed, the question of whether they should be printed in the evidence to be determined by the Committee later on.

49. *Mr. Maginnity.*] Now, Inspector, will you please tell the Committee the names of the other two persons who gave you information about the Postboy Hotel?—Remnant was one.

50. Who was the other?—The other was a lady. I am very loth to mention her name.

51. We must have it: who was the lady?—Am I compelled to answer that, Mr. Chairman?

The Chairman: It has already been decided that you must.

Witness: Very well, then. Mrs. Trask was the lady.

52. *Mr. Maginnity.*] Did you get an official report from Constables Williams and Bird about the hotel? Did you ask them for an official report in writing?—No.

53. You just acted upon the verbal statements made by them and by this lady?—I did not act at all. I simply mentioned the fact in my report.

54. That the house bore a bad reputation?—Yes.

55. Do you remember how often these constables remarked to you that the Postboy Hotel was a house of bad reputation?—No.

56. Did they more than once?—They may have, but I could not say.

57. Did you seek out Mrs. Trask to get information in regard to the conduct of this house?—No.

58. Where were you, then, when you got the information from Mrs. Trask, because she is not in the habit of visiting the hotel?—I was at her house.

59. Her statement, then, could only have been on hearsay, could it not?—I should think so. But before going further I would like to explain why I went to her house.

60. We do not want any explanation?—I shall give it in some shape or form.

61. Later on, probably, the Chairman may ask you for an explanation of something. At present we are not asking for an explanation. You have given your answer, and you say that Mrs. Trask's knowledge must of necessity, in your opinion, have been on hearsay?—I said that probably it would be. I know nothing to the contrary.

62. You considered, then, that the statements made by this lady and these two constables were sufficient for you to put in an official report "This house bears a bad reputation"?—Yes; for the purpose of further investigation. I mentioned it in the report to my superior so that further investigation should take place.

63. If that was your object, why did you not make the further investigation—you were there on the spot?—I have explained that in reply to the Commissioner already, that from my experience in Nelson on a former occasion I did not think it desirable to go fully into the matter. Besides, the Commissioner was—

64. Because of your experience in a former matter?—Yes.

65. Was that a matter connected with the Postboy Hotel?—No.

66. What was that matter connected with on account of which you deemed it your duty not to make further investigation yourself while you were on the spot? Let me put this to you: Would it not have been simpler for you there, with these constables at your elbow, and you almost next door to the Postboy Hotel, to have made an inquiry yourself as to whether this statement was true or false instead of sending an official report to the Commissioner?—I do not think so, because I was not inquiring into the conduct of the Postboy Hotel. It is only mentioned in connection with the other cases. I mentioned it verbally to the Commissioner when he arrived in Nelson to investigate—when the investigation was proceeding.

67. When and where did you first hear of the unsatisfactory condition of the Police Force in Nelson?—I stated before that I got one or two anonymous letters.

68. Tell us, first of all, where—we will divide the question—you first got information?—In Greymouth.

69. Do you remember when?—No.

70. Who from?—I said it was an anonymous letter.

71. I am not going to deal with anonymous letters at all. Did you get any information about the condition of the Police Force in Nelson from any person in Greymouth?—At any time?

72. Prior to your going to Nelson at Jubilee time did you get any information at Greymouth, and, if so, from whom?—No.

73. Not before you came up at Jubilee time?—No, excepting the anonymous letters.

74. You are quite sure that you got no information from anybody in Greymouth before you went to Nelson in reference to the Police Force?—Do you mean the year before?

75. No; you know exactly what I mean. You told the Committee that you yourself came up to Nelson at Jubilee time?—Yes.

76. And it was then that you heard of the unsatisfactory character of the Police Force in Nelson?—That is true.

77. Now I am asking you to exert your memory a little further and tell the Committee if you had heard of anything while you were in Greymouth from any person before you came up at Jubilee time?—No.

78. You did not?—No.

79. But you say you had received some information by means of an anonymous letter?—Yes; there were one or two. I think I got two, one after the other, if I remember correctly.

80. Did you show those anonymous communications to the sergeant in charge at Nelson?—I think I sent him the first one—I am pretty well sure I did.

81. You referred it to him for report?—For inquiry and report; that is true.

82. Did he report?—He did not.

83. Have you got any official record of your referring that particular letter to the sergeant in charge?—I think it should be with the rest of the papers.

Commissioner Tunbridge: It appears in the papers.

84. *Mr. Maginnity*.] Very well. Now, Inspector, one of the charges inquired into by the Commissioner against Burrell and Durbridge was that they took two girls into the station late at night and gave them some refreshment?—Yes.

85. Having heard the statements made before the Committee and the evidence that was given before the Commissioner, and being aware of the Commissioner's finding, added to the fact that one of those young ladies was at the time engaged to be married to one of the constables, do you still view that as an offence of a serious character?—I do.

86. Notwithstanding that the constable was taking his intended bride into his own home, that the doors were wide open, that the gas was alight, and that the window-blinds were up and were not drawn—I believe that came out in evidence in Nelson, did it not?—I think the lower portions of the windows are frosted. I think so.

87. At any rate, having heard all that you have heard, including the Commissioner's finding, would you still tell the Committee that it was an offence of a serious character?—Certainly. I would say, in my opinion, the fact of taking them there after midnight was serious.

88. Having heard the evidence, and been told of the circumstances under which these girls were taken there, would you not say that the Commissioner's finding was a reasonable one?—Under all the circumstances I would not, but it is not for me to judge the Commissioner.

89. It is for you to give your evidence and answer questions. You say that you would not?—That is so.

90. Now, supposing you had dealt with the matter, what would you have done?—As I said before, I would consider it very carefully.

91. Would you rather not say what you would have done?—I have not made up my mind. I would consider it very carefully.

92. Do you mean to say that the Commissioner did not consider it very carefully?—I do not.

93. Well, supposing we assume for the moment that he did consider it very carefully: from the evidence he had at his command would you not say that his finding was a reasonable one?—No, I would not.

94. You would have gone further?—Of course, different people look at things in a different manner.

95. Although you would merely caution a constable who while on duty went into a billiard-room and played billiards, being guilty of a direct breach of the Police Regulations without any excuse, still you would say that the Commissioner's finding in this case was not reasonable: is that what we are to understand?—I would consider that the one was far more serious than the other.

96. Although the constable was taking his intended bride into his own house—in company with a relation, by the way—to have some refreshment. Did you make any inquiry at all as to the length of time these people were in the station?—No, I did not, because I thought further investigation would take place.

97. With regard to Burrell going off duty, did you not know that for some years past the constables on night duty had been in the habit of going to the station to get some cocoa or coffee?—No, I was not aware of it.

98. Now, having been made aware of the practice that has obtained, and having heard the evidence and the explanation of the constable, would you say that the finding of the Commissioner in that case was not a reasonable one?—According to my view it was not.

99. Then, we are to conclude, I suppose, that the Commissioner must be an unreasonable man: is that your experience of him?—No, I do not say that. You can conclude anything you like.

100. With regard to the charge against Durbridge of going to an hotel after hours, you heard the circumstances of his doing so: you heard that he had been at a football match; that he had been at a football social; that he had gone out with one of the players in company with five or six others to see this player off on his road to the cable-station; that he returned, and that there was a question between them as to whether it was 11 o'clock at night or not; that there was a light seen in the hotel; that they went to the hotel and asked for liquor; that they got a drink; and that Durbridge left another companion at Vause's hotel a few moments after 11 o'clock and presumably went home. Having heard all that, would you still say that the Commissioner's finding in regard to Durbridge was not a reasonable one?—I heard more than you have stated. I heard that there was no light to be seen as well as that there was.

101. That was in your statement?—I think the witnesses gave evidence as to that, if I remember correctly.

102. Having heard all the evidence that was given, and Durbridge's explanation, would you still say that the Commissioner's finding was not reasonable?—I do not say that it was unreasonable, but I think it was a very lenient one.

103. What makes you think it lenient? You told us, I think, in the course of your examination by the Committee that you have known a man dismissed for less than that?—Yes.

104. Where—in the New Zealand Force?—Yes.

105. Will you tell the Committee who was the man?—A man named Cosgrove.

106. Where was it?—At Dunedin.

107. What was he charged with?—Going into an hotel and having a drink while on duty before closing-hours.

108. There was a distinct breach of the Police Regulations?—Yes. This was not after hours. It was not a breach of the law that he was sworn to carry out and observe; the other was.

109. The man whom you refer to was dismissed for going into an hotel and drinking while on duty?—Having one drink.

110. I do not care if he had fifty, or if he had had only one lemonade. He went in while on duty. Was he in uniform?—He was.

111. Here in the case before us was a man who had been playing football returning after seeing some of his companions out on the Wakapuaka Road?—Yes, so they said.

112. Is the case that you have mentioned the only one where you know of a constable being dismissed the service?—I do not say that; but I remember that case, and I think the man was very properly dismissed.

113. Have you known of any constable being dismissed who when he was not on duty has gone into a publichouse either before or after closing-hours?—Yes.

114. Who?—Constable Howard.

115. Where?—In Invercargill; by the present Commissioner.

116. What was he charged with?—Getting the worse for drink after being on duty at night.

117. That was for drunkenness?—It was not for drunkenness, as far as I know, but because he would not tell where he got the drink.

118. Did he go into an hotel while he was drunk?—We could not say that for certain.

119. At any rate, what was he charged with? Do you not know that?—For being drunk, I think, or under the influence of drink.

120. Durbridge was not charged with being drunk?—No. I do not wish it to be understood that Howard was finally dismissed. He gave the name of the man afterwards from whom he got the drink and was reinstated.

Commissioner Tunbridge: I do not like to interpose, but I think a matter of that kind requires a little explanation. I think it is not only a reflection on myself, but also on the ex-constable. The circumstances were these—if I am wrong the Inspector will correct me: This constable returned to the police-station from on duty; he was on duty at the time, and returned drunk. He was reported for that offence, which took place at about 2 o'clock in the morning. The matter came before me, and I referred it back to the Inspector to ascertain whether the man had got drunk on licensed premises and thereby been a party to a breach of the law, or whether he had got drunk on private premises, for I considered the one would have been a very much more serious matter than the other. The constable declined to give the information. I said that under the circumstances there was no alternative but to call on him to resign, and I did so. The constable then gave the information that he had got the drink on private premises, and therefore had not been a party to any breach of the law. On those conditions the man was fined heavily and reinstated in the Force. He is now enjoying a pension for life.

Witness: That is so, but you are slightly incorrect in reference to the third part.

121. *Mr. Maginnity*.] That shows that it is not an analogous case to Durbridge's?—Just one moment. The man was sent on special duty in plain clothes till 11 o'clock. He remained there till 12, and then went off duty, and we did not see him again until he failed to turn up in the morning. I sent the sergeant to see what was the matter, and that led us to believe that he was drunk.

122. *Commissioner Tunbridge*.] His face being disfigured and his clothes muddy?—Yes.

123. *Hon. Mr. Hall-Jones*.] Was he in plain clothes?—Yes; on duty in plain clothes. He was on duty till 12, though he was told to remain till 11 only. I think it was at 4 o'clock in the morning that he turned up. He went home; no one saw him at the station.

124. *Mr. Maginnity*.] There was no hint of drunkenness against Durbridge, was there?—No.

125. It came out in evidence that he had been to a football social, and he and some others were seeing a young fellow off to the cable-station?—That was stated.

126. Do you remember what the evidence of Mr. Woodward, the licensee, was? It is given on page 50 of the printed papers. He said, "About 11.10 or 11.15 p.m. I heard some persons come round the corner"?—Yes.

127. Well, now, you remember there was a statement made to the Commissioner at the inquiry that there was a question among them whether it was 11 o'clock or past 11?—Yes, I heard that.

128. Well, it was not very much past 11 in any case, was it? You remember what Vause's evidence was on the same matter?—Well, they did not say exactly what they told me before as to the time.

129. This is what Mr. Vause says—it is given on page 52: "I remember being called to the door one night at 11.20 p.m. by a Mr. Coot, who was lodging at my house. On arriving at the door I saw Mr. Coot, Constable Durbridge, and another young man named Pratt outside. I admitted Mr. Coot, and the others left after bidding Coot and myself good-night." Now, they had to go from the Bush Tavern up to Vause's, and it was then only twenty minutes past 11?—They said so.

130. At the outside it could not have been much past ten minutes past 11 when the constable went in. You know the position of the Bush Tavern, do you not?—From the information I got it was later, in my opinion.

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.

167. I must call upon the Commissioner to favour me with a copy of a circular sent to all police Inspectors in regard to this very matter?—I think I know the circular you refer to, but it does not apply to cases of this description. If such was the case, I say it would destroy the whole Police Force of New Zealand pretty well.

Commissioner Tunbridge: I will see if I can find it among these papers.

168. *Mr. Maginnity*.] Very well, we can get it later on. You say, Inspector, that you do not know of any departmental instruction directing you to submit complaints of that nature to the men for explanation before sending them on?—That is so. I know of a regulation that was issued in consequence of Inspectors sending confidential reports to the Commissioner many years ago unknown to the men accused and intended to be acted on without making them known to the police at all.

Commissioner Tunbridge here produced the circular referred to.

169. *Mr. Maginnity*.] This circular is dated the 28th March, 1892, and reads as follows: "As some misconception appears to exist in reference to confidential reports against non-commissioned officers or constables, the Hon. the Defence Minister has been pleased to direct that in future no confidential report is to be forwarded to this office containing charges against any member of the Force without such member having been made aware of such report, which is to be perused by him, and every facility given for a reply; he will after perusal mark it as noted and initialled. In all cases the non-commissioned officer or constable whose conduct is called in question shall upon application to the Inspector have a right to a copy of any such report against him, and shall be entitled to reply to it, which reply will be forwarded to this office." Do you say that those reports which you sent on to the Commissioner do not come within the category referred to?—Certainly I say they do not—undoubtedly, because they were sent there for further investigation. It would be an outrageous thing if while the charges were being investigated they were to be made known to the accused parties.

170. I must invite the attention of the Committee to the circular. [Circular handed in.] The Committee will draw their own inferences. The Inspector did not refer these matters to the constables?—Certainly not. It would defeat the ends of justice in nearly every case.

171. Why would it not defeat the ends of justice if you did not carry out the conditions?—But they would be carried out ultimately. The charges would be ultimately formulated and sent to the men.

172. Is it not ordinary fair play to let a man know what he is charged with?—Not immediately.

173. It is not ordinary fair play to let a man know what he is charged with immediately?—No, certainly not.

174. Now, in your evidence you stated, in regard to the girl in connection with whom Durbridge was charged with immoral conduct, that you would not believe her word: do you remember stating that?—You mean the evidence she gave here?

175. Yes?—I did say so, under the circumstances.

176. Have you any reason for saying that her word is not entitled to credence?—I have given my reason.

177. Give it again, please?—Just on account of the information given to me at the time.

178. By her?—No; I have never seen her.

179. On account of information given to you at the time?—And the manner in which it was given—the unwillingness of the party—the dread that Durbridge would come to hear of it.

180. How did you know of the dread?—I knew from what the woman told me, and that he had been there to inquire quietly if I had been there before I left the place.

181. Then, you would prefer to accept these gratuitous statements made to you without any sense of responsibility to the statement made to this Committee by the girl under the solemnity of a direction from the Chairman of this Committee that her evidence was given under circumstances equal to being given in a Court of law under oath?—I do not think you have a right to put in the word "gratuitous."

182. Very well, then; if it was not gratuitous you sought for it. I will say, instead of "gratuitous" information, "sought for by you from irresponsible persons who were not under the responsibility of an oath or under circumstances equal to being on oath." You prefer to take those statements to what I call the sworn testimony of the girl before this Committee?—Undoubtedly. That she denied the thing here would not convince me in the slightest. I have seen too much of that sort of thing.

183. Do you mean with this girl?—No.

184. Notwithstanding the statement made by the girl here under the solemnity of an oath you still prefer to accept the statements made to you in Nelson?—I said so.

185. She was not present when these statements were made?—No.

186. Durbridge was not present when these statements were made?—No.

187. With regard to the two girls whom Durbridge and Burrell took to the station, did you know that they were related to each other?—No.

188. You will not dispute it if I tell you now that they are cousins?—I will not dispute it at all. I cannot.

189. You said in one of your reports that these girls did not bear the best of characters?—I said something to that effect.

190. I can get the exact words. This is what you said: "*Re* Constables Burrell and Durbridge having two young women (and not of the best repute) in the station at midnight." That is on page 44 of H.—16B, 1902. Can you tell us, Inspector, upon what grounds you made that statement?—I have stated that already in answer to the Commissioner.

191. I want to get it in your evidence at this point. Upon what grounds did you state that these girls were not of the best repute?—Because I was told so.

192. Who told you?—I think I declined to answer that before.

193. You have already got the ruling of the Chairman on the matter?—Not on this matter.

Mr. Maginnity: You see, Mr. Chairman, the difference is most important—whether the constable took a girl of virtuous and moral character into the station or a girl of bad repute. I am asking the witness to state upon what grounds he said that these girls were not of the best repute.

Witness: I told you I was so informed.

194. *Mr. Maginnity*: And I have asked you who informed you?—Different people.

195. Then, tell us who they were.—If the Chairman rules that I must, I must, and that is all about it.

Mr. Maginnity: You have already ruled, I understand, Mr. Chairman?

The Chairman: Yes. It seems to me I must be continually ruling on the same question.

Witness: The constables told me.

196. *Mr. Maginnity*: Which?—Constable Williams.

197. Who else?—I think Constable Bird said something, but I would not be sure.

198. Who else?—I think Mr. Trask said something.

199. Are you sure?—Well, I am pretty well sure. I know some people did.

200. *Mr. Colvin*.] There are two Trasks. Was it Mr. Trask, sen., or Mr. Trask, jun.?—Mr. Trask, sen.

201. *Mr. Maginnity*.] Who else told you?—I think, but I would not be positive, that the man who keeps the livery-stable in Nelson said something to me to that effect.

202. I want the names?—I do not remember his name.

203. You say that he did tell you?—I said that is my impression. I cannot go further than that if you keep at it till night.

204. Impressions will not do, I am afraid. The Committee must have it positively. Either he did or he did not tell you?—Then, it will be an impossibility to say for certain.

205. You might be under the impression that any member of the Committee said so, but there would be no ground for it?—I am not under such an impression at all.

206. Who was the livery-stable keeper?—I forget his name. He is in the same street as the Masonic Hotel.

207. You do not mean Mr. Canning, do you?—Yes, I think so.

208. You also think that Mr. Canning told you?—I think so.

209. Was it him or one of his grooms? Do you know him by sight?—Yes, I do.

210. How did Mr. Canning come to tell you? Did you ask him if he knew the girls?—Mr. Canning told me a good deal of what was going.

211. Did you ask him if he knew the girls?—No.

212. He gave you this information?—In my opinion, he did. I think he remarked that girls of not very good character visited the station, or something like that.

213. How did he come to open up this conversation with you?—He was talking about the state of the Nelson police, like a good many more.

214. Who else told you, then, now that you have got on to that?—A good many people in Nelson. I cannot give you the names just now.

215. Then, we may assume he (Mr. Trask) and the two constables told you that these girls were not of the best repute?—Do not assume anything. Just put it as I said it.

216. These are your own words: "*Re* Constables Burrell and Durbridge having two young women (and not of the best repute) in the station at midnight." Those whom you have mentioned are the only ones who told you that these girls are not of the best repute?—I did not say so at all. Others may have told me.

217. But, then, other people may have, and other people may not have. I want you to give the Committee information that is within your knowledge?—I cannot go further than that, because a great many people spoke to me.

218. You know as well as I do that a person may have told you something: I am asking you who did tell you?—I have told you. A great number of people spoke to me about the police in Nelson.

219. Did they speak to you about the girls?—They may have or may not.

220. Did they or did they not, to your knowledge?—I do not remember, but they may have.

221. Then, we can conclude that all those whom you can state as a fact that you heard from as to the character of these girls are the two constables, Williams and Bird, Mr. Trask, and Mr. Canning, the livery-stable keeper?—I am not sure about Mr. Canning, mind you, but that is my impression.

222. You thought that that was sufficient to warrant you in saying in a report that these girls were not of the best repute?—I consider that I am warranted in saying to my superior officer anything whatever that I have reason to believe there is something in—any information whatever that might be of use.

223. Although it goes really to the only possession a girl has got—her moral character?—I cannot help that. That is perfectly true, but it is not supposed to be public property.

224. Let the Committee understand exactly what you would do, because they have to weigh fully all your recommendations in these matters. You would upon evidence such as that take upon yourself to deprive a girl of her good character in an official report?—I do not say anything of the kind. I say that any information in my possession of the most delicate description I have always during all these years sent to my superior officer.

225. But you have not stated that this is upon information that you have obtained?—Surely it is not necessary.

226. You give it as your own *ipse dixit*. “*Re* Constables Burrell and Durbridge having two young women (and not of the best repute) in the station at midnight”: is not that your statement?—Yes.

227. You would tell the Committee that that would not injure those girls’ characters?—No, I did not think it would unless it were made public. I would like to add to that, that cases of suspicion of murder, even when we have no evidence, we report to the Commissioner, and the constables also report to the sergeant.

228. You said, in answer to Mr. Lawry on your first examination, that you knew there had been a great deal of perjury in Nelson: do you remember saying that?—Perjury!

229. That was your statement?—I do not think so.

230. I have a shorthand note to that effect?—Then, I am sorry for your shorthand-note-taking.

231. “I know there has been a great deal of perjury”: you said that in answer to Mr. Lawry?—In connection with what?

232. In connection with statements made to you in Nelson?—I would like to see what was said just before that.

233. It was in connection with the statements made to you in regard to Miss —— that Mr. Lawry was examining you upon at the time. Who perjured themselves?—I did not say so in regard to Nelson. I said, and say still, that there was a great deal of perjury going on, especially in connection with abortion cases.

234. You said, “There has been a great deal of perjury”: do you deny that you said so?—I do not admit that I said so. If I did it was under a misapprehension.

235. Then, if you did say that there was any perjury in connection with this matter of Miss ——’s you would say that you made it under a misapprehension?—I could not say such a thing in connection with Miss ——’s affair. I did not say that.

236. I suppose you yourself have no reason of your own knowledge for doubting the veracity of Miss —— in this matter?—Well, I have stated my reason.

237. I mean from any personal knowledge of Miss —— or her connections you have no reason to doubt any statement she may have made here to the Committee?—I have not seen her, and do not know her.

238. You do not know of any reason why you should urge this Committee not to believe her statement?—I do not urge them not to.

239. But you do not know of any reason why you should, supposing you wished to?—I have stated already my reason for doubting the correctness of the statements she is alleged to have made here.

240. Not in her presence, nor in the presence of Durbridge?—I said made here already.

241. You would doubt those statements?—I do.

242. Can you give this Committee any good reason for concluding that they should not rely upon the statements made to them by Miss ——?—I do not wish to say that to the Committee at all.

243. Supposing you did, do you know of any reason that you could give the Committee for saying that they should not accept them?—I have given my reason already.

244. Well, then, give it again?—I am not going to give any reason to the Committee. I simply said that in my opinion——

245. I am asking you have you got any reason that you could give this Committee for saying that they should not accept the testimony of Miss ——?—I do not wish to say such a thing. I do not wish to suggest to the Committee that they should believe or not believe, but I gave my reason for doubting the statement she made here.

246. Then give it again, please, to save time?—My reason is this: I got the statement about Miss —— unwillingly from a lady to whom she made it.

247. You mean to whom the lady said she made it?—Yes, and corroborated by other women.

248. Will you give the Committee the names of those persons who told you that Miss —— had given them information?—I will if the Committee wish it.

249. *The Chairman.*] I wish the witness would answer the question?—I will. Her late mistress was one of the women who told me.

250. What was her name?—She was the woman at the hotel—Mrs. ——, I think, was her name.

251. Who else?—That butcher’s wife who lives on the other side of the street.

252. Which street?—Just opposite the hotel.

253. Were they in company with Mrs. —— when she made this statement?—No. And I placed all the more reliance on it on that account.

254. Who was the woman, then?—A butcher’s wife.

255. Mrs. ——?—Yes.

256. She is Mrs. ——’s daughter?—I think so, or daughter-in-law, or something like that. I think I gave it all to the Commissioner.

257. You have stated already that Miss —— was not there when they made these statements. Who was present when Mrs. —— made the statement?—No one but me.

258. Who was present when Mrs. —— (the other woman) made the statement?—Only herself at first, I think, and her husband came in afterwards.

259. Did not the husband find fault with you for going there to make inquiries from his wife without his being present?—He said something to that effect.

260. Which was the woman you referred to in one of your reports as an untruthful old woman?—I think I gave her name. I do not remember it now, but I can tell you who she was. You will know her; if not, Mr. Graham will tell you.

261. *Mr. Graham.*] How do you know that?—Because I have reason to believe you made a complaint against me in connection with it.

262. I have made no complaint against you?—I can tell who the woman is, but I do not know her name.

263. *Mr. Maginnity.*] Did you make any inquiry into the general character of Stapp, Blincoe, Remnant, or Reed?—Yes; into the character of Stapp and Blincoe.

264. What was the result?—They were said to be decent fellows.

265. From whom did you inquire: do you remember?—I think I inquired from Mr. Bannehr, who gave me their names. I refer to Blincoe and Stapp.

266. What was the result of the inquiry?—That they were supposed to be decent fellows. I did not know where to find them, but I found the father of one of them in the post-office in Nelson, who told me where his son was, and I went there. I went direct from him to the other man before they could communicate, so as to satisfy myself whether there was truth in what they said or not.

267. Did you find out anything about Remnant and Reed?—Reed is the man at The Port.

268. What did you find out about him?—That he was up for using obscene language.

269. Then, he did not bear a very good character?—I believe he is given to drink.

270. And you know that he was had up for using obscene language?—I think that was by the constable at The Port—not one of these constables.

271. Did you make any inquiry about Remnant?—No, not any particular inquiry, except what was stated at the Commissioner's inquiry.

272. But you heard?—Yes; I had some inquiry made of his employers, and they gave him a fair character.

273. He was with Neil and Hannow?—Yes, I think so. I did not see them personally.

274. Who saw them?—I forget which of the constables it was.

275. Either Constable Bird or Constable Williams?—I am not sure.

276. You got it through one of the constables?—That is my impression.

277. Would it be either Constable Bird or Constable Williams?—Yes, if any.

278. How many people did you interview in Nelson, Inspector, with regard to the general conduct of the police there?—A good many in reference to the allegations made. I was hearing fresh complaints there day after day.

279. Are they all embraced in those that you sent on to the Commissioner?—Well, mention is made of all, except one.

280. Those are the eight complaints; the other one we cannot deal with, because it is not on the record?—I mentioned some other man at The Port who was alleged to have been assaulted, but whom I could not see, and a man named Atmore. I went twice to his father's office, but could not see him. The names of these two are mentioned in the report.

281. But you did not see them?—No.

282. *Hon. Mr. Hall-Jones.*] You mean that they were assaulted by these constables?—They were said to have been. Atmore was one; I forget the name of the other, but it is mentioned in the report. I also say there that I did not see them. I may say that I also made a little inquiry into an assault said to have been made by Burrell on two or three young fellows.

283. *Mr. Maginnity.*] Is that in these papers?—I think it should be referred to in this way: that I was given to understand that an attempt was made to tamper with a witness.

284. Is it in connection with one of these charges?—No.

Mr. Maginnity: Then, I submit, Mr. Chairman, that that should not appear in the evidence.

Witness: Wilson is another man who alleged that an attempt was made to get him to tell an untruth in connection with an assault that took place there.

285. *Mr. Maginnity.*] I think you said that you did not see Atmore?—That is so.

286. Atmore was one. Who else did you go to?—I do not remember the other man's name, but it will be in the papers.

287. That was two. Who else?—A young fellow named Coles. There is no report about that.

288. But there was as to the general conduct of the police?—It is wrong saying that I went to him. He and his brother came to me.

289. Did you inquire into their characters?—Not farther than what they told me themselves. I asked the young fellow whether he had been in trouble or not and he told me frankly that he had been.

290. Did he tell you how often?—Twice, I think. That is my impression.

291. Did he tell you how often his brother was in trouble?—No.

292. Did you say his brother was present?—Yes; when he was talking to me. I was not inquiring about the brother.

293. Did you go to the police office and look up the records in regard to the Coleses?—No.

294. Would you be surprised if I told you they were two of the biggest nuisances to the Police Force of Nelson, and have been so for the last six or seven years? Did you not hear so?—No, I did not until you said so just now.

295. Who beside the Coleses did you go to?—A number of people. I cannot give their names from memory—people whom I never saw before.

296. You cannot tell us who they were?—No.

297. Did you go to any of these people: George M. Rout, a Justice of the Peace?—No, I did not.

298. Mr. Austin H. Bisley, of Bisley Bros. and Co.?—No.

299. Mr. William Rout, jun., of W. Rout and Sons?—No.

300. Mr. Henry Cock?—No.

301. Mr. Albert Pitt, solicitor?—No.

302. I am taking out any of these well-known men. Mr. Alfred G. Betts?—No.

303. Did you go to Mr. Finney, of the *Colonist* office, partner to Mr. Bannehr?—No; I went to Mr. Bond, because I at first thought that it was his son that had been assaulted.

304. I am not quite sure whether Mr. Bond's name is here. What did you get from Mr. Bond—I know that his name does not figure in the police annals?—He said it was not his son at all that had been assaulted.

305. You only went to him about young Bannehr?—That was all.

306. You did not question him as to the general conduct of the police in Nelson?—I do not think so.

307. Now, Mr. Bolton, seedsman: did you ask him?—No. I am not silly enough to do that sort of thing—go about the street asking people. I simply went to people whom I had reason to believe knew something about the police.

308. And so you went to the Coleses, or allowed them to come to you?—Allowed them to come to me! Is that a nice way of putting it?

309. Put it as you like?—They came to me.

310. And you allowed them to speak to you about the police?—Undoubtedly. They spoke to me about them. And I did not hit them in the eye for doing so.

311. Have you seen this list of names that appears in this pamphlet that I have here?—I have seen the pamphlet, but I did not read the list; it was too long.

312. Did you ask any single man whose name appears in that pamphlet as to the general conduct of the Police Force of Nelson?—No, I did not; and I did not ask people who perhaps knew nothing at all about it. I only went to those who I thought knew something.

313. Who else did you go to besides Coles and Atmore—who else did you tell us?—I told you that I cannot remember their names. I went to see the son of a man whose name I saw there—a very respectable man, I am told—but the son was away in Motueka.

314. Brown, the jeweller?—Yes.

315. Did you see him?—No. The person I was to see was in Motueka at the time. I think I mentioned it all to the Commissioner with a view to the man being seen.

316. Supposing I told you that at the very time the Coleses were interviewing you in Nelson they were already under a bond to keep the peace, could you contradict it?—No. I know nothing about it.

317. Supposing for a moment that it is true—and I have every reason to believe that it is—are they the sort of people whose word you ought to take in regard to a complaint against the Police Force?—I would take any one's complaint if it was supported. I did not charge the men with the Coleses' complaint. I simply heard the Coleses, and I thought it was a case for investigation, but the Commissioner thought differently. That is the whole sum and substance of it.

318. *Commissioner Tunbridge.*] What case was that?—The case that occurred when I called you out of the commercial room of the Masonic Hotel to see them.

319. Does it appear in the papers?—No. I have stated already that it does not.

Commissioner Tunbridge: Mr. Chairman, I object to any matter being introduced here that is not on the file of papers.

Mr. Maginnity: That was in regard to the complaints as to the conduct of the police generally, and I am asking the witness if he made any inquiry at all from these people, who are, I believe, admitted to be respectable people, or a great many of them, and well-known men. I am asking the Inspector if he made any application to any of these men to give him information as to the general conduct of the police, and he says he did not.

Witness: That is so. I might say that some of the people whose names I saw in the list made themselves very busy at the inquiry; they did not appear to wish to see me, and saw the Commissioner while the inquiry was going on, which I thought was very improper.

320. *Mr. Maginnity.*] Who was that?—Some of the people whose names appear on the list in the pamphlet.

Commissioner Tunbridge: The whole thing is on the file. You will find it in my report to the Minister. It is stated there that a deputation consisting of Mr. Baigent (the Mayor of Nelson), Mr. Bond, Mr. Rout, and Dr. Gibb visited me while the inquiry was on. What passed at the time is also given. I should very much prefer that my statement of what occurred should stand for itself than any construction the Inspector might put upon the occurrence.

Witness: All I say is that I was put out of the room, and did not hear what was said. That in my opinion was the beginning of the agitation.

321. *Mr. Maginnity.*] What agitation do you refer to?—The agitation in connection with these cases in Nelson.

322. Do you mean the inquiry by the Commissioner?—The subsequent agitation.

323. In reply to Mr. Hall, you said that you did not consider the two constables were average samples of what the New Zealand Police Force are, on account of their assaulting people frequently. Now, would you explain to the Committee what you meant by that—"assaulting people frequently"?—I mean, the complaints made against them, and the charges proved against them; taking these altogether, Burrell and Durbridge are not samples of the New Zealand Police Force.

324. You said for "assaulting people frequently": where has a charge of assault been proved against either of those men?—The charges of assault were not investigated.

325. But where has a charge of assault been proved against those men to warrant you saying that?—I said that the charges were not investigated.

326. You said in your evidence that you would not say that the men were fair average samples of the members of the Police Force, on account of their frequently assaulting people?—Yes, and their whole general conduct.

327. Well, now, with regard to their "frequently assaulting people": where has there been a single case of assault proved against either of them?—I said they were not investigated.

328. Very well, then ; no case of assault has been proved against them. Why did you not have the charges investigated?—I have stated already that I did not wish to, owing to the state of matters in Nelson, and that I wished some outsider to hold an inquiry. If I had not been leaving the district I was going to make the suggestion, but as I was leaving the district I left it to the Commissioner.

329. But why did you not exercise the powers you had? If you felt there ought to have been an inquiry, why did you not conduct it?—For one reason, I was satisfied that improper motives would have been imputed to me, judging by my experience there.

330. What was your experience in Nelson to warrant you in saying that you should not carry out your statutory duty, but throw the onus on to the Commissioner? What was the feeling? Why should you be afraid of conducting the inquiry?—I was not afraid. I am not afraid of any man.

331. Then, what was the feeling that you were afraid of in Nelson?—I thought that in the interests of justice some outside person should hold the inquiry.

332. You were not even satisfied with the Magistrate at Nelson?—Who told you?

333. It is on record somewhere?—Is it?

334. Yes—that any inquiry should not be made by Mr. Robinson?—No, I would not be satisfied. I do not think it would have been proper. I thought that an outsider should hold it, and, in view of the agitation that has gone on since, I think I was very correct in my judgment.

335. Do you mean the agitation about the Police Force?—Yes.

336. Because the citizens took the matter up?—Yes. I am judging by what I saw in the papers.

337. You mean the agitation that was got up after the constables were dismissed: is that what you mean?—And before that, I think.

338. Was there any agitation before they were dismissed?—I think so.

339. There was no agitation. A deputation waited on Commissioner Tunbridge—

Commissioner Tunbridge: I should be very glad to have it appear on the minutes at this point, so that the matter may not be disconnected. I do not know how much of Inspector Macdonell's statement appears in the minutes, but I wish to refer to my memorandum to the Minister of Justice dated the 24th March, 1902. It is on page 28 of the printed matter. In the fifth and sixth paragraphs the following appears: "The attached letter, dated 13th instant, received by me from the Mayor of Nelson, together with the fact that on the 18th instant a deputation consisting of Mr. Baigent, J.P., Mayor of Nelson, Mr. W. T. Bond, J.P., Mr. G. G. Rout, J.P., and Dr. Gibb waited on me at the Nelson Police-station while I was there engaged in holding the inquiry to express their high appreciation of the manner in which the police-work of Nelson had been carried out since Sergeant Mackay has been in charge at Nelson, and they trusted the sergeant would not be removed unless the inquiry disclosed offences against him which justified his removal. They went on to state that they feared the sergeant might be removed under any circumstances, as it was well known that a certain young man, the son of a Nelson resident who was supposed to have great influence with 'the powers that be,' had boasted in the hotels about Nelson that he would get the sergeant removed from Nelson. They pointed out how impossible it would be for the police to do their duty if it became suspected even that they could be removed at the will of persons such as those indicated. I gave the deputation no intimation as to what would be the probable outcome of the inquiry, and they did not seek to know. The deputation stated that they voiced a considerable section of the Nelson community, and I have reason to know that Mr. Graham, the member of the district, shares the opinion of the gentlemen forming the deputation." That is practically what took place between the deputation and myself.

Mr. R. McKenzie: Might I ask Commissioner Tunbridge, while on this point, whether the deputation asked to see him privately and asked him to get the Inspector to retire from the room?

Commissioner Tunbridge: No, I do not think they did.

Hon. Mr. Hall-Jones: Was the Inspector asked to retire?

Commissioner Tunbridge: No. The deputation asked to see me, and came into the room to see me. The inquiry was going on, and I simply adjourned it to see the deputation. I do not think the Inspector on the one side or the sergeant on the other were present in the room. I think the only persons present were the deputation and myself.

Mr. R. McKenzie: My reason for asking was that, in reply to Mr. Maginnity, the Inspector stated that he was put out of the room while the deputation waited on the Commissioner.

340. *Commissioner Tunbridge*.] When the deputation arrived there were present in the room the Inspector, the sergeant, a number of constables, and I am not sure whether Mr. Maginnity was not there also. He was appearing on behalf of some of the constables. At any rate, there was a roomful, and I adjourned the inquiry to see the deputation. I did not suppose the deputation desired to interview me in the presence of a dozen people, and therefore all the persons present, with the exception of myself, left the room. That is what took place. The Inspector was not alone with me. There were the sergeant and others in the room beside, and they all left. Is not that so, Inspector?—I do not remember any but the sergeant and I being there at that particular time.

341. At any rate, I adjourned the inquiry?—Yes. You said, "I am afraid I shall have to ask you to retire."

342. To all the persons in the room?—I thought it was addressed to me.

Commissioner Tunbridge: I may say that the deputation never mentioned the Inspector's name. If any of the gentlemen comprising it had attempted to say anything which reflected in any way on the Inspector he would have been called in. Their object in calling was, as I read, "to

express their high appreciation of the manner in which the police-work of Nelson had been carried out since Sergeant Mackay has been in charge at Nelson, and they trusted the sergeant would not be removed unless the inquiry disclosed offences against him which justified his removal." They feared this for the reason that a young man, the son of a well-known Nelson resident, had boasted in a publichouse that he would get the sergeant removed.

Hon. Mr. Hall-Jones : They came to you in the midst of your inquiry.

Commissioner Tunbridge : Yes.

343. *Mr. Maginnity*.] Now, Inspector, with regard to Regulation No. 63, I suppose you will admit that it, at any rate, is a regulation for the guidance of the police?—All regulations are supposed to be.

344. But you told us a little while ago that the regulations were not altogether reliable?—I did not.

345. Then, you went next door to it, at any rate?—No, I did not.

Mr. Lawry : Just to clear up that point let me ask the Commissioner one question : Is it a recognised fact by you that your regulations under the law have the force of law?

Commissioner Tunbridge : Undoubtedly so.

346. *Mr. Maginnity*.] There has been some misunderstanding. I understood that the Inspector thought the regulations had not the force of law. Now, Inspector, you did not altogether agree with the findings of the Commissioner; you said that in one or two instances they did not go far enough. Regulation No. 63 is as follows : "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." Now, you had the whole of this matter in your own fingers if you had liked : is that not so?—Yes.

347. And you would not undertake the responsibility?—I would not say that. If I was afterwards instructed to do so and given plenty of time I would; but I would prefer that somebody else should do it.

348. As a matter of fact, the Commissioner undertook the holding of the inquiry?—He did.

349. You were represented by being there personally?—I was instructed to be there, and I was there; and while I was there the Commissioner instructed me to ask the questions.

350. You were not restricted from eliciting any information you wanted?—I would not say that, because I was restricted more or less in some instances.

351. May the Committee accept it from your own statement now that outside of these charges the only complaints that were made to you were made by two people named Coles, a man named Atmore, whom you did not see?—He did not make a complaint at all. His name was given to me as a man who had been assaulted.

352. The only people you had any conversation at all with with regard to the conduct of the police were these two Coleses?—Nonsense.

353. Who else, then?—A number of other people.

354. Did any of them charge these constables with assault?—No; but they told me of assaults that had been committed. One woman who was keeping an hotel told me that she heard—she did not know—of a number of assaults that had been committed.

355. And that is all you have got to warrant you in saying that Burrell and Durbridge are not a fair average sample of the Police Force?—No, it is not.

356. Well, then, what else have you?—The hotelkeeper at the Bush Tavern told me that he heard frequently of assaults committed by them.

357. By whom?—By the single constables.

358. Did you follow that information up? Could he not tell you any of the people?—I did not go into that with him, because I was in a hurry to get away. One man spoke to me of calling a public meeting in connection with the conduct of the police.

359. Who was that?—I cannot remember his name. I saw him on the way up to the Reservoir.

360. One man suggested that a public meeting should be called owing to the conduct of the police?—Yes.

361. It is most important that we should have the name of that man, because I should like to see him here before the Committee?—He told me it was simply what he heard.

362. He thought a public meeting should be called on something he heard?—Yes; it was not simply something he heard, but the number of things he heard.

363. Did he tell you how many?—He did not. I went to ask him with reference to a particular charge, and he told me he knew nothing about it, and he told me that a man said to him that a public meeting ought to be called.

364. Did this man specify any single charge when he said that another man had said that a public meeting ought to be called?—He said that he heard of a number of assaults committed by the constables, &c.

365. Did he mention a particular assault?—I did not ask him, because he did not know of the matter I came to see him about, and I did not take his statement at all.

366. You had asked other people about the various delinquencies?—A number of people whose names were given to me and who I was told might know, or did know, and so forth.

367. Upon the statement, then, of this man that there had been a number of assaults committed you said, in reply to Mr. Hall, that the two constables were not of equal character?—No. I said that taking the matter as a whole. It is not the single statement of that man. A number of people told me the same. I was in the park one day, and two people whom I never saw before told me of the conduct of the police. Quite a number of others did also.

368. And upon that you say — ?—On the whole of what came to my knowledge there and what was inquired into I am of the opinion—I was then and am still—that Burrell and Durbridge are not samples of the New Zealand police.

At this stage the examination was interrupted by the arrival of the hour of 1 o'clock.

Mr. Maginnity: I must leave the matter at that, sir. I was going to ask you if it would be possible—I know it is asking the indulgence of the Committee to an almost unwarrantable extent, but they will at once recognise that some little allowance might be made to me on account of my living at Nelson, and it is impossible for me to come again to this investigation. If the Committee could give me an hour this afternoon I should take it as a personal favour for one thing and as of very great assistance in the conduct of this inquiry.

The Chairman: We will let you know in about two minutes. The Committee will consider your request.

The Committee considered the point *in camera*, and decided to resume the inquiry at 3 o'clock in the afternoon.

Examination of Inspector MACDONELL continued. (No. 10.)

369. *Mr. Maginnity*.] Do you remember attributing a motive to Miss ——'s visit to Wellington in some of your reports?—That was a statement made to me.

370. You put that statement on record that she came here for a special purpose?—I reported what was said to me.

371. Now, having heard the Commissioner's statement in regard to that, and having seen—I presume you have seen—the report of the Chief Detective?—I have seen it.

372. Having seen that, you would still prefer to believe that she came here for an illegal purpose?—That is my opinion.

373. Notwithstanding the investigation made by the Chief Detective, the statement made by the medical man, and the statement made by her before the Committee you are still of opinion that the girl came here for an illegal purpose?—That did not alter my opinion. I do not say that was so, but I say that that did not alter my opinion.

374. You prefer to adhere to that opinion, notwithstanding these irrefutable facts?—Irrefutable?

375. Are they not? The investigation by Chief Detective McGrath——?—He made inquiries and took the answers. I may say that I am not silly enough to imagine that the girl was going to tell him supposing she did come here for an illegal purpose.

376. The Chief Detective went further than you did. He went to the medical man, who assured him that there was not the slightest indication that the abortion had been wilfully caused?—The doctor assured him that he did not see such an indication. I do not know how he could see it when the birth took place.

377. The medical man would probably know more about it than you would. He saw the girl and examined her?—I have seen enough of these cases to know that a doctor cannot after the birth.

378. I want you to discriminate between what you heard from women in Nelson and what you heard here at this table as being the relation of facts by the Chief Detective who interviewed the girl and by a medical man who was present at the birth and examined her. What I put to you is, do you still prefer to adhere to your opinion, gained from those women in Nelson, rather than adopt an opinion based upon an inquiry made by the Chief Detective and a medical man?—I must give my answer in my own way. The evidence of the doctor, in my opinion, goes for nothing.

379. I will put the question to you again. Having seen the report of Chief Detective McGrath and the evidence of the medical gentleman who had the opportunity of seeing the girl, do you still prefer to adhere to your opinion, based upon statements made to you in Nelson by some women?—I will answer the question straight out if I am allowed to explain afterwards.

380. That is a question that is susceptible of either a "Yes" or "No" in answer to it?—I have answered that again and again. That does not alter my opinion. I wish to say that the doctor's evidence, in my opinion, amounts to nothing. In any Court of law I am allowed to give an explanation of my answer to a question.

381. You told the Committee that there was a great deal of abortion practised in Nelson: would you kindly explain that?—I will. I think that what I said was that I could say a good deal about abortion in Nelson.

382. That was your statement, Inspector, that there was a great deal of abortion practised in Nelson?—As far as I remember, I said there was a great deal of abortion in Nelson.

383. I am asking you upon what grounds you make that statement to the Committee?—I will tell you, and I hope it will be considered straightforward. As I said before, we have had a number of charges of that description made in Nelson.

384. How many?—Either four or five. We got the books of a doctor when we arrested him. I think it was the third time. He came back to me that night——

385. Who was that?—The doctor. I was going to explain what I know about the abortion cases.

386. What I want to know now is who those four or five charges were against?—I wish to explain what I know about the abortions in Nelson, and how I came to know it.

387. I asked you how many charges there were, and you said four or five. Now I want to know whom those charges were against. Any statement made to you by a doctor would not be evidence. I am asking you about cases that you do know of, and that are known to the public. Now I want you to tell me what the four or five cases were?—I cannot give the names of the

people right away, because I have not looked them up; but there were two or three charges against a doctor, one against a Mrs. Vincent, and one or two against other people, I think.

388. There were two against the doctor, were there not? one against Mrs. Vincent, and one against a young man. Do you know of any more charges than those?—Perhaps those were they.

389. There was no conviction gained in any of those cases?—That is so.

390. Upon that you say there was a great deal of abortion practised in Nelson?—I did nothing of the kind. You stopped me when I was going to explain.

391. You gained information from some medical man's books?—From men interested and others.

392. Those were the only four charges that came before the Court?—That is so, I believe. I have no doubt that what you say is correct.

393. With regard to Bannehr's case, you told the Committee that that should have been inquired into?—In my opinion it should.

394. You know that the occurrence took place at Christmas-time, do you not?—Yes.

395. When some little allowance is made. Are not constables instructed to exercise some degree of discretion at times, so as not to be unduly and unnecessarily hostile to the public?—Well, I think that is usually the case at all times.

396. I mean it is laid down in the regulations, is it not?—Yes, I believe it is.

397. Let me read Regulation No. 15 to you: "The police will be strictly impartial in the discharge of their duties towards all classes, the preservation of order and the prevention or detection of serious crime being their first duty. Offences which are of a trivial character and sometimes committed by law-abiding citizens in ignorance should be dealt with discreetly. A caution will in some instances be all that is necessary and have the desired effect; but this course should only be pursued when sanctioned by the member of the Force in charge. For minor offences the extreme course of apprehension and incarceration should be avoided when it is clear that a summons will insure the offender being duly dealt with by a Magistrate. By section 73 of 'The Justices of the Peace Act, 1882,' any person charged with the commission of an offence may voluntarily appear to answer the charge, and the Justices may hear and determine the case without first receiving an information in writing, unless either of the parties to the case shall, before the commencement of the hearing, require an information in writing"—Undoubtedly.

398. Do you mean to say that Constable Durbridge acted in any other than a discreet manner in dealing with young Bannehr? Did he go outside those instructions?—I should think he did, according to my information.

399. In what respect did he go outside of those directions?—By assaulting young Bannehr, according to my information, very seriously.

400. Did you hear Durbridge's evidence?—No.

401. According to your information he assaulted Bannehr very seriously?—He did.

402. Whom did you get that information from?—Bannehr himself and a number of others.

403. Who were the others?—Witnesses who were there.

404. You do not remember their names?—I could get them.

405. Bannehr and others who were present at the time?—Yes.

406. You have seen the Commissioner's report upon that case, have you not?—Yes.

407. The Commissioner says that a man who intrudes himself into a disturbance with the remark, "What the devil is the matter?" does not deserve much sympathy?—Yes.

408. What was the extent of the assault as described to you by Bannehr?—That he saw a crowd there, and he with others came on the scene; that he asked what was the matter, and somebody said the policeman was ill-treating a drunken man; that he rushed into the crowd and asked, "What the devil is the row about?" or something to that effect, and that Durbridge answered him back, saying, "What the hell has that got to do with you?" or something like that, and struck him a very severe blow and knocked him down straight.

409. That was Bannehr's version of it?—Part of his version. When he got up he said he was picked up by the constable and thrown clear over his head on to the road.

410. You did not have Durbridge present when you were examining Bannehr with respect to that?—No.

411. Now, Durbridge's version differs somewhat from that?—I would expect that.

412. Durbridge told the Committee that as Bannehr rushed in he (Durbridge) held out his hand, which came underneath Bannehr's chin, and Bannehr fell backwards. Then two people came forward to attack Durbridge—Bannehr and another?—I never heard that.

413. Then, the statements vary. Now, would it not have been to the advantage of the Police Force generally if you had had Durbridge present when you were examining Bannehr on that statement?—I do not think so.

414. You think it was quite fair to take a statement behind a man's back and send it on to the Commissioner?—Are not all statements taken like that—unknown to the accused?

415. I mean that you have got instructions from the circular which was read to refer such a statement to the constable for report?—I say the circular does not refer to such a thing.

Mr. Maginnity: I wish that circular to be put in as part of the evidence. [Circular produced.]

Witness: I say that if such a thing were carried out in every case it would destroy the Police Force in New Zealand. If when constables were accused of offences the accusations were made known to them, and also the name of the person who made the charges, and so forth, we should have great difficulty in getting at the truth.

416. Do you know a young man named Trask in Nelson?—I know three of that name.

417. This one is a butcher. His name is Arther. Do you know Arthur Trask?—I do not know them by their first names.

418. This one is a young fellow who lives at Stoke?—Yes, I have seen him.

419. Did you have any conversation with him about the police?—Yes, I did.

420. Was it reported to you in Nelson that this young man made a boast that he would get Sergeant Mackay and these men cleared out from Nelson?—No, I do not think so. I heard that one of them said something to that effect, but that information came from the police.

421. From which of them—Constable Bird or Constable Williams?—No. If I remember correctly, it was from the Commissioner.

422. I am asking you if it was mentioned to you in Nelson that this young man had made such a statement?—I do not think I heard it from any but the police. Sergeant Mackay, I believe, said something to me about it, but I would not be certain.

423. Did any others of the Trask family complain to you beyond what you have told us as to Mrs. Trask telling you about the police?—No, they made no complaint.

424. Only this one referred to just now?—I did not say that this one did. He sent me a letter to Greymouth at one time about some matters not being attended to up about Stoke.

425. Is that the only complaint he ever made to you?—I think so. I told the Commissioner that I called on the three Trasks in reference to untrue statements made by Sergeant Mackay.

Commissioner Tunbridge: There is nothing on the file about it, and I have not the slightest recollection of your telling me. I never knew there were three Trasks until you just mentioned it. I only knew of the old Mr. Trask and the young man living at Stoke.

Witness: I do not know which of them was said to have used the threat. I understood at first that it was the old man.

426. *Mr. Maginnity*.] You say that you told the Commissioner that you called upon three of the Trasks: what was your object in calling upon them?—When I arrived in Nelson—the day after, I think—Sergeant Mackay told me that he was informed that some one of the Trask family was in communication with me at Greymouth, and also another man whom he mentioned, sending complaints about the police. I told him it was not true. I might say that apparently behind my back Sergeant Mackay went and told the Commissioner that, for in November last the Commissioner told me that such was said. I referred him to my letter-book so that he could see all the letters that had passed. Then I went to see one of the Trask family and asked him whether he heard anything about my writing letters to him or he to me, and I went to the three of them one after the other in order to clear the matter up.

427. They denied having written you any letters?—They said there was no such thing. They could not deny it, because the one at Stoke wrote me a letter in reference to some little things occurring about there.

428. *Commissioner Tunbridge*.] Whatever there is on the file if it has to do with this inquiry. I do not know whether you are referring to anything that has to do with the inquiry?—No, I am not.

429. Then it will not be on the file?—That is so. I sent you a copy of that letter and of every letter I sent to Nelson before I left Greymouth.

430. *Mr. Maginnity*.] I want to ask you now whether it was reported to you by any other person in Nelson that this young man had made a boast in a publichouse in Nelson that he would have Sergeant Mackay and these two constables cleared out of the police?—I really cannot remember. I heard the name of a publichouse mentioned.

431. But you do not remember any complaint being made to you that the young man made such a statement?—I do not, except what was said by the police.

432. Have any of the Trasks, or has any other person in Nelson, constable or otherwise, made any report to you since Commissioner Tunbridge's inquiry, either by affidavit or verbal complaint or letter?—I do not remember any.

433. Are you sure?—I am not, but let me see.

434. Can you say that there has not been any such complaint made?—I cannot say that for the moment, because I may have heard several things before I left.

435. Have you sent anything you heard since in the shape of a complaint on to the Commissioner in the same way that you did the others?—No.

436. Is there any reason why you have not?—I had very little time. I had to clear up a lot of correspondence in the office before I left for Greymouth, and I had not a moment's time before I left.

437. It is clear that some complaint was made to you after this inquiry held by the Commissioner?—I am not at all sure about that. If you can tell me what it was supposed to be I may be able to tell you. I am not aware at the present time of any complaint being made, but no doubt I heard a lot of things verbally.

438. Was any complaint made to you in writing?—I cannot remember any, but I have got a number of papers in my bag here. I will look through them to-night if you like in order to see if there is any.

439. It was running in my mind from something you said that something had been said to you about the Commissioner's investigation and I wanted to know what it was?—I cannot remember anything.

440. Has Constable Bird or Constable Williams made any complaint to you?—No; I have not seen Constable Williams to speak to since.

441. I mean before he was ordered away from Nelson?—I did not speak to him once from the time the Commissioner left, except yesterday when I saw him outside in the lobby and asked him how he was getting on. That is to the best of my recollection.

442. You did not receive any affidavit from either Constable Williams or Constable Bird?—No.

443. Now, I understand the relations between yourself and Sergeant Mackay were not of a very friendly character?—They could hardly be expected to be so when I was investigating charges against him.

444. Was that the only reason?—So far as I know.

445. Did you not have some words with him at the police-station in Nelson upon quite another matter?—I will tell you what took place. It was on, I think, the second day after I went there that he made these statements about communicating with the Trasks and a cabman named Brown. He had a great grievance about that. I told him that I was not afraid of any communication from anybody and I did not see why he should be. I then asked him to tell me who told him about Brown, and he said, "I will do nothing of the kind." I then ordered him to make a report of it, and he said he would not. Thereupon I went and called two strange constables to witness to my ordering him to sit down and make the report. He prevaricated by saying that he did not know what became of the man who told him. I wished to send a constable to get this person, because I doubted what he said, and he then told me.

446. Did you at any time have any conversation with Sergeant Mackay about any matter that he was inquiring into, or that the police were dealing with? Did you find fault with him over any action that he was taking in regard to any police matter?—I called on him for an explanation with regard to one matter.

447. What was that?—An arrest made by Constable Kemp.

448. No other matter?—I cannot remember any.

449. Did you criticize his action with regard to the prosecution of the Stoke Orphanage authorities?—I did not.

450. Not at any time?—Never.

451. Did you ever have any conversation with him about that?—Nothing in particular. I told him I had no reason to think he did anything wrong in the case so far as I knew at the time.

452. Is that the only conversation that took place between you on that subject?—I think so. Oh, no, it is not. There was a newspaper sent to me with a report in it of a lecture given that would appear to have been for the benefit of the boys. The boys were taken there by Constable Bird, and I called on Sergeant Mackay for an explanation. He said he never knew that such a thing occurred, and Constable Bird gave his explanation in writing and sent it to the Commissioner. Is that what you are referring to?

453. I was referring to the prosecution of the Stoke Orphanage authorities?—Never a word passed between us.

454. You never had any conversation with Sergeant Mackay about the steps he took in connection with that?—No. I did not question anything he did, except that which I have just mentioned.

455. What was the lecture the boys had been taken to?—Some lecture on Popery, or No Popery, I believe, or something of that sort. The boys had been there on, I think, a Sunday night a day or two before the inquiry came off. That is what the *Nelson Mail* said. I thought it a very extraordinary proceeding to say the least of it.

456. *Hon. Mr. Hall-Jones.*] What boys are you referring to?—The Stoke boys who were witnesses and in the custody of the police at the time. I did not find fault with Sergeant Mackay for that, because he said in writing that he knew nothing about it. He said that he did not even see it in the paper.

457. *Mr. Maginnity.*] You told the Commissioner that you knew there was ill feeling at the police-station between the constables: did you yourself make any inquiry into that or into the cause of that ill feeling?—Well, my reports will go to show that, I think.

458. You did not inquire yourself?—I did not inquire further, because from what I could understand I did not see how I could, unless I interviewed all sides, and I did not wish to do that. I wished somebody else to do it.

459. Still, as Inspector you had full power?—Undoubtedly.

460. But instead of doing that you asked Constable Williams and Constable Bird for reports, unknown to Sergeant Mackay?—I have said so.

461. Was that strictly official? Did you consider that official?—Under the circumstances, as he was an accused party.

462. You consider it quite official, and fair play as well?—I did, until the matter could be investigated, because I was sending the reports on to some one else, and I expected that all these police officers would be interviewed separately, without being given a chance of making anything up. Then I would depend more on the whole result.

463. But you acted, at any rate in the preliminary stages, on the reports of Constables Bird and Williams?—Well, I forwarded the reports.

464. You told us that you would not depend a great deal on Constable Bird's statements?—Under certain circumstances.

465. You had already discovered Constable Bird to be untruthful, had you not?—Yes.

466. But, notwithstanding that, you accepted his statement in regard to the Postboy Hotel and the feeling at the station as sufficiently reliable to send on to the Commissioner?—Undoubtedly, for further investigation. I would not doubt every word that Constable Bird would say although he did tell a lie when he was in a corner. It is not such an uncommon thing.

467. You would not doubt everything he said; but, supposing Constable Bird's statements did not agree with your opinion, would you still believe him?—My opinion! I would not like to go entirely on my opinion.

468. You have in this matter?—I think everybody does more or less.

469. Where Constable Bird's statements would conflict with your opinion would you still accept it?—That would depend.

470. Where it coincided with your opinion you would admit it to be truthful without any further investigation?—No, I would not. I never said so. There is an old saying, "Try everything, and hold fast to that which is good."

471. How much good did you find to hold on to by investigation into Constable Bird's reports?—I did not hold on to them at all. I forwarded them to the Commissioner.

472. Now, these reports reflected seriously upon the conduct of the sergeant at the station, did they not?—In some respects they did.

473. Would you not think that the circular which has been read would apply to those reports?—No, not while the matter was under investigation. In my opinion, it would defeat the ends of justice if as soon as the thing was heard it was sent to the man and all information given. I have no doubt whatever that it would defeat the ends of justice. But I would give the man every opportunity later on.

474. Notwithstanding that circular?—I am of opinion that it does not apply to preliminary inquiries, because I have some idea of what caused the circular to be issued.

475. But the circular refers—you must take it as it is worded—to confidential reports?—Yes. My reports were not confidential. They were sent to the Commissioner in the ordinary way. Confidential reports are always marked "Confidential."

476. Well, then, these were not confidential reports?—No. They were ordinary reports.

477. Is it because they were ordinary reports that you say they did not come within the category of those referred to in the circular?—No. I have told you already that it was because it did not apply to anything under investigation.

478. That circular does not apply to anything under investigation?—That is my opinion.

479. But it says that before forwarding a report a man shall be afforded an opportunity of making an explanation, so that that explanation shall go on with the report?—Yes; but, as I said before—

480. But you gave it as your opinion that the circular would not apply to this case?—I do indeed. I have some idea of what led to the circular being issued.

481. You know pretty well by this time what Constable Williams's character is for veracity?—Yes.

482. What is your opinion now of the statements made by Constable Williams?—He undoubtedly contradicted himself at the inquiry.

483. Most seriously, did he not?—Yes.

484. Did he try in a most barefaced way to mislead the Commissioner who was holding the inquiry by producing a bogus entry?—That is so; an entry that he himself said was made at a certain date, but which was really made subsequently.

485. Was that not done with the intention of misleading the Commissioner?—No doubt, as far as that is concerned, but my opinion is that he did it simply to support what he said.

486. You sent Constable Williams to bring Remnant to you, did you not?—That is my opinion. I am not sure whether he went himself or whether some one else went.

487. Before the inquiry?—The Commissioner sent him, I think.

488. Did you at any time send Constable Williams to get Remnant?—I am not sure about that. I may have done so before that. Somebody went for him.

489. Knowing what you do now and what you knew then as to the veracity of Constable Bird and Constable Williams, would it have been safe for the Commissioner to inflict punishment upon any person if it rested upon those constables' evidence whether a man was innocent or guilty?—I answered that question in reply to the Commissioner. On their uncorroborated statement I do not think it would be safe to punish any person.

490. The Commissioner also asked you the question why you did not hold an inquiry under the regulations, and you said that your reason for not doing so was the great number of charges made, and knowing a good deal about the feeling in Nelson from a previous inquiry, that led you to think that some one else should hold the inquiry—an outside Magistrate or some independent person?—Yes.

491. What feeling did you refer to when you were answering the Commissioner?—When Sergeant Mackay was charged on a previous occasion with drunkenness and visiting hotels when on duty, and so forth. He got the summonses, as far as I remember, about 6 o'clock in the evening, and by, I should think, half-past 7 a gentleman called on me at the Masonic Hotel to say there were half a dozen running about to him already to start an agitation in favour of Sergeant Mackay. I concluded this must have come from Sergeant Mackay, because immediately after he got the summonses in the evening this took place.

492. Can you tell us who this man was who came to you?—I can indeed; it was the editor of the *Nelson Mail*.

493. Mr. Hanby?—That is the man. He mentioned a certain class of men who had been on to him already about the matter, and said that he would have what I may call flaming articles in his paper over it.

494. In favour of or against Sergeant Mackay?—In favour of Sergeant Mackay.

495. And yet he came to you and told you this?—Yes.

496. Was he complaining of the action taken?—He was not; but he wished to get information from me, and I was declining to give it, and he said he would kick up a terrible row in the paper. I concluded that this must have come from Sergeant Mackay.

497. *Hon. Mr. Hall-Jones.*] At what time was this?—About an hour and a half after Sergeant Mackay got the summonses.

498. *Mr. Maginnity.*] Had you any reason for coming to your conclusion that it was Sergeant Mackay?—My reason was that, so far as I knew, nobody else knew anything about it. Mr. Hanby knew the number of charges against Sergeant Mackay, and so forth.

499. Is that the feeling that you refer to?—That started a feeling there undoubtedly.

500. Among whom?—People there. I refer to these articles in the paper.

501. That is the feeling you referred to in your reply to the Commissioner when you said that you would not hold an inquiry because there was a feeling?—Yes; I was sure that the same feeling that was started on that occasion would be roused again.

502. What made you sure about that? There were no indications of it, were there?—I should think so. I had no doubt at all that it would take place. There were indications of it.

503. What were the indications, because this was some considerable time after Sergeant Mackay had been charged with drunkenness?—Yes; but when this game served him well I had no doubt that he would play the same game again.

504. But can you satisfy the Committee that he did play the game in the first instance?—I have no doubt about it in my own mind.

505. That is your opinion?—Yes; just so.

506. And upon that you would hang Sergeant Mackay?—I would not hang Sergeant Mackay. I had a very good opinion of him once.

507. What is your objection to the Stipendiary Magistrate at Nelson, Mr. Robinson, who held the inquiry into Sergeant Mackay's case?—I had an idea that the people who visited the Commissioner might visit him.

508. And that he would be susceptible to influence?—I do not know, but I thought it better that some outside man should conduct the inquiry.

509. Is that your experience of the Judicial Bench in Nelson, or New Zealand?—I have seen such things done. I have known one Magistrate who went to a place and had a notice stuck on his door for months and months forbidding any one to go to see him, on account of what he heard was taking place at the time of his predecessor. No one on any account was to see him in his office.

510. In reply to the Commissioner you told us that you do not consider the inquiry held by him was an exhaustive one?—I said so.

511. You really conducted the inquiry as against the constables?—I asked questions.

512. Can you give any further reason than you have already given why it was not exhaustive? You were not restricted to what witnesses you could call. You could call any evidence you liked?—I suppose so.

513. And yet you say the inquiry was not exhaustive?—I say that in my opinion it was not.

514. Whose fault was that?—It was not my fault. I thought that further investigation should be made before the thing started. All the witnesses were not seen.

515. But you were conducting the inquiry. Could you not bring your witnesses there?—I asked the questions when I was there. I was asked to do so, and I did so.

516. But the Commissioner did not prescribe what questions you should ask. He did stop you on one or two occasions when you asked questions you should not have asked?—That is what you say.

517. Did he prescribe what questions you should ask?—No.

518. Did he limit the scope of your inquiry at all?—I was stopped from asking certain questions.

519. Is that why you say the inquiry was not exhaustive?—No, it is not. I have told you already that I thought further investigation should have been made to verify matters beforehand, and that these men should have been seen separately before they could put their heads together if there was to be any chance of getting the truth from them.

520. Which men?—The constables.

521. But most of the witnesses you called you did see separately before the complaints were made?—Yes, but the constables themselves were not seen separately.

522. Then, you think the constables combined?—I would depend more on anything they said if they had been seen separately before they could put their heads together.

523. *Commissioner Tunbridge.*] I would be pleased if the Inspector would refer to any of his reports in which he made the request?—I did not make it in writing. I made it verbally in the hotel in Nelson. I told you that the inquiry was not as it should have been—that these men and other witnesses should have been seen before.

524. You said that at the time the inquiry was started?—The night I arrived in Nelson.

525. Would that not be too late to have these men seen?—I could not help that.

526. What I understood you to say was that you had made representations to me in the early stages of the case?—No, I did not mean that.

527. *Mr. Maginnity.*] I may say that I myself was somewhat misled in that direction. Then, Inspector, in conducting the investigation before the Commissioner you were in the position of calling whatever evidence you thought proper to call?—Well, I called the witnesses.

528. You could have called more witnesses if you had liked?—I do not know. There was one witness that I could not call—a woman in the hotel. She was a principal witness in one case.

529. That was in Kemp's case, which we are not dealing with. The witnesses were not all in the room together at the inquiry when one was being examined?—No, I do not think so.

530. They were examined separately?—Yes.

531. And you had the opportunity of cross-examining them?—The witnesses were called. I conducted the examination in chief.

532. You had the opportunity of breaking down their evidence if you had found that it could be broken down?—No. In some cases I was not allowed to confront them with statements they made and signed previously.

533. But if any one of them made a statement to the Commissioner you were able to corroborate that statement or otherwise by one of the other constables, were you not? You had that privilege?—I do not understand you. What instance are you referring to?

534. Any one of these cases. You said it was not an exhaustive inquiry?—I said that I did not consider it an exhaustive inquiry.

535. I am trying to get from you your reason for that, seeing that you were the prosecuting Inspector?—I should not be called the prosecuting Inspector just because I was requested to ask the questions. I went there without knowing the position.

536. I am not putting it in an offensive way. You were in the position of prosecutor and could call whatever evidence you thought proper to substantiate the complaints that were made, could you not?—I could have called the evidence—

537. What is your reason for saying that the inquiry was not exhaustive?—I have told you already that in my opinion it was not gone about in a proper manner at the start.

538. Some preliminary investigation should have been made?—Further inquiry should have been made, in my opinion.

539. Before this inquiry was entered upon at all?—Yes. I myself usually make very exhaustive inquiries beforehand when it is possible to do so.

540. Now, reviewing the whole of this case, can you say, first, that those eight charges outside of the ones dealt with have been in any way corroborated?—I do not see how they can be when there was no inquiry.

541. Can you say they have been?—How can I when there was no inquiry?

542. Therefore they have not been corroborated?—That is an improper question, I consider.

543. You say there has been no inquiry. From the file of papers that has been placed before the Committee can you say that those eight charges have been in any way corroborated?—I do not understand you at all. Do you mean to say that there was no corroboration of any of them? If you mean that, I say that undoubtedly there was corroboration.

544. In what regard?—As to the assaults.

545. That again is in your opinion?—I have no doubt about it.

546. You say, then, that they were corroborated. Which assault was corroborated?—Remnant's was corroborated.

547. By whom?—By two people.

548. Who?—Symes and his wife.

549. Notwithstanding that the constable has denied that you would prefer to accept the evidence of these people?—I did not hear what the constable said in reference to the matter. Blincoe's case also was undoubtedly corroborated—at least, there was corroboration.

550. You refer to Blincoe and Stapp?—Yes, there was corroboration.

551. That was the first the constables had heard about it. Was the corroboration in their presence, or in the presence of either of them?—I do not know what took place here.

552. What took place there? You mean that by the statements made to you in your opinion the charge was corroborated?—That is an extraordinary way of putting it. I say that if an assault is committed—if one man says So-and-so assaulted him and there is no one to say the same, there is no corroboration. But if he has some one who saw it and says so, that surely is corroboration.

553. You say that is corroboration although the person charged is not present?—Undoubtedly it is corroboration.

554. And you hold the offence proved although the accused person was not there?—What do you take me for?

555. With regard to the charges inquired into by the Commissioner: Having heard the explanation of the Commissioner, knowing as you do now the character of Constables Bird and Williams for veracity, and having before you the whole of the evidence that was given in connection with those charges, are you prepared to say that the finding of the Commissioner in any single one of them was not a reasonable finding?—If there was only one single offence committed and proved I might look upon it leniently, but when a number of even smaller offences are proved, then it becomes a serious matter for the police officer.

556. Do you wish the Committee to understand that you do not think the judgment of the Commissioner in this case was reasonable?—I would rather not say anything about the Commissioner's judgment.

557. Give us your opinion on that?—I would repeat what I said before—that I think the Commissioner was lenient, to put it mildly.

558. Do you measure his leniency by what you yourself did?—No, independent of that—considering the number of charges he found proved.

559. You consider that he was too lenient?—That is my opinion, but I have no desire to say this at all.

560. You will not express an opinion as to what you yourself would have done if you had held the inquiry?—No, I am not prepared to say.

561. *Hon. Mr. Hall-Jones.* With regard to that matter that you were referring to, of a constable taking some boys to hear a lecture, what was the name of the constable?—Bird.

562. He took some boys who had been at the Stoke Orphanage and were in charge of the police—not in custody, but with the police?—Yes.

563. They were taken to a lecture?—Yes.

564. What was the subject of the lecture?—Something against their religion.

565. Who was the lecturer?—The Rev. Mr. Smalley, if I remember correctly.

566. Can you give me the date of the lecture?—No; it was a few nights before they first gave evidence, I think.

567. With reference to those summonses that were given to Sergeant Mackay and of which you heard an hour and a half afterwards from an outsider, I understand that Mr. Hanby, editor of the *Evening Mail*, came to you?—Yes.

568. Within an hour and a half of the summonses being served?—Yes; almost immediately after dinner.

569. Who delivered the summonses to Sergeant Mackay?—I am not sure which constable it was.

570. Would the constable who delivered them to him know the contents?—If he read them.

571. Would the summonses be in envelopes?—No.

572. They would be open, so that the constable might have seen them as well as the sergeant?—Yes.

573. At any rate, the information got out of the office within less than an hour and a half, because some persons had got the news and gone to the editor of the *Evening Mail*?—That is so.

574. That editor, Mr. Hanby, had taken a part in the Stoke business, had he not?—Yes, I believe so.

575. Is it correct that he had a presentation of a typewriter made to him?—I heard something like that—that a number of men there had been presented with something; but I did not know that he had in particular. I was not in Nelson at the time.

576. You do not know whether that typewriter has been mortgaged to a legal gentleman in Nelson?—No.

577. Do you know the *Mercantile and Bankruptcy Gazette*?—Yes, I see it occasionally.

578. Would you be surprised to hear that the typewriter is mortgaged to Mr. Maginnity?—No.

579. About Constable Williams and the false statement he is supposed to have made, have you seen what is called “the false entry”?—I saw a report on a slip of paper.

580. This entry is supposed to have been made at a later date than the constable said it was made at?—That is so.

581. Do you know if there was anything in this entry, which was made afterwards, contrary to fact?—No.

582. Is that disputed, Commissioner?

Commissioner Tunbridge: There is nothing in the entry, as far as I know, to prove whether it is true or false.

583. *Hon. Mr. Hall-Jones*.] The point is, then, Inspector, that the entry instead of being made at the date at which it was supposed to be made was made afterwards?—Yes.

584. You have no evidence that the entry is not correct?—No.

585. As to these abortion cases in Nelson, you mentioned four or five charges, and you were going on to mention some statement made by a doctor, or something that you had seen in a doctor's book, when you were stopped?—Yes.

Mr. Maginnity: I stopped him because the doctor is now dead.

586. *Hon. Mr. Hall-Jones*.] But you did have evidence before you that there were several cases of alleged abortion going on?—Yes.

587. Now, with regard to the assaults, have you read the Commissioner's finding with regard to the constables we are dealing with now?—In reference to assaults, yes.

588. You have read his finding where he suggests what should be done to them?—You mean in reference to the assaults?

589. No, in reference to the charges against these men. The Commissioner says, “As regards Constables Durbridge, Kemp, and Burrell, I think it would be as well if these men were removed to other stations. The two former appear to have become too familiar with certain sections of the community at Nelson, and Burrell and Durbridge have, I fear, been too ready with their hands.” What construction would you place upon words such as these in a report made after an exhaustive inquiry—I mean where the head of the Police Department in New Zealand says that Burrell and Durbridge have been too ready with their hands?—I would consider that he was satisfied that, at any rate, some of the reports against them as to committing assaults were true.

590. Some of these charges of assault were put on one side, because, it was said, the complainants had the opportunity of bringing the matter before a Magistrate?—Yes.

591. I think I put the question to you before, but I will put it again: If such a matter came before a Magistrate and there were two policemen giving evidence on one side and two men, such as those referred to here, on the other, what from your experience would be the decision of the Court?—As a general rule, I would expect that the constables would get off.

592. That the Magistrate would naturally look upon members of the Police Force as men above suspicion—honourable men?—I do not know that. He might consider what they were charged with, and if he had any doubt he would give them the benefit of it.

593. With regard to the assaults, you mentioned that Reed was a man who was given to drink and the use of bad language?—Yes, speaking from memory, I understand that is so.

594. Were any charges of drinking and using bad language brought against either of these constables now before the Committee?—Well, there was a charge of drinking against Durbridge on one occasion. That is all.

595. *Mr. R. McKenzie*.] That is the Bush Inn case?—Yes.

596. *Hon. Mr. Hall-Jones*.] I do not refer to that. Was there any charge of using bad language brought against either of them?—I do not think any charge of bad language was investigated. It was stated to me by the people who were supposed to have been assaulted that the constables sometimes used strong language, and so forth, but I did not take much notice of it.

597. What sort of a man is Remnant?—I do not know much about him, but he seems to be a hard-working man.

598. What is his calling?—Carter—carting coal, or something of that.

599. Is he a man of average reputation?—I would fancy so.

600. What about Blincoe?—I think that Blincoe is a young fellow of good character, as far as I am aware. There may be something against him for all I know, but I did not hear of anything. As I said before, I hired a cab and saw him at the brewery, and immediately after drove to see his companion, before they knew that I was inquiring into anything of the kind. I saw them separately, and got their statements separately.

601. Do you know anything of Remnant to cause you to doubt his statement regarding the assault made upon him?—No.

602. What sort of a man is Stapp?—I do not know much about him. I only saw him once. I would take him to be a decent sort of fellow.

603. You know your regulations, of course?—Pretty well.

604. Regulation No. 17 says, "Members of the Force will be liable to dismissal for disobedience, neglect, or omission of duty." Would it be neglect or omission of duty for a constable to leave his beat?—Yes.

605. For that the regulations make him liable to dismissal?—Yes.

606. Another offence punishable by dismissal is "insolent or indecorous behaviour." Would you consider it indecorous behaviour for a constable to be in an hotel drinking after the closing-hour?—I would.

607. I see that the regulation also includes "anything contrary to the regulations"?—That is so.

608. All the offences of which the constables were found guilty by the Commissioner were offences against the regulations?—Yes.

609. Under which they were liable to dismissal?—Yes.

610. Now, with reference to that circular which Mr. Maginnity has put in, what was your position in regard to that? Did you look upon the information you had gained as not having arrived at a sufficiently complete stage to lay before the men?—That is so.

611. It had not arrived at such a stage that you were called upon, in compliance with the circular, to lay it before the men?—No.

612. When the evidence was complete you would have laid it before the men?—Either that or I would have left it to the Commissioner when I sent the evidence to him.

613. About this incident at the Bush Tavern: I see there is a statement made by Mr. Woodward, the licensee of the Bush Tavern, concerning that?—Yes.

614. What reputation has Mr. Woodward?—I think he has a very good reputation. I think highly of him.

615. Have any charges been made against his house?—Not as far as I know.

616. Is it a fairly well conducted house?—I understand so.

617. No complaints have been made against it to your knowledge?—No.

618. Would you take Mr. Woodward to be a truthful man?—Yes.

619. Would you believe the statement he made when he was first interviewed upon this question?—I did believe it thoroughly.

620. Do you know this hotel?—No, not well; I have only been in it once.

621. I want to get at the position of the back door. It is said to be fronted with a gate 6 ft. high, and the men are said to have entered by the back door, jumping over the gate—at least, one of them is said to have jumped over it?—Yes.

622. Can you tell me whether that man—the first one—jumped over the gate 6 ft. high?—Durbridge is said to have been the first man and to have jumped over the gate.

623. Mr. Woodward says, "I heard the voices of four or five men singing together. I went through the two gates into the yard at the back of the house. I locked the back gate, and the front gate has a spring and closes itself. I went into the stable. Mr. Wastney went with me. A man jumped over the fence and went to the passage-door. He opened the door and went inside. The passage was then in darkness." Would not the passage being in darkness be an indication to any one who went there that the hotel was closed for the night?—Yes.

624. He goes on: "I then followed into the passage. When I reached the passage the man I saw had struck a match, and from the light I could see it was Constable Durbridge. He was in plain clothes. I asked him what he was doing there, and while I was asking him the other men came into the passage. I asked them if they knew the time. One said, 'It will be all right, give us a drink.' I refused several times. They repeated their request for a drink, and I then gave them one drink each. None of them were much the worse for liquor. I think they had shandy-gaff or beer; I could not say which. They just had their drink and went away." That is the evidence given before the Commissioner—not the first statement made by him. The evidence given in the first place is much on the same lines, but he says that they went in by the back door and jumped over the gate, that it was dark, and that Durbridge was in plain clothes. "I asked him what he was doing there. He said it would be all right. They wanted a drink. I refused several times. While reasoning with him the rest came in, and would have a drink. Would not leave without it. At last, for peace's sake, and to get them away I gave them one drink each." Have you any reason to doubt Mr. Woodward's statement of what occurred?—No.

625. Do you know Wastney, a labourer?—I just saw him twice.

626. What is his reputation?—I do not know much about it. I know nothing against the man.

627. Wastney says, "I was on the road in front of the Bush Tavern talking to Mr. Woodward, when we heard a noisy push coming towards us from the town. Woodward says, 'Here comes a rowdy push; let us get in out of the way.' We went round the back; he locked the gate, and went into the stable to watch. One of them jumped the gate and entered the house by the back door, and struck a light. Woodward followed him and said, 'What the devil are you doing here? you know what time it is.' The man replied, 'Oh, it is all right; I am on the randan or on the loose; give us a drink,' &c. Woodward said it was after hours, and he could not do it; then all the rest came in, and they clamoured for drink. I then left and saw no more. Next day Woodward told me it was Constable Durbridge who jumped over the gate first," &c.—Yes.

628. Now, do you think that proper conduct for a constable?—Certainly not.

629. To go to an hotel after it is closed, when the lights are out, to jump over a gate, and practically demand a drink?—No; I think it very improper conduct.

630. Should Durbridge not have been dealt with in accordance with clause 17 of the regulations for that one offence?—Well, possibly. I look upon it as a worse thing going in with a lot of young fellows than going in by himself.

631. Teaching them to break the law?—That is so.

632. You have a regulation which does not allow of any person going into a police-station, other than those who are employed there?—You mean, to stay there?

633. To enter a police-station, in fact?—I am not aware of that. Any amount of people go to a police-station.

634. This is the clause in the regulations that I refer to: "No person, except on public business, will be allowed to frequent police premises." Barracks, of course, are part of the police premises?—Yes. Still, I do not think that is strictly carried out.

635. Did you read Durbridge's explanation of what occurred in connection with the taking of the girls into the barracks between 1 and 2 o'clock in the morning?—I heard the evidence given by him at the inquiry in Nelson.

636. Durbridge's statement is: "I respectfully state that I was escorting Miss —, a young lady to whom I am engaged, and her cousin home from a Catholic social and when near the police-station we met Constable Burrell, who was going off duty." By the by, at what time was Burrell supposed to be off duty on that night?—I do not remember.

637. I gather from the papers here that it was 2 o'clock?—I fancy so, but I would not be sure.

638. And yet he was at the station before 2 o'clock with these young ladies?—Yes; but I think that they disputed the time, if I remember correctly.

639. The statement goes on, "We exchanged a few words, and in a joking way one of us proposed that the girls should join us for supper, not thinking that they would accept the invitation; but, to our surprise, the girls took us at our word and came in." Are you aware of Constable Williams's report of what occurred then, about the noise that went on?—Yes.

640. Have you any reason to doubt that?—No, I have no reason to doubt it.

641. That there was noise, not rowdyism, but a good deal of noise after the constables and the two girls went into the barracks between 1 and 2 o'clock in the morning?—I believe that; I have no reason to doubt it. Constable Williams went and called the sergeant in consequence.

642. With regard to the Postboy Hotel, have any charges been made against that hotel?—No, not that I know of.

643. No charges have been brought by the police?—No.

644. Has there been any drunkenness in connection with it?—I could not say that. I did not hear that said.

645. In reference to Constable Brown, who played billiards at Dannevirke while on duty: he was on detective-work?—Yes; he was told to look after some suspicious characters.

646. Is it not common for detectives to do many things which policemen would not do?

Commissioner Tunbridge: This man was not a detective. He was only a constable on duty in plain clothes.

Hon. Mr. Hall-Jones: He was on work similar to that of a detective?

Commissioner Tunbridge: It would appear as if he were a detective. I wish it to be understood that he was merely a constable at Dannevirke.

647. *Hon. Mr. Hall-Jones* (to witness).] Was he making any special inquiry?—Yes; about two suspicious characters.

648. Would not a man in that position be justified in going into a billiard-room, and, in fact, even playing billiards, if he wanted to get information?—Yes, if that was so, but I am not aware that it was in this case.

649. But if he wanted to get information by appearing as a private person would he not be justified?—I think so; but in this case he did not allege that he was trying to get information by playing. I may say with reference to this constable that he is a very good man, in my opinion, from what I have seen of him. I should say he is one of the sharpest men about. I thought it was necessary, however, to give him a check.

650. *Mr. R. McKenzie*.] Mr. Maginnity asked you this question: "Who was the old woman that you said in your report was untruthful and you gave her up?" Your answer to that was, "You know her, and Mr. Graham knows her"?—I said that Mr. Graham could tell. I was not making any insinuation against Mr. Graham.

651. *Mr. Graham*.] How do you know that I know her?—Because I believe you made a complaint against me in connection with it. That was my answer before.

652. *Mr. R. McKenzie*.] What was the complaint?—The Commissioner told me in the hotel on arrival at Nelson that Mr. Graham complained of my conduct in connection with the inquiry I had made before, and I said it could only be in reference to one woman, mentioning her name. I understood him to say that that was the woman.

653. *Mr. Graham*.] Who was the woman?—Her name is given in the file.

654. The woman whose name is given on the file was the one?—No. The women at this hotel that the widow had when I was there—before the latter had it.

655. *Commissioner Tunbridge*.] Is her name Hall?—I think it is.

656. *Mr. R. McKenzie*.] Do you believe that such a complaint was made?—The Commissioner told me so.

657. Have you seen these printed papers?—No, I have not.

658. Well, if you look at them you will see that in your report on page 14 all the names of the people referred to are left blank. Can you supply those names?—They have all been supplied.

659. They are given in your original report?—Yes.

Mr. R. McKenzie: I think that all those names should be supplied.

After some discussion it was decided that the names should be given, and Mr. Skerrett read out the originals of the reports and letters on pages 13, 14, and 15 of the printed matter, supplying the names.

660. *Hon. Mr. Hall-Jones.*] With reference to the anonymous letter received by you, Inspector, on the 14th November, 1901, you sent it on to Sergeant Mackay?—Yes.

661. On the 24th December?—Yes, I suppose it would be.

662. Asking him to take a certain action?—Yes.

663. The reply to that sent by Sergeant Mackay is minuted by you, "Received 9 p.m., 22/2/02"?—The sergeant never replied at all until I spoke to him about it in Nelson, and asked why he did not do it. That is to the best of my recollection. I am sure I asked him why he did not do anything in the matter.

664. *Mr. R. McKenzie.*] Do you seriously wish this Committee to believe, Inspector, that Mrs. Hall is "an untruthful old woman"?—I have given my experience of her.

665. Is that the only foundation you had for putting this in your report?—Yes. She contradicted herself.

666. I may say that this old lady is thoroughly well known in Nelson. I know her, and would not believe from the Inspector or anybody else that she is untruthful. Now, Mr. Maginnity tried to get from you whether there were any complaints made to you against the police in Nelson after the Commissioner's inquiry. I do not think you gave a satisfactory answer to that question?—I do not remember any.

667. Were any complaints made to you against the police in Nelson after the Commissioner's inquiry? You said that you left for Greymouth shortly after the inquiry?—A day or a day and a half afterwards, I think.

668. Were any complaints made?—I do not think so. As far as I can remember, there were none.

669. Can you not be sure either one way or the other?—There was no formal complaint. When I was there different people told me of things. But I cannot be positive. If I could I would tell you in a moment. There was no formal complaint made—at any rate, I cannot remember any—after the Commissioner went away.

670. *Mr. Colvin.*] You said several times, Inspector, that you disagreed with the finding of Commissioner Tunbridge in the Nelson police cases?—Yes.

671. Do you think the dismissal of the men for the faults they had committed was too severe?—If the whole of the complaints made are taken into consideration I do not.

672. Do you think that if a complaint is made against a police constable it is a fair thing not to notify the man that he has been said to be guilty of certain conduct until the case has been worked up against him?—Not until the evidence is obtained.

673. You think that you should work up the case against a constable when a complaint is made against him?—All the witnesses ought to be seen. That is done every day in the year.

674. Do you not think that the constable should have the right to meet his accuser face to face?—No; because I think that it would defeat the ends of justice. I saw a case quite recently where accusations were made against a constable, and where if he had had the information given to him right away he would be in the Police Force to-day, but he is not. After leaving the Force he got testimonials from the Justices and all the people around, who did not know anything at all about why he was forced to leave the Force. That happened within the last four weeks. If he had got the evidence in the first place he would be there to-day, and would be able to defy everybody.

675. Do you not think that if a man makes a charge against another they ought to be brought face to face?—Ultimately the man making the charge would have to be brought face to face with the constable charged.

676. In your opinion is it right that, if a man makes a charge against another, the man accused should have the same opportunity to get evidence to clear himself as the accuser has to work up the evidence to support the charge?—Undoubtedly, but not at the start.

677. With regard to the regulations, do you think it possible for any person—constable or officer—to carry them out in their literal sense—to carry them out without making some breaches. For instance, the Hon. Mr. Hall-Jones read out a regulation that no civilians are allowed to go to the barracks habitually: is it possible to keep them away?—It would be possible, but it is not done.

678. It is never done in the service?—No. The police are allowed to take their friends in with them at reasonable hours. I never saw them prohibited from taking a person in.

679. Do you think it was unreasonable for the two constables to take the girls into the barracks when they were going home from the social?—I do; girls at any time.

680. *Mr. Lawry.*] Do you think that if you allowed a constable to know what he was charged with at the primary stages there would be collusion in the evidence?—Yes.

681. That is the impression you want to convey to the Committee?—I stated my conviction on what I have often known to happen. I do not think it would be so in every case; but we want to prevent the possibility of collusion if we wish to get at the truth.

Mr. Graham: Mr. Chairman, I did not wish to interrupt at the moment, but I was rather joined as an accomplice by the witness on one point. When he was asked to give the name of the alleged untruthful old woman he said he could not remember it, but that Mr. Graham knew it quite well.

Witness: That is not exactly what I said.

682. *Mr. Graham.*] Is it near enough?—Yes.

683. I asked him how he knew that I knew the lady, and he said because he knew that I had made some complaint in connection with this. Now, what complaint did I make, and to whom did I make it?—I have told you already.

684. Tell us again, please?—The Commissioner told me at the Masonic Hotel, in a little room to the right of the entrance, that a complaint was made against myself by Mr. Graham for my conduct in Nelson. He told me this on his arrival in Nelson.

685. In connection with this “untruthful old woman”?—Yes. I said there could be no complaint by anybody except this woman, mentioning her name to him, and I understood him to say that was the one.

686. If I were to tell you that I never knew anything about your statement with reference to an “untruthful old woman” until I heard it here in Wellington would you believe it?—I have no reason to doubt it, but it is in conflict with what was told me.

687. Anyhow, I do tell you that I knew nothing about your statement as to Mrs. Hall being an “untruthful old woman” until I saw it in the papers laid on the table of the House in Wellington; therefore it is impossible I could have made a complaint to the Commissioner in Nelson with reference to the untruthfulness of Mrs. Hall?—Not in reference to the untruthfulness—

688. Nor in reference to Mrs. Hall at all?—In reference to my conduct in Nelson. I said to him—

689. I want to confine the matter to this point: you said that I knew the “untruthful old woman,” and had made a complaint in connection with it: is that so?—Yes, I said that.

690. I assure you that I never knew anything about your statement as to Mrs. Hall being “an untruthful old woman” until I saw it here in Wellington?—Yes, I believe you; but there must be some misapprehension somewhere.

691. You are satisfied of that?—Yes.

692. The Inspector says, Mr. Chairman, he is quite satisfied he is under a misapprehension, because it is a fact that I knew nothing about it. I may say here now, the name having been given, that Mrs. Hall is as old as I am. I went to school with her. I have known her all my life, and I would take her word as I would expect any one to take mine.

Witness: I just spoke as I found. I took her answers down in my book.

Mr. Maginnity: Before adjourning I desire to thank the Committee for having acceded to my request in sitting this afternoon.

Mr. Skerrett: May I express my regret for having been unable to attend this morning, but I had made an engagement which it was impossible to break off.

The Committee then adjourned.

FRIDAY, 26TH SEPTEMBER, 1902.

WILLIAM JAY BANNEHR examined. (No. 11.)

1. *Mr. Skerrett*.] What is your name?—William Jay Bannehr.

2. You reside at Nelson?—Yes.

3. And what is your occupation?—A brick-manufacturer.

4. Do you remember some trouble happening in a street in Nelson on Christmas Eve?—I do.

5. Which Christmas Eve was it?—Last Christmas Eve.

6. What street was it?—Trafalgar Street.

7. What time was it?—About 12.30.

8. In the morning?—Yes.

9. Now, will you tell the Committee what took place?—In company with other friends I was coming up Trafalgar Street, and had been to the supper-rooms with them. On coming out we heard a disturbance some few yards down the street, and walking up to the crowd and knowing nearly all of them I said, “What the devil is the row?” and on that Constable Durbridge came up to me and hustled me and said, “What the devil has that got to do with you? Get home out of this, Bannehr.” I said I had as much right there as he had, and at the time I had one hand in my pocket and I was sitting on my stick on the other, and before I knew anything Durbridge had hit me on the jaw and knocked me down.

10. You said that at the time you were struck you had one hand in your pocket and you were resting on your stick?—Yes.

11. Did you make any movement or sign which would lead the constable to suppose that you were either going to assault or interfere with him?—None at all.

12. You were knocked down?—Yes.

13. It was a violent blow?—Yes.

14. Did it leave any mark?—Yes.

15. Now, just describe what took place after you were knocked down?—I got up as soon as I could, and made a hit at him with my stick. Whether I hit him or not I would not be sure. Then he rushed at me and caught me round the knees, and threw me over his shoulder. I called to the fellows round to see me through. They assisted me up.

16. He threw you over his head on to the street?—Yes. I was partially stunned, I suppose.

17. Did you go straight home?—I did, and took the two friends with me.

18. Who were your two friends?—Claude Hamilton.

19. What is he?—In Buxton and Co.’s.

20. An assistant?—Yes.

21. What is Edward Daniell?—He is an assistant in Wilkins and Field’s.

22. This matter must have been observed by quite a number of spectators?—It was.

23. Now, you went home. Did you complain to your father?—I did. I went home and, of course, I told my father, Thomas Henry Bannehr. He is the editor of the paper, the *Colonist*, in Nelson.

24. You told him of the occurrence?—Yes.

25. What did you do then?—We went straight down to the police-station—Daniell, Hamilton, myself, and my father. We all went to the police-station, and on reaching there Mr. Bannehr demanded to see the sergeant, but they refused to call him.

26. Whom did you see?—Constables Kemp and Durbridge.

27. At the time of the assault was there any other constable present besides Durbridge?—Kemp.

28. On arrival at the police-station you said you saw Constables Durbridge and Kemp, and requested to see the sergeant.

29. What was their reply?—They said that unless there was a very serious charge, or words to that effect, they would not disturb the sergeant.

30. Did they tell you that he was in bed?—They did.

31. What took place after that?—Well, they tried to make out first that I was drunk.

32. Who made that charge?—Constable Kemp. He, I might mention, was policeman in charge when we arrived at the police-station.

33. No doubt most of the conversation was conducted on their part by Constable Kemp?—Yes.

34. Did Constable Kemp assert that you were drunk?—He did.

35. Once, or more than once?—Several times.

36. What was your reply to that accusation?—This was within half an hour after what had occurred. I told them what I wanted.

37. What other conversation took place?—After a lot of "barney," the result of the thing was that they in the long-run admitted that they had exceeded their duty, and Constable Durbridge said that he was grateful to us for accepting his apology, as he knew that if the charge was proved it meant his dismissal, and he apologized to me, and we shook hands, and as far as I was concerned, of course, the matter dropped.

38. As a matter of fact, it was not at your instigation that you gave any information in respect to this matter?—It was not.

39. When Inspector Macdonell applied to you for information you wrote him a letter, dated the 16th February, 1902, in which you said that under other conditions you would have been pleased to give him information, but the constable having made the apology you felt that in honour you could not give evidence against him?—That is so.

40. Now, to my mind it is almost of as great importance as the assault the suggestion that you were drunk. Was there any truth in the statement that you were intoxicated that night?—None whatever.

41. Your father can prove that people saw you?—After the occurrence? Yes, quite a number of persons, and several of the young persons who were in it.

42. You might pledge your oath that there was no truth in the statement that you were under the influence of liquor?—I do. I had had one or two drinks during the evening, but I was strictly sober.

43. *Mr. Herdman.*] What had you been doing that night? Where had you been?—I had been round the town.

44. All the evening?—All the time I was out.

45. When did you go out?—About half-past 7 or half-past 8.

46. From 7.30 p.m. to 12.30 you were about the town all night?—Yes.

47. In whose company?—In the company of the two friends I mentioned and several others.

48. What were you doing?—Just strolling round the town, and we had one or two drinks.

49. How many did you have?—Four or five.

50. Where?—I do not like to say where I had them.

51. How many different hotels did you visit that night?—Well, two or three.

52. Will you swear that you had not more than four drinks that night?

53. You might have had more than four drinks?—I might have had.

54. How many drinks had you?

55. Now, I suppose on the Christmas Eve it is customary for young persons to go about the town, and it is generally a jolly occasion: is that not the case?—Not always.

56. Well, you are not sure how many drinks you had that night. You might have had six or seven?—I think I had, but I will not swear to the exact number of drinks I had.

57. Will you swear that you did not have six or seven drinks that night?—I will swear that I did not have more than seven that night.

58. Will you tell me what drink you had?—I really could not say—porter-gaffs or shandies.

59. Did you have any whisky?—I did not. I confined myself to malt liquors.

60. After you had been strolling about the town all the evening and had a number of drinks I suppose you were in a jolly frame of mind?—I was.

61. You were going home in quite a respectable way?—I was going from the supper-rooms; we had not obtained any supper there, and we were going from there to Hurley Bros.

62. Had not the drink any influence on you?—No.

63. What made you stay out to that late hour of night? Cannot you give any reason? Were you out for a jollification that night?—No, I was not.

64. What were you out for?—For pleasure.

65. You cannot give me any reasonable answer for your being out between 7.30 and 12.30? Is not that a late hour for going home?—I do not think so.

66. When you came over the street you saw a disturbance outside these tea-rooms. You saw a disturbance on the other side of the street?—Yes.

67. Did you rush over?—No; we walked over.

68. Who went with you?—Daniell and Hamilton.

69. How close were they to you when you walked over?—They were right alongside of me.
70. Was there much noise on the other side of the street?—Not a great deal.
71. What attracted you there?—I went over to see what was happening.
72. How many people were about there?—I should think, about twenty.
73. Do you remember seeing Durbridge there?—I did not see him until he came up.
74. How many round about were there when Durbridge was there?—Between twenty or thirty.
75. Will you swear that?—I did not count them.
76. You went up to Durbridge, did you not?—I did not; he came up to me.
77. Did you say anything when you went round the crowd?—I did. I said, "What the devil's the row?"
78. Did you say, "What the hell is the row"?—I might have done so.
79. You addressed this remark to Durbridge?—I did not.
80. You addressed it to the crowd generally?—Yes.
81. In a loud voice?—No; in a voice that could be heard.
82. In an aggressive manner you said, "What the hell is the matter"?—In the usual manner.
83. Did you ask it in an aggressive manner?—In an inquiring manner.
84. Then Durbridge came up to you and said, "What's that got to do with you"?—Yes.
85. Will you tell me exactly what Durbridge was doing? How far were you away from him when you just got up to the crowd?—I did not see him until he walked up to me.
86. What was he doing: have you any idea?—I could not say what he was doing.
87. He came up to you and said, "What the devil has that got to do with you"?—Yes.
88. Then you raised your stick, did you not? Did you not raise your stick?—I did not.
89. Did you attempt to strike him?—I did not.
90. What did you say?—He gave me a push and said, "What right have you got here?" I said, "I have as much right to be here as you have."
91. He gave you a push?—Yes.
92. You were standing up straight?—I was sitting on my stick.
93. He gave you a push?—Yes, a push.
94. What did you do? Did you not lift your stick or raise your stick?—No; I did not take my hand out of my pocket or raise my stick.
95. Was it a vigorous push? Did you stagger?—I may have staggered a couple of steps and picked up my balance again.
96. Will you swear that you did not take your stick up and strike at him when he gave you a push?—I will.
97. If Constable Kemp and Constable Durbridge both swear that you lifted your stick to him (Durbridge) and that he told you to get out of the way you will deny it?—I will.
98. You lifted your stick to him after you fell down?—After he hit me.
99. Where did he hit you?—On the jaw.
100. Did you get up at once?—Yes.
101. And made a hit at him?—Yes.
102. Then, you attempted to hit him with your stick and he attempted to put you on the ground?—Yes.
103. What did your friends do when this was happening?—One of them came to my assistance.
104. Daniell did?—Yes.
105. At what particular stage was that?—When I was on Durbridge's shoulder.
106. Was that after he gave you this push?—When I was on his shoulder. When he picked me up and chucked me over his shoulder I called out to the fellows to see me through.
107. How did you get on his shoulder?—He picked me up by the knees and chucked me over his shoulder.
108. He got you round the knees and chucked you over his shoulder?—Yes.
109. What were you doing so close to Durbridge when he chucked you over his shoulder?—I made a rush at him with my stick.
110. Did you close with him?—No; he closed with me.
111. When you rushed at him with your stick did he not close with you?—I did my best to hit him, and he rushed me.
112. You went away home to your father?—Yes.
113. Then you went to the police-station?—Yes.
114. And had a conversation with Durbridge?—Yes, and Kemp.
115. Did you apologize to Kemp or Durbridge?—I did not.
116. You say Durbridge apologized to you?—He did.
117. Did he express himself as being very sorry about this occurrence?—He mentioned that his temper had got him into more than one scrape.
118. In whose presence?—In the presence of my father and myself.
119. Is your father coming here to give evidence?—I do not know.
120. Was Kemp there?—I could not say. I said the matter was going to drop.
121. Why did you not report this matter to the Inspector of Police?—For many reasons. I was just starting business at the time and knew that it would have been detrimental to me.
122. You were grossly assaulted by a police constable, you said, without provocation on your part at all?—That is so.
123. The only satisfactory reason why you did not report this and cause public notice to be drawn to it was that you were going to start in business?—And that I had an apology.

124. Were you satisfied with an apology for the gross assault on you?—I was.
125. Why did you not take criminal proceedings against him (Durbridge)? Would it have done you any harm to have laid a charge against that man and had him punished?—I considered it would have done so. I considered things left unpublished was better.
126. If you had gone into Court and proved to the Court that this man was wrong, and he had been convicted, and you were honourably exculpated from any blame, that would have done you no harm?—It would not have done me any harm.
127. Why did you not take those proceedings?—There are any amount of people that consider that that sort of thing is not the thing for anybody to be mixed up in.
128. That is the only reason you can give for not taking those proceedings?—Yes.
129. You were satisfied with the apology?—I was.
130. Have you had any conversation with Inspector Macdonell with reference to this matter?—Yes.
131. When?—He came up to our works and interviewed me.
132. When? Was that in February of this year?—I could not say.
133. Did he come to you for the information?—He did.
134. You did not go to him?—No.
135. He interviewed you on several occasions, did he not?—Only once.
136. Did he interview your father?—I do not know.
137. Have you never heard that he interviewed your father?—I have never heard.
138. Did your father not mention it to you?—I do not think he did.
139. Have you had any conversation with Inspector Macdonell since you came over from Nelson?—Yes.
140. In reference to this matter?—No.
141. Not a word with reference to this matter?—Beyond the fact that I asked him with regard to our expenses, and that I was considerably put out by being here.
142. Were you a great deal in his company yesterday?—I was not.
143. Do you mean to say that you have not had any conversation with him in reference to the evidence that you were to give here to-day?—I have not.
144. *Commissioner Tunbridge.*] You knew, Mr. Bannehr, that of course you had a remedy against this constable if you chose to go for him?—Yes.
145. You also knew that the sergeant was close by; that his house was next door to the police-station?—It is near the police-station.
146. It is next door?—Two or three doors away.
147. It is next door. If you went to the police with the intention of reporting this trouble to the sergeant why did you not go to the sergeant's house and call him out?—We would have done it. I believe my father threatened to do it. I believe it was the last step that brought forward the apology. It is a long time ago, and as I had accepted an apology one does not like to stir it up.
148. You had been very seriously assaulted?—I had.
149. And you went to the police-station to see the sergeant and to lay the complaint against this constable?—I did.
150. Notwithstanding that, on your arrival at the police-station you did accept the apology from the police constable?—We demanded to see the sergeant, and we were denied this.
151. You could have seen him yourself, could you not?—We could have gone and knocked him up.
152. You went to the police-station to complain to the sergeant notwithstanding that interview with the constable that you obtained from Kemp?—After he apologized.
153. Your readiness to make it up with the constable was not owing in any way to your condition, was it?—I should have thought that my condition by this time ought to have been amply proved.
154. Your readiness to make it up with the constable was not on account of your sobriety or otherwise?—No, of course not.
155. If there had been no question of your sobriety what possible harm could have been done towards you if proceedings before a Magistrate had been taken?—My object for not going to him was perhaps because it was out of thoughtlessness. You might say it was that, and also, as I said, I was just starting this business and I did not want to be mixed up in anything that I thought would be detrimental to my advancement, and that is the reason why I did not press on the charge, and now I am sorry I did not.
156. Now, had you seen the sergeant and reported the matter to him, were you prepared to leave the matter to the police authorities to deal with?—I do not know what course I would have taken if I had proceeded with the thing.
157. Well, as a matter of fact, you were not clear in your mind as to what you went to the police-station for?—I was. We went to see the sergeant.
158. To make it clear, was it your intention, when you went to see the sergeant, to report it to the sergeant, and leave the matter to be dealt with by the police authorities, or did you desire the police authorities to lay an information against the constable, and bring the matter into the Court?—It was to report to the sergeant; this was what we intended to do.
159. Your father accepted the apology as well as yourself?—We were both satisfied.
160. And, notwithstanding that, are you aware that your father afterwards complained to Inspector Macdonell?—I do not know what my father did.
161. Mr. Ward—you know Mr. Ward?—I know a Mr. Ward in Nelson.
162. Edward George Ward, a grocer?—I do not know him. But you have a mistake there. The name ought to be Wood.
163. You know Edward George Wood, then?—Yes.

164. If Mr. Wood says that what you stated when you got to the crowd was "What the hell is the row?" you will not contradict that?—No; it was "hell" or "devil," or something of that sort.

165. *Hon. Mr. Hall-Jones.*] By the way, what weight are you?—About 10 st. 11 lb. or 10 st. 12 lb.

166. What weight is the constable?

167. How long was it after this assault that you went to the police-station?—Within half an hour, to the best of my belief.

168. You considered you had been grossly assaulted, and you went to the station to complain to the sergeant?—Yes.

169. When you got to the police-station you found a constable named Kemp at the station?—Yes.

170. And with Constable Kemp there was Constable Durbridge who had assaulted you?—Yes.

171. And Constable Kemp said that you were drunk?—He did.

172. You had these two constables, one who had assaulted you, and the other who said you were drunk, and in the face of their statements you would have had to bring a criminal case against them, and the position would have been that you would have had to go before a Magistrate, and you would have had these two men—one who would have had to protect himself from your charge, and one who would have charged you with being drunk—as against your statement on the other side?—And Hamilton's and Daniell's and several others.

173. You thought you took the right course in going and complaining to the constable?—Yes.

174. And they refused to let you see the sergeant?—They did.

175. You say that Durbridge apologized, and expressed his gratefulness for your having accepted his apology, and he said that his temper had got him into scrapes on more than one occasion?—He did.

176. And that he had exceeded his duty?—Yes.

177. The question has been put to you whether you have seen Inspector Macdonell?—Yes.

178. Have you seen him and had any conversation with him since you were sent for?—Not on the subject.

179. Have you had a conversation with him?—Nothing on my coming here.

180. Have you had a conversation with Durbridge?—I have not spoken to him.

181. In your statement of what occurred you say that Durbridge said, "What the hell's that got to do with you, Bannehr?" and immediately struck you a severe blow with his fist on the jaw and knocked you down violently. That is your statement to the Inspector?—I did not make any full statement to the Inspector on the subject. To the best of my belief I am giving now what took place.

182. It was because of this blow that you raised the cane to him?—It was.

183. Then, after that, "he rushed at me, lifted me up, and threw me clean over his head"?—Over his shoulder.

184. "And I fell heavily on the hard street": is that correct?—That is correct.

185. "I was very stiff and sore after it"?—No, I did not say anything about that. I was sore after it naturally.

186. "I could hardly eat anything for a week, owing to the pain in my jaw"?—That is wrong. I did not make that statement.

187. It is a fact that Durbridge took you up and threw you?—All that is right.

188. That on two occasions you were assaulted. First you were struck in the jaw, and then you were thrown down violently?—That is so.

189. *Mr. Colvin.*] What age are you?—Twenty-two.

190. Do you live with your father?—Yes.

191. You are unmarried?—I am.

192. Is it the custom for young men to be out in Nelson after 12 or 1 o'clock in the morning?—It just depends on their habits, I think.

193. I am asking you the custom in Nelson?—I do not know the custom.

194. Are you in the habit of being out at that hour usually?—No.

195. You will swear that you had not more than seven glasses of liquor during that evening?—Yes.

196. How many glasses of liquor do you think you are capable of consuming and keeping straight in an afternoon?—I think that is a difficult question to answer. Anything under a hundred.

197. I am just asking you. You say you were straight after taking the seven glasses?—Yes, I was straight. I was sober, anyhow.

198. Is it the action of a sober man to walk out of a house and say, "What the hell are you doing here"?—That depended upon a man's character, and nature, and so on.

199. You seem to have a very good character. Is it customary for a man, when he is sober, to come up and say, "What the hell is the row"?—I do not think that is a very dreadful thing to say and a very uncommon thing.

200. You say you had as much right there as the constable?—I do.

201. Do you admit the constable was doing his duty on that occasion?—Certainly not when he hit me.

202. Was it not the constable's duty to be there?—Yes.

203. Supposing I went up to your business-place and asked what the hell you were doing, or what the row was?—It was on a public street.

204. Is it not the duty of the constable to be on the street at that hour?—I do not know; it might have been his duty to be off.

205. If a constable is in uniform is it not his duty to be on that street?—If he is on his beat, certainly he is.

206. Do you think that after a young fellow has got a smack in the face for his interference that it is a nice thing for him to go home and tell his father?—I think I adopted the right course.

207. Was it your father who suggested that you should lay the information before the sergeant, or yourself?—I asked him.

208. Was it your father's suggestion or your own?—I went home to get him to come down to the station.

209. And you suggested it to him?—Yes. I suggested it was the only thing open for us.

210. Do you not think it would have been better, if your father was a J.P., to have taken you to a J.P. and laid an information against the constable for assaulting you?—We did not deem it so.

211. You went to the station?—Yes.

212. There was nothing at the time you were at the station to stop you going to the sergeant's house?—We did not do so.

213. You say the constables would not allow you?—The constables did not call him.

214. But you could have called him?—Yes, we could have called him.

215. No person stopped you from going to the sergeant's house?—No.

216. You received an apology?—I did.

217. And you say that it was on that account you did not want to have your name mixed up in any disturbance when starting a new business?—That is true.

218. As a young man do you not think, if you were perfectly sober and had four or five comrades along with you who could prove you were perfectly sober, that you could have come out of that case all right?—Yes, I know I could have come out of it all right. It was not of my seeking—that is, the disturbance. I was strictly sober, and the constable must have exceeded his duty. I had the case in my hands, and it might have been out of kindness that I did not proceed further. Anyhow, we were satisfied with the apology from the constable.

219. When a young fellow comes across a street and wants to know what the row is, do you not think he is sweating for a beating, like some of my countrymen? Do you not think you were anxious for a row?—No. I knew a lot of those fellows who were round there. The remark was addressed to the fellows that I saw there. It was not addressed to the constables, anyhow.

220. When you came out of the house you did not know who was there?—No.

221. You thought you would go and have a bit of a lark?—Yes; it was a very natural thing.

222. When people are in a perfect state of convalescence they like to keep out of rows?—I did not know then that I was going to get into a row. It was curiosity on my part.

223. You still think you can stand seven glasses of liquor without being drunk?—Yes.

224. You do not drink whisky?—I do not.

225. Was it long beers—threepenny beers?—It is threepenny beers over our way.

226. *Hon. Mr. Hall-Jones.*] You said to Mr. Herdman that you would swear that you had not had more than seven drinks. You did not mean that you had had seven?—No.

227. This was on Christmas Eve?—It was.

228. I suppose on Christmas Eve there are always more people about the streets?—Yes.

229. You were about the streets for three hours and a half. You were walking up and down the streets on this occasion?—Yes.

230. And during that time you had these drinks?—Yes.

231. *Mr. Hardy.*] Have you read the evidence in connection with yourself?—No, I have not read that.

232. Do you say, then, that there are statements here in this printed evidence which are made by some one else, and which are not correct? Are there statements in this evidence which are not correct?—Yes.

233. How much is there that is incorrect?—I cannot tell you straight off. There is something there about being stiff and sore for a week.

234. *Hon. Mr. Hall-Jones.*] "I could hardly eat anything for a week, owing to the pain in my jaw"?—That is not correct.

235. *Mr. Hardy.*] As there are some things in this evidence that are not correct you really think it is unreliable, as far as yourself is concerned?—Some of it is.

236. Where has this come from: out of your brain, or out of some one else's brains?—When the Inspector came up to see me I said I did not want to say anything about it, as I had accepted this apology. He said, "I know all about it," and drifted on to a side conversation. I think there were a few little facts of the occurrence I may have dropped. I know I did not make any statement to him.

237. Did he put any leading questions for the sake of drawing you?—It did not strike me that he was doing so.

238. How is it that he has got some things in this printed evidence that you say are not correct?—He may have seen some of the others that saw the occurrence and got it from them.

239. Still, you of your own knowledge know that the statements he has made are incorrect?—I would not say that.

240. I think it is a reasonable and a fair statement for you to make, but I do not think it is reasonable for you to be charged with saying things that did not occur. I think it very manly of you to say there are things in this report that really did not take place?—That is so.

241. Things that did not take place: "That I was stiff and sore, and could hardly eat anything for a week"?—That is not correct.

Inspector Macdonell said he thought the witness was speaking conscientiously, and he (the Inspector) thought he could give the Committee an explanation of the matter.

242. *Mr. Skerrett.*] *Mr. Bannehr*, I understand that the observation that you made—"What the devil is the row about?"—was not addressed to the constable, but addressed to the crowd, among whom were some of your acquaintances?—Yes.

243. Do you say positively that you did not address this observation to either of the constables?—I do.

244. Now, you are not in any sense a prosecutor in this matter? You have not brought this charge forward?—I have not.

245. You have no desire to colour your evidence against the constable?—I have not.

246. What I want to know is this: Do you say positively that you made no act or sign to give *Durbridge* to understand that you intended to interfere with him in the course of his duty?—I did not.

247. Whether you were drunk or sober you did not do anything to justify him in assaulting you?—That is right.

248. Can you see the merit of assaulting a drunken man if he is not interfering in the matter?—There is nothing in it, of course.

249. You went straight home to your father?—Yes.

250. You were living with your father at the time?—Yes.

251. Do you think it wise, and indeed proper, that you should communicate with your father before taking any step in this matter?—Knowing that I had justice on my part, and knowing that he had more experience than I had, I deemed it the best course to take.

252. Would you have been justified in taking any step in this matter without consulting with your father?—No, certainly not.

253. It is suggested that this was unmanly on your part?—No, it was not.

254. Then after going home you went straight down to the police-station?—Yes.

255. Now, you requested to see the sergeant there?—Yes.

256. Did you inform those constables in charge of the police-station that you desired to complain of an assault by one of them on yourself?—I would not be sure; they, of course, knew what the trouble was.

257. Did you give them to understand that you requested to see Sergeant Mackay?—Yes.

258. And you gave them to understand that you wanted to make a complaint to the sergeant about Constable *Durbridge*?—Yes.

259. In the face of that fact do you say that the constables declined to call the sergeant?—They did. Their words were that unless it was some very important charge they would not call him.

260. Apparently an accusation of that sort was not of sufficient importance?—Yes.

261. You say that you had no conversation with *Inspector Macdonell* with regard to this matter?—No.

262. Have you had any conversation with any one, then, with regard to your evidence?—Well, I have, of course, talked the thing over with *Daniell*.

263. I mean with any one here?—No, with no one here.

264. You have not even seen your answers to the questions at the inquiry?—No, I have not.

265. After this assault was your jaw sore?—Yes.

266. For how many days?—Oh, three or four days.

267. And did you feel any ill effects from the fall?—Well, at the time it partially stunned me, I think.

268. I mean the next day?—Oh, no.

269. *Inspector Macdonell* saw you. Do you remember if he took a note of your evidence?—I do not think he did.

270. Now, *Mr. Hall-Jones* read you a *précis* of what you would be able to say, and which was given by *Inspector Macdonell* to the Commissioner of Police. In substance, you say that is true?—Yes.

271. You say you did not say you could hardly eat anything for a week from a pain in your jaw?—No.

272. As a matter of fact, the jaw was sore?—Yes.

273. And a man with a sore jaw does not eat without an effort?—Yes.

274. This statement is not very far from the truth, then?—No.

275. It is just a little coloured?—Yes.

276. It is suggested now for the first time that you apologized to Constable *Durbridge*?—Oh!

277. When you wrote the letter of the 16th February, 1902, you must have been under a misapprehension?—I was.

278. You say in your letter to *Inspector Macdonell*, "Under other conditions I would have been pleased to give you any information, but having accepted an apology I feel that I cannot in honour consent to give evidence"?—That is so.

279. It was you who received the apology, and not you who gave it. You must have been under that impression?—That is so.

280. There are a number of witnesses who saw this matter?—Yes.

281. You formed the opinion that it would be better to accept an apology?—Yes.

282. Now, you may have been wrong in that judgment?—Yes.

283. But, at any rate, that was the conclusion you arrived at, and that is the conclusion you acted upon?—Yes.

284. And you have no desire whatever to bring this matter to light again?—Oh, certainly not.

285. *The Chairman.*] Are you sure now that in this assault you and *Daniell* did not close

with Durbridge. You say that Durbridge knocked you down after you got up: are you sure that you and Daniell did not close with Durbridge, and that it was on account of that that he threw you over his shoulder?—After he knocked me down I got up and hit at him with my stick. Whether I hit him or not I am not sure. He closed with me when I was in the air. I sang out to the other fellows to see me through, and Daniell was the only one who did it. He came up, and I was on the ground before he got near Durbridge. Of course, I could not see.

286. You think that you and Daniell did not rush at him immediately you got up and get hold of him. You are positive you did not get hold of him?—Yes.

287. You only hit at him with the stick?—Yes.

288. You did not get hold of him at all?—No, only when I was going over his shoulder.

289. Did he, after he had thrown you over his shoulder, attempt to pick you up—you would go down with a good thump and the ground would be pretty hard; it would wind you rather than stun you?—To the best of my belief I fell on my head.

290. Did he attempt to pick you up?—No.

291. He did not care whether your head was split or not; he just left you alone?—Yes.

292. And when you and Daniell and your father went to the station you are sure that, instead of your father convincing Durbridge that he was wrong, Durbridge did not convince your father that you were wrong?—I am quite convinced that Durbridge was convinced that he was wrong, and that I accepted an apology.

293. It was not mutual apologies on both sides?—No.

294. There was only an apology from Durbridge?—Yes.

295. There was no apology from yourself?—No, nothing whatever.

296. I suppose these beers that you had were the usual Nelson threepenny beers?—Yes.

297. You did not have it out of a pewter?—No, I did not.

298. You would not get a half-pint, then?—No; to the best of my belief I was drinking shandy-gaffs.

299. It was all local beer—ginger-beer and the beer?—Yes.

300. And it is not very strong?—That is so.

301. Had these other friends of yours been with you the whole evening?—No; both of them were working until pretty late.

302. They had not been with you the whole time?—No.

303. Is it an unusual thing, or is it the usual thing, for people in Nelson to keep early hours? I mean the general run of people?—Not on Christmas Eve. But as a rule they keep fairly early hours.

304. I suppose you have been in Nelson a good long while?—All my life.

305. You are a native of Nelson?—I am.

306. You are quite positive now about that statement made in connection with Durbridge's reply—in taking an apology. You say that he thanked you for it?—He expressed his gratitude for taking it the way we had.

307. And he made some statement about his temper?—He stated that his temper had got him into more than one scrape.

308. *Mr. Skerrett.*] In answer to a question put by one member of the Committee as to how many drinks you could stand and yet remain sober you said something under a hundred. That was meant facetiously? Your remark was not serious?—No.

309. And it goes down on the notes, and, like Mark Twain's, the joke ought to be labelled?—Yes.

310. *The Chairman.*] Are you quite certain that you were not spoiling that night for a row?—No, I was not.

311. Are you a footballer?—I am.

CLAUDE ALBERT NELSON HAMILTON examined. (No. 12.)

312. *The Chairman.*] What is your name?—Claude Albert Nelson Hamilton.

313. *Mr. Skerrett.*] Where do you reside?—At Nelson.

314. And what are you?—A salesman at Buxton and Co.'s.

315. Do you remember last Christmas Eve?—Yes.

316. Do you remember at what time of the night you met young Bannehr?—That I cannot say exactly.

317. About what time did you meet him?—Somewhere between 10 and 11 p.m.

318. Were you working that night?—Yes.

319. Up to what time?—Until about 9.30 p.m.

320. Do you remember going to some supper-rooms with him?—Yes.

321. Who were the members of the party?—Bannehr, Daniell, myself, and some one else.

322. Were any of the party under the influence of drink?—No, not under the influence of drink.

323. Was Bannehr at all under the influence of drink?—No.

324. Had you been into any hotels with him?—Yes.

325. How many?—Two.

326. Which were they?—The Exchange and the Wakatu.

327. And how many drinks did you have each in those hotels?—About three, I think.

328. Do you remember what Bannehr was drinking?—That I cannot say.

329. Can you be positive that Bannehr was not under the influence of drink?—Yes.

330. Was he himself by his actions and his conduct?—Yes.

331. Well, you came out of the supper-rooms?—Yes.

332. And proceeded along the street?—Down Trafalgar Street.

333. Had you left the supper-rooms long before you observed the row—a concourse of people—I am speaking of the supper-room you went into first? You went into a supper-room first and found you could not get anything?—We went into one supper-room and got something, and then went to another, but found we could not get anything.

334. That was just before the row?—Yes.

335. Well, you went into the second supper-room, and what happened there? Did you have supper or not?—No; the place was nearly cleared out, and we thought we would shift to another place.

336. Did I understand you to say that you had had supper before that?—Yes.

337. What was the idea of having two suppers? How long before that had you had a supper?—About half an hour, I expect.

338. Well, you came out of the supper-room, and did you notice a crowd?—Yes; in the middle of the street.

339. Will you tell the Committee what took place?—We went out into the street, and Bannehr might have been a little behind us, and he said, "Hullo, what the hell is wrong here?"

340. Who was this addressed to?—No one in particular.

341. Well?—And Constable Durbridge came out of the crowd, and he said, "What in the hell has that got to do with you, Bannehr? Get home out of this."

342. Well?—Bannehr said, "I am not going home yet."

343. When Constable Durbridge came out of the crowd and said, "What the hell has that got to do with you, Bannehr? Get home out of this," did he shove or push him?—Yes. He went up to Bannehr.

344. Did he touch him?—He might have pushed against him.

345. He went up close to him?—Yes.

346. You think that Durbridge said, "What the hell has that got to do with you, Bannehr? Get home out of this." What took place then?—Bannehr said, "I am not going home yet," and then Durbridge hit him.

347. Do you remember how Bannehr was standing?—No; that I could not say.

348. Do you remember where Bannehr's hands were?—He had a walking-stick in his hand.

349. Do you remember what he was doing with the other hand at all?—No.

350. You do not remember whether it was in his pocket or not?—No.

351. Before Constable Durbridge hit him had Bannehr raised his stick or made any threatening act towards the constable?—No, not that I saw.

352. Were you close to him?—I was.

353. If he had made any threatening act towards Durbridge would you have seen it?—Yes.

354. Do you say that you saw no act either of raising the stick or motion of the hands which would lead Durbridge to suppose that he was about to be attacked?—No.

355. Was the blow a violent one?—Yes, I think so.

356. What effect did it have?—It nearly knocked him over on his hands.

357. He fell sideways?—Yes.

358. Where did the blow strike him?—Under the jaw.

359. The result was that Bannehr was knocked on his hands?—Yes.

360. What took place after that?—Bannehr got up half-way and hit out with his stick at Durbridge.

361. So this is the first time that you saw Bannehr use his stick?—Yes.

362. Do you know whether he hit Durbridge?—I think he did.

363. By the by, what sort of a stick was it: was it a light stick or a heavy stick?—Fairly light, with a crooked handle.

364. The ordinary walking-stick, I suppose?—Yes.

365. He hit out at Durbridge and you think he hit him: what took place then?—Durbridge closed with him and threw him on his back.

366. Where did he collar him?—He got him about as high as round his shoulder and threw him down.

367. Did he fall heavily?—Yes, very heavily.

368. Now, what took place then: who helped Bannehr to get up?—We helped him.

369. Did Durbridge leave him?—He stood by.

370. And you helped him up?—Yes.

371. Did Bannehr seem at all affected by the fall?—Well, he walked a little bit lame.

372. Was he a bit winded?—He lay on the ground a little bit.

373. Did Durbridge make any remark at all, while he was being helped up, to you or to anybody else?—Not that I remember.

374. Where did you go after this?—We went up to Mr. Bannehr's place.

375. Did you go with him?—Yes.

376. Was he able to walk?—Yes.

377. Unassisted?—Yes.

378. Is there any reason to believe that young Bannehr was under the influence of drink at this time?—No.

379. You answer that quite solemnly?—Yes.

380. Do you think that any honest person could have charged him with being intoxicated?—No.

381. You walked up to the house—by the by, where does Mr. Bannehr live?—Just in Bridge Street.

382. How far away is it from the scene of the row?—About three-quarters of a mile, I should say.

383. Mr. Bannehr was at home?—Yes.

384. Do you know whether he was in bed?—I do not think he was.

385. Did you tell Mr. Bannehr the story?—Yes.

386. And from there where did you go?—Down to the police-station.

387. How far would that be from Mr. Bannehr's house?—About half a mile, I should think.

388. Who was with you?—Daniell, Mr. Bannehr, and myself.

389. And young Bannehr, of course?—Yes.

390. Who did you see at the police-station?—Constables Durbridge and Kemp.

391. Now, who acted as spokesman for what I may call your party?—Well, Mr. Bannehr, sen., explained.

392. Whom did Mr. Bannehr ask for?—He asked for Sergeant Mackay.

393. Whom did he address—which of the constables, or did he address both?—Well, they were both together.

394. Did Mr. Bannehr, sen., say why he wanted to see Sergeant Mackay?—I do not think he did so at first.

395. What did they say when he asked to see Sergeant Mackay?—They said he was in bed. They said it was rather late to see him. Then they asked him (Mr. Bannehr) what it was about, and said they thought it was about this row.

396. What did Mr. Bannehr then say?—He told them it was.

397. What took place then?—Then they began talking, and Mr. Bannehr asked them to apologize.

398. Then they began talking about this row, and a good general discussion took place?—Yes.

399. What statement did the constables make?—Well, they denied some of it.

400. What did they deny?—They said that Bannehr struck out first at Durbridge before Durbridge pushed him.

401. Did Durbridge deny having struck Bannehr?—No, I do not think so.

402. Did the constables say anything at all as to Bannehr's condition—as to his condition of sobriety, and so on?—Well, they said he must have been intoxicated from the way he went on.

403. Who said that, do you remember?—I think it was Constable Kemp.

404. Is your recollection that Constable Kemp said he was intoxicated, or only that he must have been intoxicated from the way he went on?—They said, the way he was talking down there. They said he said, "What in the hell is wrong here?"

405. From that talk they thought he must have been intoxicated?—Yes.

406. They did not charge him with being intoxicated, only that he must have been intoxicated from his conduct?—Yes.

407. Did Bannehr deny that he struck or made any motion towards Durbridge before Durbridge struck him?—Yes, he did.

408. Well, now, who mentioned the apology first, do you remember?—I cannot say.

409. Was the apology mentioned?—Yes, I think it was.

410. What happened about the apology?—Well, they were not going to apologize at first. Well, then, after that Durbridge and Kemp both went into a room.

411. Apart?—Yes. And then Mr. Bannehr went into the room, and then young Bannehr, I think, was the next to go in, and then they apologized to him.

412. You were not in the room, and you did not know what took place?—That is so.

413. Was anything said about the apology upon their returning to the room?—I think we all went out together. Durbridge and Kemp did not come into the room before we went out.

414. What was actually said as to the apology was said in a room in which probably Kemp, Durbridge, and the two Bannehrs were present?—Yes.

415. You do not know what was said except what was told to you?—Yes.

416. Mr. Hamilton, did either of the constables suggest before they went into the room, apart from yourself, that young Bannehr ought to apologize to them?—I believe they did say something about it.

417. And what did young Bannehr say?—I think he said that he had nothing to apologize for, or words something like that. I do not know.

418. Were you told immediately after leaving the police-station what took place? Were you told by the Bannehrs what took place in the room? Were you told something of what took place?—Yes.

419. Immediately afterwards?—After we left the building.

420. You are quite sure that young Bannehr said that he had nothing to apologize for at that interview?—Well, he said something like that, I think.

421. You were quite sober, at any rate?—Yes.

422. And you have no grudge, I suppose, against either of the constables?—No.

423. And I do not think you have been seen by any one as to your evidence within the last two or three days: has any one connected with the police seen you?—No.

424. I have not seen you myself?—No.

425. It is of some little importance that you should tell me whether you think there was any truth in Durbridge's statement that young Bannehr struck at him or struck him before he (Durbridge) hit him?—No, I did not see anything of that at all.

426. Mr. Herdman.] You have known young Bannehr for some considerable time?—Yes.

427. You have been on intimate terms with him?—Yes.

428. For how many years?—I have known him for about ten years, I expect.

429. Have you been intimate with him during the whole of that time?—Yes.
430. You have been to school with him?—Yes.
431. You came over on the boat with him?—Yes.
432. I suppose the subject-matter of this inquiry has been talked over between you?—Yes.
433. Did you not speak about it coming over on the boat?—Yes.
434. And discussed the evidence that you were going to give to-day?—Yes. I suppose we mentioned points.
435. I suppose, after the lapse of time you have forgotten a good many of the little details?—Yes.
436. You left work at 9.30 on that evening?—Yes.
437. So you do not know what Bannehr had been doing before that hour?—No.
438. Do you know whether he had any drink before you met him?—I do not know.
439. How many drinks do you say he had when you were present?—I should say, about three or four.
440. Are you certain about that?—It would not be more than four.
441. He announces the limit of his drinks on that day as not more than seven?—That is likely.
442. You do not know how many he had?—No.
443. What was the name of the hotel that you left when you were coming along to this spot where the fracas happened? You had left the hotel, had you not?—No; the supper-room.
444. What hotel had you been to before the supper?—The Wakatu.
445. And what hotel before that?—The Exchange.
446. You were coming along from the Exchange Hotel in the direction of some other hotel when you got near this row?—Oh, no; we were coming from the tea-rooms.
447. You were coming from the direction of the Exchange Hotel when you met this crowd?—No; we were not coming from any hotel at all.
448. Not from the direction where the Exchange Hotel is?—No; we were coming down Trafalgar Street.
449. Where was Constable Durbridge when you approached this crowd?—There was the ring, and he was on the other side.
450. He was away from this ring altogether, was he not?—In the middle of the ring, on the other side of it.
451. What did you do, then, when you came up with the crowd?—We were just walking past slowly.
452. Did you not cross the road to see what was wrong?—No; we were going up to another tea-room.
453. Did Bannehr go ahead of you?—I think he was a little bit behind.
454. You said that he went up to the constable or to the crowd?—No; we were just passing together. We were not close.
455. Whom did he speak to when he said, "What the hell is happening here"?—To nobody.
456. Then, that was to nobody in general?—Yes.
457. Did he say anything to Constable Durbridge?—Not that I remember.
458. Do you know what was happening in the crowd?—No.
459. Did he know what was happening?—No, I do not think so.
460. Do you not remember him making this statement? Did he not say to Durbridge, "What are you ill-treating that man for"?—No, he did not.
461. Will you swear that he did not say that?—Yes.
462. There is a man named Henry Frank that has given a statement here: do you know a man called Henry Frank?—I know a Freek.
463. He says, on page 18, that "Bannehr was asking him (Durbridge) what he wanted to knock this person about for." You say that statement in that paragraph is false. Will you swear that he did not say that?—I did not hear him. That is, as far as I have heard he did not say that.
464. You have not any recollection of it. So he might have said that?—I do not think he could have said that.
465. So, in all probability, this statement is incorrect altogether?—Yes.
466. Are you sure he (Bannehr) was not under the influence of drink that day?—Yes.
467. You had a conversation with a man called Kohn who was present or about the streets that night—after the whole thing was over: do you know a man named Kohn?—Yes.
468. Do you remember having a conversation with him over this incident?—I might have spoken to him.
469. Do you not remember speaking to Kohn, and Kohn saying that he (Bannehr) was drunk that night and that it served him right?—No.
470. Do you not remember now that when you approached the crowd on this evening Bannehr got ahead of you people and ran round on the other side to Durbridge?—No, he did not do that.
471. Just describe what he did do?—There was a crowd, and Bannehr might have been a little bit behind, and he went up, and just as he was passing the crowd he said, "What in the hell is wrong here?" Durbridge came out from the other side and went against him and said, "What in the hell has that got to do with you, Bannehr?"
472. Did not Durbridge just shove him away?—I think he did.
473. Did he fall down then?—No, I do not think so.
474. Are you quite sure?—Yes, he did not fall down then.

475. What happened then?—Durbridge said, "Here, go and get home out of that," and Durbridge hit him.

476. Did he fall?—He fell on his hand.

477. Did Bannehr get up?—Yes, and hit round with his stick.

478. Did not Durbridge stoop down then, and did not Bannehr get over the top of his shoulder?—After that I do not remember much.

479. I suppose your recollection of the whole dispute is rather indistinct. It was 12.30 p.m., and you had been having rather a good time?—I had been to work, and we were out afterwards.

480. Your recollection of what took place is not quite distinct?—It is owing to the lapse of time.

481. Did you have beer that night, or did you stick to shandy-gaff?—We stuck to shandy-gaff.

482. Do you know much about Bannehr? He is rather an irritable sort of young gentleman. Is he not quick-tempered?—Not to my knowledge.

483. Have you heard that he is quick-tempered?—No, not that I know of.

484. When you got along to the police-station you think that the constables asked young Bannehr to apologize?—Yes.

485. Bannehr does not think so. Bannehr states that the constables did not ask him to apologize. I suppose your statement is correct?—I said, Durbridge asked him, and said that he ought to apologize to him.

486. You think your statement is quite correct?—I think so, yes.

487. When Mr. Bannehr, sen., and the young man Bannehr said that they wanted to see Sergeant Mackay the constables stated that it was rather late; he was in bed?—Yes.

488. You know where the sergeant's house is, next to the station?—Yes.

489. If they had been particularly anxious to see Sergeant Mackay Mr. Bannehr could have gone round to the sergeant's house and called him up?—I think so, yes.

490. And he did not do it?—No.

491. Now, in reference to the assault: Daniell, I understand, came to Bannehr's assistance, did he not?—Yes.

492. Did he do so at once?—When Durbridge closed with him he put his hand on his shoulder.

493. Did he grasp him?—That I could not say.

494. Did Durbridge stoop when he went down?—Probably he did.

495. And when he stooped down he got hold of Bannehr?—Yes.

496. Bannehr tells us, Mr. Hamilton, that Durbridge got hold of him and lifted him up and threw him over his shoulder?—He lifted him up about as high as his shoulder.

497. He (Durbridge) stooped down. He did not stand up straight and then throw him down?—No, I do not think he got up straight and then threw him down.

498. *Hon. Mr. Hall-Jones.*] With reference to this assault: In your opinion, was there not considerable risk to Bannehr in being taken up and thrown down in the way you have narrated?—Yes.

499. And by a man so much superior in height and weight?—Yes.

500. This remark about "What the hell is the row here?" was it addressed to you (his friends), or to the crowd, or to him (Durbridge)?—I think it was addressed to the crowd that was there.

501. You did not go out of the way to get to this crowd at all?—No.

502. Could you see the constable when you were approaching the crowd?—No.

503. You were not aware that a constable was present?—No.

504. And naturally one wanted to know what the crowd was there for?—Yes.

505. And then the constable came forward and remarked, what had that got to do with him. Then he struck him (Bannehr)?—He said, "What the hell has that got to do with you?" and Bannehr said, "I am not going home." Then he struck him in the jaw and knocked him over.

506. He made two assaults—first by striking him and knocking him over, and then by throwing him down?—Yes.

507. First there were two violent assaults, and then you went to Mr. Bannehr's residence, and then you went to the police-station?—Yes.

508. Do you remember what occurred when you arrived there? Did you ask to see Sergeant Mackay?—Yes.

509. And the constables declined to call him?—Yes. They said he was asleep, and did not want to call him.

510. Did the Bannehrs press that he should be called?—I think Mr. Bannehr said he would like to see him.

511. Still, they did not call him?—No.

512. And then very probably a conversation took place as to what had taken place at the scene of the row?—Yes.

513. What was the line of that conversation? How did it start?—One of the constables said, "I think I know what you have come here for."

514. Then what was said in reply to that?—That I do not remember.

515. Do you know what the object of the Bannehrs was in going to the station?—Well, they wanted to see Mr. Mackay and get the apology from these constables.

516. Who first mentioned the apology, the Bannehrs or the policemen?—I cannot say.

517. Was the word "apology" mentioned before the constables left the room?—Oh, yes.

518. How long were the constables absent at that time before they sent for either of the Mr. Bannehrs?—I should say, about a couple of minutes.

519. Then they sent for Mr. Bannehr—sen. or jun.?—I think it was Mr. Bannehr, sen., that went in first.

520. They called him by name?—Yes.

521. You cannot say what occurred between the constables and Mr. Bannehr, sen.?—No.

522. Have you had any conversation with either Durbridge or Burrell since you have been over here?—No.

523. Is it a common thing in Nelson for people to be up later on Christmas Eve than on other nights?—I think so.

524. This is usual in most towns. There is a crowd in the streets, and people generally stop up later?—Yes.

525. There is nothing in the insinuation that you were intoxicated, or that Bannehr was intoxicated?—No.

526. And what drinks you had were chiefly half-and-half—beer and ginger-beer?—Yes.

527. So if you had seven drinks you only had half alcohol?—Yes.

528. Has young Bannehr a good reputation? Has he the reputation of being a steady young man?—I think so.

529. What reputation have the constables?—As far as I know, they are all right.

530. You have not heard or known of any previous assaults by them?—Well, I have heard of one.

531. It is not within your own knowledge?—No; it is just hearsay.

532. *Mr. Colvin.*] You do not mix up with the police in Nelson, Mr. Hamilton?—No.

533. Then Mr. Bannehr, jun., is a very respectable young man as far as you know?—Yes.

534. And is not in the habit, in the ordinary course of conversation, of using bad language—he is not in the habit of swearing?—Of course, he does sometimes.

535. You were very hungry that night. You had been into one supper-room and had supper half an hour previous to your going to have another one?—Yes.

536. Did you have a drink after you had the supper?—No.

537. Then, the drink had not the effect—this shandy-gaff—of making you hungry?—No.

538. Can you account for Mr. Bannehr singing out when he went along to the scene of the row, “What the hell is the matter here”?—Well, it is only natural, I think, for any one to ask what is the matter.

539. I quite understand you talking to yourselves, but to sing out, and he must have sung out pretty loudly, because you say the constable was in the centre of a number of people, and he came out afterwards and must have been able to recognise Mr. Bannehr, because immediately he came out he asked what the hell he had to do with it. Mr. Bannehr must have sung out louder than the ordinary tone of conversation?—I do not think so.

540. How do you account for the constable hearing him and knowing his voice?—Well, it is just like hearing your voice in this room. The crowd was not a big one.

541. Some of the evidence shows that there were about twenty people?—It was just as if he was speaking in the street as we were going past.

542. You were working until about 9.30 p.m. in the store?—Yes.

543. And you picked up Mr. Bannehr then?—No, not till after.

544. When did you meet him?—I could not say where we met him.

545. You had three or four drinks after you met him?—Yes.

546. About three would be about enough for you. Your carrying-capacity would not be more than three or four. How many do you think you could do with without getting excited?—I do not know. I have never tried.

547. You say you were all sober?—Yes.

548. *The Chairman.*] What was the nature of this row? Was it a free fight or were the people just having a “jawing-match”? How would you describe the row?—We did not see the row. We missed it when we got there.

549. Then, there was practically no row when you got there?—No; they were just talking.

550. You did not see Constable Durbridge when you got there?—No.

551. Did you see any other constable?—No.

552. Did Constable Durbridge appear to be doing anything when you saw him?—No; he was just walking out of the ring.

553. Did he give you the idea that the constables were doing much in the way of duty while there?

554. Do you know if there were any other constables besides Constable Durbridge there?—I know Kemp was there besides Durbridge.

555. Now, did Durbridge hit Bannehr in a savage sort of way, meaning to hurt him?—I think so.

556. You saw him strike him?—Yes.

557. And you think he hit him as hard as he could—that he meant to lay him out?—That I could not say.

558. Do you know anything about boxing?—Very little.

559. Of course, Bannehr hit Durbridge or meant to hit him savagely?—With a stick?

560. Yes. Now, after all this “scrap,” and Bannehr being laid out, you went home with him?—Yes.

561. Did you when you got to Mr. Bannehr’s house talk the matter over as to what steps should be taken?—No; Bannehr just told his father what had happened, and he set about going down to the police-station right away.

562. Did they say that they were going for the purpose of demanding an apology?—No, I do not think he said anything about that.

563. Have you heard anything against these constables—against Constable Durbridge? Have you ever heard anything in Nelson against him at any time?—Yes, I have. Just heard, that is all.

564. You do not make it a rule to make friends with the police?—No.

565. You had two suppers: did you have anything to drink with either or both of the suppers?—We did not have two suppers. We were going to have two.

566. Were you satisfied with one?—We were going from one supper-room to the other when it happened.

567. Did you have anything to drink with your supper?—I do not think so.

568. It would only be light. Was it an oyster supper you had?—No; it was eggs we had.

EDWARD GEORGE DANIELL examined. (No. 13.)

569. *Mr. Skerrett.*] What is your Christian name?—Edward George Daniell.

570. What are you?—I am a salesman.

571. Residing at Nelson?—Yes.

572. Were you at work last Christmas Eve?—Yes.

573. Up to what hour?—About 9.30 p.m.

574. And after knocking off work did you meet Bannehr?—I met him about 11.30 p.m.

575. Where?—I think it was on the Trafalgar Street corner—on the pedestal.

576. Did you go to any hotels with him?—No.

577. Did you go to supper with him?—We went to have some supper with him.

578. Where?—At Mrs. Jackson's.

579. Did you have supper?—No.

580. Why?—Well, Mrs. Jackson came into the room in a fainting sort of condition, and I preferred we should go round somewhere else.

581. Leaving the supper-rooms, just tell me what took place. Who were with you?—Young Bannehr, Hamilton, and myself. We just walked across the road.

582. The supper-rooms were up another street?—Yes.

583. As you were walking across the road what took place?—As we were walking across the road Mr. Bannehr was in front.

584. How far?—He might have been a yard in front.

585. And close?—Yes, we were all together. We were one party.

586. Did you observe a small crowd?—Yes, there was a small crowd.

587. What did Bannehr say?—"Hullo! What is the matter here?"

588. Did he use the expression "devil" or "hell"?—He may have done so.

589. He might have said either?—Yes.

590. Who was the observation addressed to?—Anybody in particular who liked to answer the question.

591. Did you see a constable at the time the remark was made?—No.

592. Was it spoken very loudly?—I think not.

593. Was it spoken insulting or aggressively?—Certainly not.

594. It was an inquiry?—Yes.

595. An inquiry mixed with some strong expression?—Yes.

596. What was the result of this observation?—He no sooner said that than Constable Durbridge gave him a push and said, "You go home" or "Go to hell." Bannehr stepped up and said he would not go home—he had one hand in his pocket and one hand on his stick.

597. Did Durbridge shove Bannehr as he said "Go home, Bannehr"?—Yes.

598. And very violently, I suppose?—Enough to make him reel a few yards away, I suppose.

599. Well, Bannehr said that he was not going away: what happened then?—Durbridge hit him in the face.

600. Violently?—Yes.

601. With what result?—Enough to bring a lump, anyhow.

602. Did he knock Bannehr down? Did his hands or any of his body touch the ground?—He staggered back, and I did not notice whether the blow knocked him down.

603. It was a very powerful blow?—Yes.

604. Is Durbridge a powerful man?—I think so.

605. What took place after the blow? What did Bannehr do?—Bannehr struck at him with his stick. I think he hit him.

606. And what then took place?—Then Durbridge closed with Bannehr and I heard a tussle, and the result was that Bannehr was thrown down.

607. How was Bannehr thrown down?—He was thrown over his (Durbridge's) shoulder.

608. Was the tussle a long or a short one?—A short one.

609. Is Durbridge a much more powerful man than Bannehr?—I think he is worth about ten of Bannehr in strength.

610. You mean physically?—Yes.

611. Durbridge threw him over his shoulder on to the ground?—Yes.

612. Was he thrown violently?—Yes, he went down.

613. Who helped him up?—I think I did.

614. After Bannehr struck at Durbridge with his stick did Bannehr ask any one to stand by him? After the first blow was given, then Bannehr got up and struck at him with his stick, then you say they closed and Bannehr was thrown?—I think he asked for assistance.

615. What stage of the affray was that?—When Durbridge and Bannehr were tussling together.

616. Did you interfere?—I caught hold of Durbridge's arm.
 617. How?—I caught him by the arm.
 618. Was that before he (Bannehr) was thrown?—Yes.
 619. In spite of your interference he threw Bannehr over his shoulder on to the ground?—Yes.
620. Now, you helped Bannehr up?—Yes.
 621. What became of Durbridge after he had thrown him?—He stood there; I did not hear him say anything.
 622. You had not been into any hotels after you left work?—No.
 623. Now, was Bannehr sober?—Oh, yes, perfectly sober.
 624. Do you assure the Committee with certainty that Bannehr was quite sober and not under the influence of drink?—Yes, certainly.
 625. Could you say the same of Hamilton?—Yes.
 626. And you yourself were quite sober?—Yes.
 627. Now, have you any "down" upon Constable Durbridge?—No; I have not spoken to him or had anything to do with him.
 628. You have not had anything to do with him since?—No.
 629. He is a footballer, and a pretty good one?—Yes; but I have never seen him play.
 630. You proceeded with young Bannehr and Hamilton to Mr. Bannehr's house?—Yes.
 631. Did young Bannehr walk all the way?—Yes.
 632. And from there to the police-station?—Yes.
 633. The three of you?—Yes, the four of us.
 634. When you went to the police-station did Mr. Bannehr ask for Sergeant Mackay?—Yes.
 635. Whom did he ask?—Constable Kemp.
 636. Was Constable Durbridge present?—No.
 637. Did he come in later on?
 638. What did Constable Kemp say?—He said he thought he was in bed, and asked was it necessary to wake him.
 639. Tell us what you recollect of the conversation at the police-station?—Well, Mr. Bannehr, of course, asked for the sergeant. Constable Kemp said he was in bed, and asked was it necessary to wake him. Mr. Bannehr said it was, and then he (Constable Kemp) said, "I suppose you are in about that affair of your son's, Mr. Bannehr?"
640. Had Constable Durbridge come into the room by this time?—No.
 641. Well, proceed?—Then Constable Kemp said, "Well, Mr. Bannehr, I was there and saw it," and he started to explain his part of the programme—what he had seen and what he thought of the affair—and said, "Either your son was very much under the influence of liquor or very much excited."
 642. Do you remember which he said?—Either under the influence of liquor or very much excited.
 643. Well, proceed?—Well, I really forget what he did say. It is some time ago.
 644. What next took place?—Then, I think, Constable Durbridge came in.
 645. Did Mr. Bannehr tell young Mr. Bannehr's story of what took place?—Not then, I think.
 646. Go on with the story, then. You say Constable Durbridge then came in?—I think Constable Durbridge came in then.
 647. You say Constable Kent gave his account of the matter?—Yes.
 648. Did Constable Kemp deny that Constable Durbridge had hit Bannehr?—I do not think so.
 649. Do you remember what excuse Kemp gave for Durbridge striking Bannehr?—That Bannehr was interfering with the police duty.
 650. He gave that as an excuse for Durbridge striking him (Bannehr)?—Yes.
 651. What did he say Bannehr did? What was the character of the interference for which he said Bannehr had been struck?—I do not know exactly now what he did say.
 652. Did Bannehr deny that he had interfered in any way with the police?—Yes, I think so.
 653. Was an apology mentioned?—Yes.
 654. By whom?—By Mr. Bannehr. He said he would accept the apology.
 655. What did the constable say?—He said he would not apologize.
 656. Did either of the constables suggest that young Bannehr ought to apologize?—Yes, I believe they did.
 657. What did young Bannehr say to that?—"Certainly not," that he would not apologize.
 658. What took place then? Did the constables leave the room?—Yes.
 659. Both of them?—Yes; and they had a little conference amongst themselves.
 660. And did they send for Mr. Bannehr, sen.?—Yes.
 661. And then afterwards for Mr. Bannehr, jun.?—Yes.
 662. And after that conference you all left to go?—Yes.
 663. Are you quite satisfied that young Bannehr made no motion to hit Durbridge with the stick before Durbridge hit him in the jaw?—Yes, perfectly so.
 664. *The Chairman.*] Did you see the constables after the Bannehrs and the constables had adjourned to some other room? Did you see them that night? Did you see them immediately after?—No.
 665. They did not come out with the Bannehrs?—No.
 666. *Mr. Herdman.*] Are you on intimate terms with Bannehr?—Yes.
 667. And you have been for some time?—Yes.

668. You are a great personal friend of his?—I might say that.

669. I suppose, owing to the lapse of time, your recollection of what transpired on that night of the row is not very distinct?—On some points perhaps it is indistinct; on others it is very distinct.

670. As regards details you are not clear, I suppose?—The only thing I am not quite clear on is what transpired at the station. As far as what transpired in the street I am pretty clear on that.

671. Were you going to have supper with these other two young men that night?—Yes.

672. When you got to the spot where Durbridge was—I suppose you did not know before you got there that Durbridge had had trouble with a drunken man?—No.

673. Did Bannehr go ahead towards the crowd?—Yes.

674. Are you sure that he did?—Yes.

675. Are you quite certain of that?—Yes. He might have been a yard before us, or two or three feet.

676. What distance were you behind him?—Just a few feet.

677. You are pretty sure that he was ahead?—Yes.

678. Mr. Hamilton states that he was behind—a little behind the two. Which statement is correct, Mr. Hamilton's statement or your statement? You say that Bannehr was ahead of you, and Bannehr says he was behind you?—That is for you to judge, perhaps. I am not quite sure about that.

679. Did Bannehr say to Durbridge, "How came it about that you were ill-treating a drunken man?" Did he say that?—No.

680. A man called Frank says here that Bannehr went up to Durbridge and there asked him why he wanted to knock this person about. Do you know a man named Frank in Nelson?—I know two or three there.

681. He says Bannehr went up to Durbridge and asked him what he meant by knocking this man about: that is incorrect?—Yes.

682. Bannehr made no remark of that sort to Durbridge?—No.

683. You were in front of him?—I did not say so.

684. Durbridge immediately replied to this remark of "What the hell is happening here"?—Yes.

685. Was Bannehr excited when he made that remark?—No; he made it in an ordinary tone of voice.

686. Are you sure of that?—Yes.

687. You did not know he had had about seven glasses of beer before?—The effect would have worked off before that.

688. He was not excited, then?—Oh, no.

689. Is he not an excitable man?—Not particularly, I think.

690. Do you not think it was rather a remarkable thing for Bannehr to go up to the crowd and make use of this expression, "What the hell is happening here"?—It is a natural thing for anybody to do.

691. It is a natural thing for anybody to go up and address that to a crowd?—That is my opinion.

692. You did not make use of an expression of that sort when you went up?—No.

693. Durbridge, you say, pushed him to one side and he staggered back?—Yes.

694. What did he do then. He (Bannehr) said he would not go home?—Yes.

695. Did he do this in an aggressive sort of way?—He just stepped up and said he would not go home.

696. Did he do it in an aggressive way?—He stepped up and said, "I won't go home."

697. What did the constable do then?—He hit him with his closed fist.

698. Are you sure of that?—I did not see his fist.

699. Can you swear that he hit him with his closed fist?—I will swear; if he did not hit him with his closed fist it would not bring up such a lump.

700. Where did he hit him?—On the jaw.

701. Then Bannehr got up and tried to hit him (Durbridge) with his stick?—Yes.

702. Then you came to his assistance?—Not then.

703. Then you got a hold on him (Durbridge) by the arm?—Yes.

704. Fairly?—Yes.

705. You both grappled with him. Had Bannehr a hold on him in the air?—I think so.

706. Did you pull Durbridge down to the ground?—No.

707. Did you make him bend right down?—He might have bent down.

708. What position was he in when you took hold of him?—I cannot remember exactly what position he was in. He had hold of Bannehr, and I just happened to have hold of his (Durbridge's) arm.

709. Did Bannehr try to throw Durbridge in any way?—I do not think he did.

710. You did not know how he had hold of him. The only thing you do know is that he did have hold of him, and you also had hold of his arm. Do you not think it is only natural when a police constable is taken hold of by two young persons like yourselves that he would try and break free—to put this young man over his shoulder? You do not think there is anything improper in that, do you?—I do not know.

711. You got to the station eventually?—Yes.

712. You remember Durbridge stating he wanted an apology from Bannehr, and Bannehr refused to give it?—Yes.

713. I suppose Kemp was quite willing to let you see Sergeant Mackay if you went round to the house?—He demurred at first.

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.

758. When you got there you were present at the interview between Messrs. Bannehr, jun. and sen.?—Not the first interview. Of course, Mr. Hamilton and I waited outside.

759. In your presence did the Bannehrs say that they were going to demand an apology?—I do not remember them saying that.

760. Have you ever heard anything against Constable Durbridge other than this?—No.

761. You do not know anything about him at all?—No.

762. You do not make friends with the police, I suppose?—No; it does not pay.

763. You had one supper that night?—No.

764. You had nothing at all?—No. The others might have had the supper, I did not.

765. Do you think, in your hearing there was a conversation between Mr. Bannehr—that is, young Bannehr's father—and the constable about an apology at the station?—Yes, I believe there was.

766. Did the constable in your hearing succeed in proving that Mr. Bannehr and his son owed the constable an apology?—No.

767. Then, anything of that, of course, was inside the room where you say they retired to?—Yes, anything of that kind was inside the room they retired to.

CHARLES EDWARD ALDRIDGE examined. (No. 14.)

768. *Mr. Skerrett.*] What is your Christian name?—Charles Edward Aldridge.

769. What are you?—Inspector of Factories, stationed at Nelson.

770. Were you at one time a police constable stationed at Nelson?—I was.

771. Will you tell me the period?—From 1900 to 1902.

772. A period of about two years?—From December, 1899, to February, 1902.

773. To what period?—From December, 1899, to the latter end of January, 1902.

774. Who was in charge of the station at Nelson?—Sergeant Mackay.

775. You were not senior constable, I think?—No.

776. Who were your seniors?—Constables Bird and McGrath.

777. During the period you were stationed at Nelson did you notice that a difference was made in the manner in which the men performed their beat duty?—Yes, at times.

778. Now, will you explain what the difference made was?—Well, at times some men were kept religiously to duty, and others were permitted to do it almost as they chose.

779. What did you observe to be the cause of the difference?—Well, the sergeant would always take one man into his confidence, and when he had that man in his confidence he could do apparently as he chose.

780. When a particular man was friendly with the sergeant was he permitted to go to the police-station and remain there when he ought to have been on his beat duty?—As far as I could see, he was.

781. *Hon. Mr. Hall-Jones.*] Do you know a man in Nelson named Remnant?—I do.

782. It has been stated to the Committee that he is a man with a bad reputation: what is your opinion of him?—As far as I have seen him he is a very steady man. He is driving a cart for Messrs. Neill and Haddow.

783. Has he been in that employment ever since you remember?—Yes.

784. Is he a man of drunken habits?—I have never seen any sign of drink on him.

785. You know nothing against his reputation whatever?

786. Do you know a man named Blincoe?—I know nothing against his character.

787. You heard of a case of alleged abortion: do you know the person I refer to? Do you know a girl named——? Do you know if either of the constables who petitioned the Committee was acquainted or kept company or was out with her?—Yes, one of the constables did keep company with her—Durbridge.

788. How do you define "keeping company" with her?—I understand he went to the hotel to see her, and I saw him out once walking on the street with her. I was walking along the street with him one day——

789. In uniform?—No; in plain clothes.

790. Do you know the Bush Tavern in Nelson?—I do.

791. How far is that from town?—I suppose it is probably three-quarters of a mile from the centre of the town.

792. Are you aware of the occasion when certain men entered that hotel after hours?—Only by hearsay.

793. Do you know of a football match being held on that day?—Well, there was a football match held nearly every Saturday throughout the season.

794. This ground being three-quarters of a mile from the hotel, was the match held on the town or the country side of the hotel?—The town side.

795. Anybody going away from that football match would be going away from the hotel?—Yes.

796. Do you know Woodward who keeps the hotel?—Yes.

797. What reputation does he bear?—A very good reputation.

798. Have you any reasons to doubt any statement he made?—No.

799. How long were you in Nelson on your duties?—A little over two years.

800. Was it the practice for the constables to go in there and get their tea during the night?—I have been told so. I was never in the station after 9 o'clock at night.

801. You cannot tell the Committee whether the constables were in the habit of coming into the station during the time they should have been on their beat?—Not of my own knowledge, sir.

802. Were there any cases of assaults that came under your knowledge while you were in Nelson?—I only knew of them from hearsay.

803. Was there any feeling between the single men and the married men at that time?—Latterly there was.

804. You know the Postboy Hotel?—Yes, sir.

805. What was the reputation of that hotel when you were in Nelson?—Well, I have not heard anything against the hotel, but I have heard that one of the girls who was employed there did not bear a good reputation.

806. Do you know young Bannehr?—Yes, sir.

807. Had you anything to do with that case at all?—No, sir.

808. What reputation does young Bannehr bear in Nelson?—Oh, very good, sir.

809. Do you know a young fellow named Hamilton?—Yes, sir.

810. What reputation does he bear.—Very good, sir.

811. Do you know Daniell?—I do not know him very well. He is employed at Sclanders and Co.

812. Have you ever known during the course of your duties there Bannehr to be given to drink, or of his having been intoxicated?—I cannot say I have seen him intoxicated. He certainly takes a drink.

813. You do not know, I suppose, yourself anything against Constables Burrell and Durbridge?—No, sir.

814. Nothing but hearsay?—Nothing but hearsay.

815. Do you know a man by the name of Stapp?—No.

816. You had quarters at the station?—No, sir. I was a married man, and lived away from the station.

817. *Commissioner Tunbridge.*] You were a married constable in Nelson, were you not?—Yes.

818. And you were also Inspector of Weights and Measures?—Yes.

819. You were not employed on beat duty?—Occasionally.

820. But never at night?—Not all night.

821. So that your duties were not likely to bring you into contact with the people the same way as the ordinary constables?—No.

822. A great deal of your duty was in the clerical room or in the country districts?—Yes, sir. The only time I was on during the night was on the occasion of a theatre being open. I would be on duty there. At other times I would not be on duty after 9 o'clock.

823. *Mr. Herdman.*] In reference to the girl ———, you only saw Durbridge out once with her, I understand?—That is all.

824. So when you say you heard he was keeping company with her it was only from information supplied by somebody else?—Yes.

825. I understand you were on friendly terms with Durbridge and Burrell?—Yes.

826. And you never saw anything in their conduct which led you to suppose that they were not performing their duties properly while you were there?—I did not mean to refer to these two more than any one else. It appeared when the sergeant was friendly with a man he allowed him to do what he liked.

827. Apart from the fact that sometimes they may have been friendly with the sergeant they appeared to discharge their duties properly?—That is so; when they were not unduly friendly with the sergeant.

828. *Mr. Skerrett.*] Is it not a fact that towards the latter part of your stay in Nelson Burrell and Durbridge were friendly with the sergeant?—Yes.

829. Were you satisfied that the state of affairs existing at the Nelson Police-station ought not to be allowed to continue?—I was not satisfied with them. It was on account of the unsatisfactory state of affairs that I left. At least, I considered I could have remained there. The Commissioner asked me to make an application to that effect if I did not want to leave and get charge of a country station.

830. But you said?—I said, owing to the unsatisfactory state of affairs I would leave and go to Havelock.

831. You felt that the station was not properly conducted?—Yes, I did.

832. *Commissioner Tunbridge.*] You applied for charge of a station?—Yes.

833. That is, to be sent out somewhere where you would have a station?—Yes.

834. The Havelock Station fell vacant, and in response to your application I caused you to be appointed to that station?—Yes, that is so.

835. After you had been appointed to the station you, I believe, took some steps to make it known to me that you did not care for the charge of that particular station?—Yes.

836. Well, then, it came to me not as an application from you. Perhaps you can tell me where it came from. Who was it sent it to me: was it Mr. Trask?—I believe Mr. Trask wrote to you.

837. Yes, Mr. Trask approached me on your behalf to get your appointment to Havelock Station cancelled, was that not so?—Yes.

838. And I said that if you desired to remain at Nelson you should make an application in the ordinary course?—That is so.

839. You then did not see your way clear to do that, and consequently went and took charge of the Havelock Station?—Yes.

840. The appointment to the Havelock Station was, I believe, a promotion?—Yes. I would like to say, when word came of my transfer to Havelock Station the telegram was read to me by the sergeant. Shortly afterwards a telegram came stating that the transfer was to be put off for a fortnight on account of the illness of one of the constable's children there. Shortly afterwards a telegram came to me stating that if I did not want to go there I should make an application to the sergeant to that effect. I did so, and he abused me for having done so.

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.

865. Taking the whole thing together, the evidence of those four persons goes to show it was doubtful whether or not it was actually past 11 when they did arrive there?—If their evidence was accepted as true.

866. If it was not past 11 when they arrived there, of course, the law would not be broken?—No.

867. Nor would the action of Constable Durbridge have been improper?—No, I would not think it would, if he and the rest were sober and quiet.

868. The landlord, Mr. Woodward, said, did he not, “they were perfectly civil and not troublesome”?—Yes, he said so—when they came in.

869. Then, there was no improper conduct if they were perfectly civil and not troublesome?—Well, jumping over the gate that was locked was hardly proper conduct.

870. But is not a licensee practically bound to supply liquors to any person who may demand them?—Not in every case. If he has reason to believe they are noisy, for instance.

871. But he says these men were not troublesome?—They were noisy. The evidence for the defence says that they were singing all the way until they got to the hotel.

872. What I wish to point out is this: If these men honestly believed it was not 11 o'clock when they arrived at the Bush Tavern they were perfectly justified in going there and calling to get drink: is that not so?—Yes.

873. And does not the evidence go to indicate that if it was actually past 11 it could only have been a very little past 11?—Well, the evidence for the defence would lead you to believe that if you believe it.

874. Now, considering there are three people independent of the constable against whose veracity you have nothing to advance, do you not consider that I was bound to attach importance to what they said?—Well, you were justified in doing so.

875. Well, now, do you know what my finding was in that case?—Yes, I remember it fairly well.

876. I will read it to you: “Notwithstanding the conflict of evidence as to time, I am of opinion that it was past 11 o'clock when the party reached the Bush Tavern, and that finding the place closed the constable, although not on duty, acted improperly in going with the others to obtain drink after the place was closed. The evidence, I consider, shows that the constable was not the person who demanded or paid for the drinks. Had the constable been on duty the matter would have been more serious. It shows to me, however, that the constable has not a proper appreciation of his position of police constable. He is reprimanded and cautioned, and will perhaps be removed to some other station, where he had better not become quite so intimate with the persons amongst whom he has to perform police duty. The punishment in this case would have been more severe had it not been the first record against him.” Now, Mr. Macdonell, do you consider that a finding not justified by the evidence?—There is something in the finding I wanted to point out, some point or other. I forget what it was. I think the finding on the whole was reasonable.

877. You think it was reasonable as a whole?—Yes, I think the finding was. This is one thing that I was unsatisfied on: that it was true that it was not Constable Durbridge. I was satisfied that it was Constable Durbridge.

878. You believe that?—Yes, I do, and from the evidence given there I still believe it.

879. Well, whose evidence? Whose evidence do you rely upon?—The evidence of the man that says he saw the man who came in first and get over the gate.

880. You mean Mr. Woodward, the licensee?—Yes, I think so.

881. Mr. Woodward says here the constable himself did not ask for any drink for himself or the others?—Yes; but what does he state at the start? I believe he gave way at the end, but I think he said at the start of it the constable asked for drink.

882. “When I reached the passage the man I saw had struck a match, and from the light I could see it was Constable Durbridge. He was in plain clothes. I asked him what he was doing there, and while I was asking him the other men came into the passage. I asked them if they knew the time. One said, ‘It will be all right; give us a drink.’” He does not say Constable Durbridge asked for the drink?—No.

883. He says the constable himself did not ask for the drink?—Yes.

884. Does not the evidence go to show that Constable Durbridge was not the man who asked for the drink—even your own evidence?—Yes.

885. One of the other men, I believe, goes so far as to name the man who did ask for the drink and paid for it?—Yes, I believe so.

886. And that was not Durbridge?—So he said.

887. Do you not admit that instead of Durbridge paying for the drink it was quite the reverse?—It was not quite satisfactory to me.

888. He did not convince you?—No.

889. Charge No. 2—that is, being asleep at the Nelson Police-station at various times of the night during the evening of the 18th November. That rested entirely on the uncorroborated evidence of Constable Williams, did it not?—Yes.

890. Do you agree or do you not agree that I was quite right in considering that case not proven?—On the evidence, as I said before, I did not think the investigation was sufficient to ascertain what was the truth. On the evidence given I think that is so.

891. I asked you before whether you could indicate to the Committee by what possible means any evidence could have been obtained to prove that—that is, in February; my report is about the 26th February. What possible evidence could have been ascertained upon the question of whether or not Constable Williams saw Constable Durbridge asleep in the station on the 18th of the previous November? Can you tell me what possible evidence I or any other human being could have obtained in February upon that particular point?—I think so; that there was a good chance for getting it.

892. But how? It is three months after the occurrence?—I know; but they managed to fix up the time. My way would be, I would see the constable and the sergeant separately without any warning, and ask them to report without any communication between them. Then if they agreed the thing had been fair and honest I would be inclined to believe them. If they did not, what about it then?

893. Then, you would do this: A man is accused of an offence?—Yes; a constable.

894. You have the evidence of the man against him in support of that offence, a direct charge?—I had the uncorroborated evidence at the time.

895. Then, you would go to that accused man and say to him with a view of getting evidence—of manufacturing evidence from that man's own mouth?—I do not think that is a fair way of putting it.

896. Something to convict himself?—I mean that he is a police constable or sergeant, and he is accountable for all his actions, and his action on any occasion is liable to be called in question. If it is right he has nothing to fear, if it is wrong it may be the worse for him. We have a right to call upon him at any time to explain his conduct. It has always been done during my thirty-five years' experience—that is, calling on a man for an explanation as to what he was doing. I do not see anything at all unfair in it.

897. Is not the men's duty recorded in the diary for the day?—It is supposed to be.

898. Was it not? Do you not know perfectly well the diary is posted daily, and the duty the man is supposed to be doing is posted in that diary?—But I know also that the diary is not also always correct, and I know it was not so at Nelson, and I told you so.

Commissioner Tunbridge: I must contradict that. I know nothing of that.

Hon. Mr. Hall-Jones: Was that in writing or was it verbally?

899. *Mr. Hardy*.] Is it customary for such a serious thing as that to be sent from one officer to another verbally? Is it not the custom to make serious charges like this about the keeping of the diary in writing?—It may be by writing or verbally.

900. It is customary for one police officer to communicate with another on derelictions of duty without putting it into black and white?—Yes, sometimes.

901. Is that according to Police Regulations, Mr. Tunbridge?

Commissioner Tunbridge: Well, of course there are circumstances when perhaps it would not be convenient to go and commit everything to writing. If a charge is to be brought against any member of a Force, it should be immediately put into writing. There may be circumstances in which an officer has mentioned something to another officer that might not be considered of sufficient importance at the time to put into writing. I think probably he (the witness) is a little confused as to the particulars.

902. *The Chairman*.] I suppose a police-station is never left without somebody in charge?—Not a police-station like Nelson. There is always some one on the premises, although the man might be in bed.

903. Any one on duty there would have to keep the diary. He would have to report from hour to hour, I suppose?—The sergeant in charge has to keep a diary in which the duties of every man under him are entered.

904. Is it not the duty of any man who might be there to report himself from hour to hour?—There is no one in charge of the police-station in Nelson at night. There are men sleeping on the premises. The constable on the beat visits it about every hour, and he marks up the book at the time he visits—the visiting-book. The diary shows the record of the duties performed by each man attached to the particular station during the particular twenty-four hours. It shows the hours a man goes on duty and the hours he comes off.

905. *Commissioner Tunbridge*.] Mr. Macdonell, do you suggest that there is an inaccurate entry made in the daily diary in this particular instance, the 18th November?—No.

906. Now, with regard to the girl —, on page 13. There is the question of a telegram. I am reading from Chief Detective McGrath's report, and this is Mrs. Watson's statement. He says, "I beg to report that I have seen Mrs. Watson, who states that — came to her place as housemaid about June, 1901, from the —, where she has been employed for three or four weeks. She told Mrs. Watson that she was *enceinte*, and asked her if she knew any person who would adopt her child from its birth. Shortly afterwards Mrs. Watson says she arranged with a Mrs. —, wife of a farmer at —, to adopt the baby. Miss — was about a month at Mrs. Watson's when she complained of being ill one evening, and early the following morning Mrs. Watson was called to her room, and, finding her in labour, sent for Dr. Henry, who came at once, and a few minutes after his arrival the young woman gave birth to a stillborn child. Mrs. Watson shortly afterwards, at Miss —'s request, sent a telegram to Mrs. Hall to the effect that — was over her trouble." Well, now, Mrs. Watson, I suppose, is a reliable woman, as far as you know?—I do not know. I am not sure whether I know that woman or not. There was a Mrs. Watson here that I knew many years ago from the South. I do not know whether this is the woman or not.

907. You were stationed here in Wellington, were you not?—Yes.

908. For how long? You were stationed in Wellington for some time?—Yes; about nine months.

909. Mrs. Watson kept the Oriental Hotel at that time?—Yes.

910. Surely as Sub-Inspector of Police you would get to know something about the people who kept the hotels here?—I never saw the woman, and I do not know whether she is the woman I knew a good many years ago.

911. While you were here in Wellington you never heard anything to the detriment of Mrs. Watson, the licensee of the Oriental Hotel?—I would not say that. I think I heard something or other, but I cannot say exactly what it was.

912. You are prepared to say that Mrs. Watson's version of the telegram that was sent is a correct one?—I cannot deny it. I cannot say it is not correct.

913. In reading the telegram that is put in here, do you still suggest that it bears the interpretation that has been put on it—viz., that the girl had had abortion procured on her?—That report does not say so. But I would like to see the telegram.

914. You will admit, will you not, that Mrs. Watson, who actually sent the telegram, is about as good an authority of what it contained as we are likely to get?—I do not know that.

915. Well, now, take the whole of Mrs. Watson's statement together. Do you consider the action of this girl was consistent with having abortion procured on her?—I do not see anything to the contrary.

916. Not that she had arranged with the woman to take the child: is that consistent with abortion?—If that is true she started very early to do that. The girl was supposed to be five months gone. She must have started very early. I never knew of a single woman making arrangements so early.

917. Would you disbelieve Mrs. Watson?—I might doubt it, because people do not care to have it known they are mixed up in these things even if they are. They do not like their house to get the name of that sort of thing going on.

918. Would you expect a woman who came over from Nelson expressly to have abortion procured on her to go first to the Trocadero and take a situation, and, secondly, to go from the Trocadero to the Oriental Hotel and there tell the licensee her condition? Do you consider that consistent with a woman likely to get abortion procured on her?—It all depends on how far her condition had gone. If she was only gone five months I would expect her to go to service.

919. *The Chairman*: Was the evidence of Dr. Henry taken?

920. *Commissioner Tunbridge*: Yes. Dr. Henry states: "That at the request of Mrs. Watson he called at the Oriental Hotel at 6.30 a.m. on the 12th August, 1901, and saw ———, who had a miscarriage shortly after his arrival. The doctor cannot remember the probable stage of gestation, but he saw nothing to indicate that the abortion had been wilfully caused." That is Dr. Henry's statement. Now, Constable Kemp is to be called as a witness, I understand; and, that being so, I will ask the witness one or two questions about him. You know that Constable Kemp was associated in a manner with the alleged charges of assault of Cox and others?—Yes.

921. Oh, Bannehr was present?—Yes.

922. Was Allen present?—I think so—at least one of these.

923. Page 19, Allen and Reed's assault?—I think there were three alleged assaults on the one night when the two constables were together.

924. Allen's on page 19, Reed's on the same page, and Walker, the fellow that was arrested, you know—he was concerned in this case—the complaints contained in this file?—Yes.

925. You know also, of course, that he was charged and found guilty of certain misconduct at the Exchange Hotel?—Yes.

926. Did you look upon that charge as a serious one against police discipline?—Yes, I did.

927. Well now, Mr. Macdonell, you are acquainted with the charges I formulated against these members of the Nelson Police Force?—Yes.

928. There were fifteen in all, were there not?—I believe so.

929. There were six against Sergeant Mackay?—Yes.

930. Three each against Durbridge and Burrell?—Yes, I think so.

931. Two against Constable Kemp?—Yes.

932. And one against Constable McGrath?—Yes.

933. That makes fifteen altogether?—Yes.

934. Now, do you consider that those fifteen charges embraced all the offences against the Police Regulations contained in your report? Do you consider they did?—Do you mean the whole of them?

935. Do you consider that those fifteen charges represented the breaches of Police Regulations disclosed in the report as distinct from the reports of assaults?—At present I think so. To be sure I would have to go over them carefully; that is my opinion without going carefully into it.

936. You have never felt that there were any breaches of Police Regulations in reports that you have sent to me that I did not inquire into the charges?—That is my opinion.

937. Now, out of the fifteen charges how many do you know that I found proved? Did I not find twelve proved?—Probably; I did not count them.

938. Charge 1, against Mackay. Bird's charge, that was dismissed?—Yes.

939. Do you think it was rightly dismissed?—I think so on the evidence.

940. Charge 2, cautioned. Charge 3, reprimanded and cautioned. Charge 4, that is not reporting Durbridge whom he was alleged to have seen sleeping in the house. Charge 5, cautioned. Charge 6, the dog charge, a trivial matter, no punishment; although it was proved I did not award any punishment. Burrell and Durbridge: Charge No. 1 (Constable Burrell) and charge No. 3 (Constable Durbridge), improperly taking into the single men's mess-room at the Nelson Police-station, in company with Constable Durbridge, two females named ——— and ———, about midnight on the 18th July last. Finding: The constables are each reprimanded, and cautioned to be more careful in future. Charge 2 (Constable Burrell), improperly leaving his beat without just cause, and going to the Nelson Police-station about 2.30 a.m., 14th instant: Severely reprimanded and cautioned on this charge. Charge 3 (Constable Burrell), improperly leaving his beat without just cause, and going to the Nelson Police-station at 12.30 a.m., 15th instant, and remaining there until 1.20 a.m. Finding: Fined 2s. 6d. and cautioned. Charge against Constable McGrath, reprimanded and cautioned. Then, Constable Durbridge, charged in connection with the Bush Tavern, reprimanded

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.

969. Is it not a fact that Neve, Cox, and others were? The alleged offence was committed upon the 25th October, 1901?—Yes, I believe so.

970. Between the 25th October, 1901, would be more than three months before February, 1902. Remnant's about the middle of February, 1901: that would be more than three months. Then Allen and Reed's cases, two or three months prior to the 27th February, 1902: they would be more than three months?—Yes, I think so.

971. Then Walker's case, 9th October, 1901?—Yes.

972. Then Stapp's and Blincoe's cases, about half a year ago—half a year before February, 1902?—Yes.

973. Well, now, assuming that section 20 of "The Indictable Offences Summary Jurisdiction Act, 1894," has not been amended, these cases could not have been dealt with by a Magistrate?—No.

974. Therefore will you now adhere to your statement that I could have had these cases brought and inquired into?—I think so. I think it would be an extraordinary state of affairs if these men had committed assault more than three months which would be overlooked by their superior afterwards.

975. At any rate, it is according to the law and regulations?—I am not sure; I would like to look into that. I think there is reference somewhere to any offences committed by members of the Force. It would be an extraordinary thing that if serious assaults were committed by members of the Force even years ago their superiors could not take notice of it. It would be a great inducement for misconduct.

976. At any rate, by the law and regulations as I have stated them here you must admit that there was no possibility of my having them inquired into?—I submit misconduct can be inquired into independent of charges of assaults.

977. Misconduct where the police commit 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?—If it is over the time they have no jurisdiction, and therefore I think we ought to take notice of it.

978. Is that not the fault of the person who alleged that the assault was committed on him?—Very likely. Still, I do not think it should go unpunished for all that. If the Magistrates have no jurisdiction I think we ought to have.

979. You stated in your evidence that another man was also proved to have made a false statement, and that was Sergeant Mackay, and you have since added words in red ink, and nothing was said about it?—I mentioned that at the time.

980. Now, what falsehood was proved against Sergeant Mackay?—In reference to the voucher paid to Mr. Fell. You have got all the correspondence. The voucher paid to Mr. Fell, Crown Solicitor, of Nelson.

981. That has nothing to do with this evidence at all?—No.

982. Then, what you meant by that was that he had told a falsehood in connection with some case not connected with this inquiry?—What I meant was that a great deal was made of the falsehood, or of what was said by Constable Williams, whereas nothing was done or said to other people who did the same.

983. Did you not imply by that other falsehoods which were proved during this inquiry?—No.

984. The falsehoods you referred to had no bearing on this?—No.

985. You said also it was possible to have had the girls ——— and ——— seen—to have had their statements taken separately before they had time to put their heads together with the constables?—Yes.

986. You made some inquiry in Nelson about that matter when you were there?—Yes.

987. Do you not suppose these girls knew that you were making inquiries?—No.

988. You made inquiries from a sister of one of the girls, did you not?—No.

989. From one of the girl's sisters?—I sent a private person to the sister.

990. Although you did not make the inquiry yourself you got an inquiry made through another person?—I did.

991. Who was the person?—I do not think it is right to mention that name.

992. The fact remains that while you were in Nelson in February you did cause inquiry to be made with reference to the girls ——— and ———?—With reference to one of them.

993. It was known that you were making inquiries in Nelson: was it not known that you were making inquiries into the alleged abortion case in Nelson?—It was known I was making some inquiries.

994. And, notwithstanding that, you sent a person to Miss ——— sister?—I did it cautiously.

995. You do not think it could have got to the girls themselves?—I do not think so.

996. You think, notwithstanding the inquiries you made in the middle of February, it would have been possible a fortnight later or thereabouts for some other officer to have gone over to Nelson and succeeded in getting statements from these girls without their knowing what was going on?—I think it was quite possible and probable.

997. Notwithstanding that you had been causing inquiries to be made yourself?—Notwithstanding that, because I took precautions not to have the thing made known as much as possible.

998. You also stated in your evidence given on the 11th that you suggested to me to send a neutral man to inquire into these matters?—Oh, no, that is a mistake if that is there. I said I thought a neutral man should have been sent.

999. I should like to have page 5 of the evidence taken on the 11th instant produced, if possible, Mr. Chairman.

The Chairman : It is not ready yet.

Witness : I did not suggest it.

1000. *Commissioner Tunbridge* (to witness).] If you said so in your evidence that is a mistake?—Yes; I did not.

1001. If that is in your evidence it is a mistake: you did not make any such suggestion to me?—Yes, that is so.

1002. Well, now, is it not a fact, Mr. Macdonell, that you have had ample time in Nelson to inquire into those matters yourself?—No.

1003. What prevented you from doing so?—I was engaged every day.

1004. What prevented you remaining another week in Nelson?—You telegraphed, if I remember correctly, to have the thing sent as soon as possible, and I replied that I had some documents in Greymouth, and that it would be necessary for me to go to Greymouth before I sent the report.

1005. Is it not a fact that you wired me saying that you proposed to leave for Greymouth on the 7th or 8th?—Yes.

1006. Did I not wire back to you to say, to save time make your report in Nelson and forward it from there?—Yes.

1007. There was nothing in my telegram to suggest that you should hurry away?—No.

1008. There was no reason why you should not have continued to work for another week if necessary?—Well, it might mean my detention in the district longer than I was supposed to stay.

1009. You were not due to leave the district before the 31st March, were you?—Yes, I left before that.

1010. At any rate, it was some time before the end of March?—I was supposed to be in Napier on the 24th.

1011. There was plenty of time between the 26th February and the 24th March for you to make these inquiries, was there not?—I did not wish to go into the matter. I left Nelson, and I arrived in Greymouth, and as soon as I arrived I received a telegram that the railway-station at Reefton had been broken into, and I left the same day for there, and was there over this business until I got accused parties into the lock-up. I went to the Supreme Court, and as soon as I came back I had a telegram to meet you in Nelson. I was rushing these reports whenever I could.

1012. Was there any necessity for you to have run away from Nelson before you completed this inquiry? Did anything from me indicate to you that you were to go away from there before you completed it?—Oh, no.

1013. If there was any failure to get the necessary evidence of corroboration, that failure was due to you leaving Nelson before you had exhausted the inquiry?—No, I do not think so. I was anxious somebody else should follow up the inquiry in Nelson. I wished to give you grounds to go on—all the reasons I could, to go upon or work on.

1014. Does not Regulation No. 2 practically throw the responsibility of inquiring into misconduct on the part of officers upon the Inspector?—I do not see that.

1015. What does it mean, then?—I expected this: either you would send another man, or to instruct me to go back and finish the inquiry one way or the other.

1016. Until I received your reports nothing had reached me to show that you had not inquired fully into the matter, had there?—I am not sure whether I indicated that or not.

1017. You will not say that there was?—No.

1018. If I say that there was not, then you will not contradict me?—No.

1019. If you had exhausted the inquiry when you were there would there would have been a very much greater probability of your getting the full facts than any officer would have been likely to have got who went through a fortnight later, would there not?—I do not know. The first thing I wished to get at was where these girls were, and that would take considerable care and caution. One of them, I believe, could be easily got, but the other, the sister, refused to say twice where she was. It would be necessary to use some stratagem to find it out.

1020. And that stratagem, you thought, would have been carried out a fortnight after you were there?—Not necessarily; but it could not hurt very much as long as they did not know.

1021. Did not nearly a fortnight elapse between the period when you caused these girls there to be seen and the time that I could possibly have sent a man from Wellington or elsewhere to inquire into the matter? How many days before you left Nelson was it that you sent this female to this sister?—I did not send a female at all.

1022. Well, a male, then?—I am not sure how many days; it was not long before I left.

1023. At any rate, it was some days?—I got the party to go twice, and the party was hopeful of getting the information.

1024. At any rate, it would be over a week before I could possibly get anything?—Yes.

1025. Now, you stated, in reply to the Hon. Mr. Hall-Jones, that all members of the Force are liable to dismissal for a breach of the regulations, I think?—Yes.

1026. Well, now, there are 320 of these regulations, are there not?—I believe so.

1027. Now, how many men do you think would be in the Force at the present day if that order were strictly carried out?—I do not know. There would be a good many out of it.

1028. Do you think you would be in it now, for one?—Well, I think I have stuck to it as close as most of them have.

1029. Do you think you would be in it now? As a matter of fact, do you not find it practically impossible to go along without breaking some of these regulations?—That is so; but I have no recollection of breaking any at present.

1030. Then, it comes to this: very few men would be in the Force to-day who are now serving if that were carried into force?—Yes, I believe that is right.

1031. And probably neither you nor myself would be here?—Yes, that is probable. Only I cannot at the present time recall any particular breach of the regulations. I do not dispute, however, that it has happened. From the day I landed in New Zealand to the present time I have never had a drink in a hotel after hours, unless when boarding in one.

1032. Very few of our regulations apply to drinking in hotels. Take some of the regulations, for instance. I will mention one or two of them, since you have said every officer who breaks the regulations is liable to dismissal. Here is one regulation: "Conversing with any person while on duty except on matters of duty, Regulation No. 54." Do you think there is a man who goes through the eight hours' duty and does not break that regulation?—I do not think so.

1033. There is scarcely a tour on his beat where he does not break that regulation?—That is so.

1034. I suppose you yourself have broken it?—Yes.

1035. "Not saluting a commanding officer of Volunteers": I suppose that is more honoured in the breach than in the observance?—Yes.

1036. "No constable is to appear out of uniform without authority"?—Yes.

1037. Now, you have men under you in Napier: are they not daily appearing out of uniform without permission?—When they are off duty.

1038. And that is the regulation you could get these men dismissed for any day?—Oh, I do not think so. I look upon these regulations simply as a check.

1039. When you said all members of the Force are liable to dismissal for a breach of the regulations?—Just so.

1040. "Constables to remove orange-peel off a footpath": it is a very necessary regulation, but you would not dismiss a man for not doing it?—Oh, no.

1041. Now, in reply to Mr. Colvin you said that you considered the dismissal of the men was just, taking all the circumstances into consideration?—I was very unwilling to say it.

1042. Taking all the circumstances into consideration now, did you mean the assaults as well as the breaches of regulations?—Yes, all the complaints.

1043. Notwithstanding that these men were not being placed on their trial for the combined assault?—No.

1044. Then, you would dismiss men for charges that they had never had an opportunity of refuting?—No, I would not do that.

1045. You were taking all the circumstances into consideration, and some of these circumstances were charges of assault that the men had an opportunity of answering?—Some of them; but there are other circumstances.

1046. What are those other circumstances?—If, in my opinion, they are inquired into they would look very serious. There was, for instance, other circumstances in connection with these young fellows—Neve's and Cox's cases. An attempt was made to get a man to tell an untruth—to perjure himself—and a letter was written by that man's son, who signed his father's name to it and sent it to me, and I received it as if it came from the man himself. It was a letter he had never written at all. All these things should have been inquired into, in my opinion.

1047. In Neve's and Cox's cases a letter obtained from whom?—From old Wilson's son, written by his son and signed by his son, and sent to us as if it was the old man's letter.

1048. What evidence have you of that?—The man's own evidence, that of Marmaduke Wilson, and to some extent corroborated by the Mayor of Nelson.

1049. Did you not hear these constables here denying, on what was equivalent to their oath, that that statement was obtained in no other manner than a voluntary one?—No; I was not here, and did not hear it.

1050. You, then, have no evidence?—I have this evidence: that I am satisfied I have the man's signature in my book. I am satisfied he never wrote the letter, and I am satisfied it is not his signature. He told me that he never wrote the letter.

1051. This is the letter: "Waimea Road, 6th November, 1901.—This is to certify that I, Marmaduke Wilson, was present with Constable Burrell on the evening of the 25th October, when he had occasion to caution several youths for their bad behaviour. The constable did not make use of any obscene or abusive language. Their conduct to him was threatening and defiant. The boys of this locality have been the source of great annoyance to my daughter and myself for this last two months. About eight weeks ago the windows in my house were broken with these larrikins throwing stones, two large stones coming through the window into the room in which two of my infants were sleeping. Had these stones struck them I am sure it would have killed them. Since Constable Burrell censured these boys it has had a good effect, and I have not been troubled with them. I am prepared to give this statement in any Court of law.—I am, &c., MARMADUKE WILSON." Have you Marmaduke Wilson's signature yourself?—Yes.

1052. Perhaps you will produce it?—Yes.

1053. *The Chairman.*] The evidence was that he dictated the letter to his son?—This is the question, and the important one: Does the report made by the constables say nothing about the son writing it at all?

Mr. Colvin: It was admitted that the son wrote it.

1054. *The Chairman.*] It was stated here that the document was procured from Wilson. He dictated and his son wrote. That is Burrell's statement?—But the report made in the first place, in my opinion, was misleading.

1055. *Commissioner Tunbridge.*] At any rate, you have no reason to doubt that that original statement was written by Marmaduke Wilson's son at his dictation?—Oh, I certainly doubt it, because he told me that there was nothing in the letter that the son gave them contrary to what he gave me, and I looked upon this sort of thing, if true, as a most serious matter. That is, if this letter was sent to us as from the old man to mislead us and prevent any further inquiry.

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.

1082. A person under the Police Offences Act must be drunk in a public place, must he not?—Yes.

1083. Suppose a policeman is drunk in the barracks, does he not commit an offence under the Police Offence Regulations?—Yes. But you must prove him to be drunk, according to the Police Offences Act.

1084. Under the Police Regulations?—What I say is this: that the Police Offences Act defines the drunkenness or makes it an offence, the same as the Indictable Offences Summary Jurisdiction Act larceny, &c. It must be proved according to the Act.

1085. Is it not necessary to prove a case of drunkenness under the Police Offences Act—that a man must be drunk in a public place?—Yes.

1086. Well, under the Police Regulations, if a man is drunk on private premises he is equally liable as if he were in a public place?—Yes; but at the same time I do not know how he could be fined.

1087. The Police Offences Act has no more to do with the jurisdiction of a Magistrate under that Act than it has in the case of felony. They are altogether distinct.

1088. *Mr. Hardy.*] It is not necessary to punish a policeman under the Police Offences Act. You could punish him under the Police Regulations?—Exactly.

1089. *Commissioner Tunbridge.*] The Inspector must, or should, know that he has power to refer any case under Regulation No. 62 to the Magistrate to deal with?—Yes. But what I say is, the state of drunkenness must be according to the Police Offences Act for the Magistrate to deal with.

1090. If you can kindly produce the Police Offences Act or any other statute existing in New Zealand or in any other part of the world to clearly define drunkenness you will confer a benefit on humanity generally. Can you show us where drunkenness is defined?—No. We know all over the country a Magistrate would require it to be proved that a man was drunk. Mr. Beetham's definition was that if a man had so much liquor that he acted differently to what he usually did he would consider him drunk. I wish to state that a police officer can be punished for being slightly under the influence of drink, whereas a Magistrate would not convict in that case.

1091. Would not a man if slightly under the influence of drink be committing a breach of the Police Regulations?—Yes.

1092. Has not the Magistrate power to deal with any breach of the Police Regulations?—I think he has. I wish to make the distinction between the dealing of a Magistrate and the dealing of a police officer. The Magistrate requires proof that the man is drunk, whereas the police officer punishes him for being under the influence of liquor even slightly, because he would not be fit to go on duty in that state.

1093. There have been several of your statements in your report questioned, have there not?—There was a statement made to-day somewhat differing from mine.

1094. Mr. Bannehr questioned one to-day?—Yes; but I will explain that.

1095. The statement about the Postboy Hotel has been questioned?—I do not think so. I was questioned upon it, but I do not know that anybody said anything to the contrary.

1096. The truthfulness or otherwise of Mrs. Hall has been questioned, has it not?—I cannot help that.

1097. Have not some of your statements in the reports been seriously questioned?—I do not think so, except what Bannehr said to-day. Two members of the Committee said that they would not believe Mrs. Hall would tell an untruth. Perhaps under ordinary circumstances she would not, but any one who is intelligent enough can understand that many women do not care to be mixed up in abortion cases.

1098. You are rather prone to put into your official reports matters perhaps that on consideration had better be left unsaid?—I am not aware of it.

1099. One occurs to my mind just now. Did you in a report recently submitted gratuitously use these words: "I find the Maoris dreadful people to deal with. The Chinese cannot hold a candle to them in lying and thieving"?—I did.

1100. Do you think a statement like that is one that one should take for what appears on the face of it? Do you think it would be reasonable for this Committee, or anybody else who knows the Maori race, to accept a statement of that description as a reliable one and one that properly expresses the general opinion of the community?—I do. But I think it is a most improper question to come from you, the Commissioner, when a report is made for you only.

1101. I submit I have a right. I led up to it. How, in your opinion, does the conduct of the Force compare with the conduct of the Force five or six years ago?—Do you mean as a whole?

1102. Yes?—I consider it compares very fairly with the conduct of the New Zealand police of that date.

1103. You say you think that as a whole the conduct of the New Zealand police at the present date compares very favourably with the conduct of it five or six years ago?—I do.

1104. Well, now, would you expect that if I, as Commissioner, were in the habit of imposing punishments that were not commensurate to the offences?—I would not.

1105. As a matter of fact, does it not follow that if the discipline of the Force had been too easy it would not have improved under my *régime*?—Well, at the time you came here, Mr. Tunbridge—since you came here, I might say—the Police Force got such a shaking-up that it made them all careful in any case.

1106. *The Chairman.*] They have improved?—Since certain charges were made against a number of them.

1107. *Commissioner Tunbridge.*] You would not expect that if my management of the Force had been a lax one?—Well, I will say freely that I believe you did good to the Police Force in New Zealand.

1108. You have said in your evidence—it appears in these papers—that you asked Constable Burrell whether he did not know that a constable had been dismissed or sent out of the Force for being on the station the same time as he was?—For similar conduct.

1109. Constable Martin?—Yes.

1110. Well, now, Burrell was in the station with his uniform on, getting a cup of tea or something of the kind—Yes.

1111. Well, now, in Martin's case was not that man asleep in bed?—That is so, between 3 and 4.

1112. Had he not improperly withdrawn himself from the theatre, where he had been sent on duty?—Yes; he said he was sick.

1113. And had he not lost his shako, which was subsequently found on the verandah of a lady of questionable reputation, and he was not able to give a satisfactory account of it?—His account was that it was blown off by the wind.

1114. That was not considered to be satisfactory. Was not Constable Martin sent out of the Force for these three offences combined?—Yes.

1115. Well, now, do you consider that your remark to Constable Burrell, that Martin had been sent out of the Force for similar conduct, was a correct one?—I think so, at the time.

1116. Your mind deceived you, did it?—No; but from the information I had at the time I thought he was guilty of similar conduct, much more so, or worse, than Constable Martin.

1117. You did not distinguish between the two cases: the constable going to get the cup of tea in the middle of the night and the other case?—No; I did not swallow the cup-of-tea business at all.

1118. You also referred to the charge of drunkenness against Sergeant Mackay, on page 15. In one of your reports you said the conduct of the police of Nelson has been very bad ever since the charge of drunkenness against Sergeant Mackay?—I had reason to believe that.

1119. That charge was inquired into by the Magistrate, was it not?—Yes.

1120. And it was dismissed by the Magistrate?—Yes.

WEDNESDAY, 1ST OCTOBER, 1902.

Sergeant MACKAY examined. (No. 16.)

The Chairman : I may say that witnesses before Committees are not sworn, the Speaker having ruled that all evidence given before Committees is equivalent to being given upon oath. It bears all the pains and penalties of evidence given in a Court of justice.

1. *Hon. Mr. Hall-Jones.*] How long have you been in the Police Force?—Twenty-six years on about the 14th May next.

2. How long were you in Nelson?—About three years and eight months.

3. When did the petitioners, ex-Constables Burrell and Durbridge, come to Nelson—during your time?—Yes.

4. In what condition did you find Nelson on your arrival there, from a police point of view—I mean as to the general conduct of the people?—I found that the larrikin element there was pretty strong; in fact, numerous complaints reached me after going there.

5. You had had experience of other towns?—I had. I left Christchurch to go there.

6. How did it compare with Christchurch?—It was very lax.

7. Worse than in Christchurch?—Yes.

8. How many constables had you under you at Nelson?—At first I had six.

9. Who were they?—Constables O'Brien, McGrath, Culnane, MacDonald, Bird, and Mounted Constable Kelly.

10. What changes were made after your arrival?—At the time I went to take charge another man was sent there named Phelan. He went as Gaoler.

11. Was he an additional man?—Yes, he would be.

12. What changes occurred after your arrival—who left and who came?—Constable O'Brien went out on compensation, I think. Kelly went to Dunedin. Phelan died; he was a consumptive when he went there. Culnane went to the Coast somewhere.

13. By whom were these men replaced, as new men in the district?—By Constables Kemp, Durbridge, and Burrell.

14. Put them in the order in which they came?—I fancy that is the order.

15. Did Durbridge and Burrell come together?—No; they came separately. I forgot to mention Aldridge. He was one of the new men.

16. With regard to larrikinism, which in your opinion is the best class of policeman to deal with it—young men of, say, twenty-three or twenty-four, or men more advanced in life?—They took practically no notice of the old men.

17. What is your general experience as to coping with larrikinism: do you lay it down as a general rule that an old man is not so good as a young man?—I should say that he is not. I had to go round the blocks myself for months and warn them off the corners.

18. If you see young fellows standing about corners, do you call that larrikinism?—No; I should call that loitering in the street.

19. What do you call larrikinism?—Any one following another up and passing remarks and cheeking him.

20. Do you know Mr. Marmaduke Wilson?—I cannot say that I ever saw him.

21. Do you know what reputation he bears in Nelson?—I do not know.

22. Have you never heard anything about him?—No, further than with regard to a complaint about his windows being broken.

23. Was that at the time of his being married?—Yes.
24. Some charges respecting yourself were inquired into by the Commissioner, I understand: is that so?—Yes.
25. Do you know a man named Remnant in Nelson?—Yes.
26. What reputation does he bear?—He is of indifferent character.
27. In what way indifferent?—Drunken about the streets. I have repeatedly seen him under the influence of drink on Saturday nights. I have ordered him off the corners of the streets several times, and then he has become abusive and insolent.
28. That would not justify you in saying that a man was of indifferent character. What else do you know about Remnant?—In my opinion, a man who repeatedly goes about drunk is of indifferent character.
29. Where was he employed when you were in Nelson?—I think he was driving for Neill, the merchant there. I am pretty sure of it.
30. In what line of business are Neills?—Coal, firewood, grain, and so on.
31. Are they a respectable firm?—Yes.
32. A firm that you think would employ a drunkard?—Well, I would not think they would if they knew it.
33. The Committee have been informed that he was employed by them for two years and a half, I think?—He may have been.
34. If he were a drunkard, as you state, would they not have opportunities of knowing?—If he did it of a Saturday night, after his work was done, I do not suppose they would know.
35. It comes to this, then: on Saturday nights he may take a glass of beer?—Many, I should think.
36. During the remainder of the week he conducted himself as a respectable citizen?—That is more than I can say.
37. You do not know anything to the contrary?—No.
38. Are there any other grounds upon which you state that Remnant is of indifferent character?—I have heard that he is in the habit of assaulting his wife, but that is only hearsay.
39. I understand that at one time he came to you at the station with a complaint?—He did one Saturday night; I should say, nearly two years ago.
40. What was the complaint he made?—He came into the station, and his words were, "I have been insulted." I asked, "By whom?" and he said, "Constable Burrell." I asked, "What do you mean by 'insulted'?" "Well," he said, "he insulted me." I said, "You must tell me. How did he insult you?" He said, "Never mind; he insulted me." Remnant was then in a muddled state with drink, and sat in the chair in my office. Seeing that he was in a muddled state I said to him, "You had better put your complaint in writing," and he said that he would. As I have said, he was sitting in the chair, and as I was busy at the time I said, "You must not stop in here"—I thought he was going to sleep—"you had better go out and put your complaint in writing." He said, "I will"; but I never heard anything more of that man's complaint until I received a document containing a charge against myself in reference to it.
41. Are you aware that Remnant denied that you asked him to put his complaint in writing?—He did, in my presence.
42. Were you writing at the time he made the complaint to you?—As nearly as I can remember the circumstances, I was attending to the overland mail. Whether I was writing or attending to the correspondence I am not quite clear.
43. When any one comes to you with a complaint do you not take notes of it?—If I consider it really a complaint I do.
44. Here is a man who came complaining of being assaulted by a constable. Did you make any note of it at all?—No. I saw nothing in the man's appearance to lead me to believe that any such thing had taken place.
45. You would want some evidence—a black eye, or something of that sort?—I should have expected him to have a mark of some sort.
46. Did you examine the man?—I looked at him.
47. Did you put any questions to him?—I did. I asked him how he was insulted, and he said, "Never mind; I was insulted." With that he sat down in the chair in the office.
48. Did you say anything to Burrell when he came to the station in reference to this?—I think I did a day or so afterwards. Perhaps it was the next day. I am not quite clear on that point.
49. You made no note of it?—My reason for not making a note at the time was that I was expecting the man to come back and make a written complaint if he had a grievance.
50. How would you do in the case of a man who could not write?—He could get somebody to write for him, I presume. If he had told me that he could not write I would have taken it down.
51. You cannot say whether you did speak to Burrell or not?—I did say something to him about it, and he said that the man was loitering at the corner and he ordered him off. As I received no further complaint from the man I considered his grievance an imaginary one. If the man had a grievance I should think he would have come back.
52. Did you hear anything more of Remnant in connection with the police in Nelson while you were there?—Yes.
53. In what respect?—I think some months later he was brought before the Court for leaving his cart unattended.
54. Which constable brought the charge against him on that occasion?—Burrell reported the matter, and I ordered an information to be laid.

55. That is the same constable who was charged with assaulting him?—The same constable who was charged with insulting him. Remnant made no mention of assault.

56. This was one of the charges inquired into by the Commissioner—charge No. 2 against yourself?—Yes.

57. Are you aware of his finding?—Yes.

58. It reads, "The constable at the time of the alleged assault was not on duty, and the offence was a statutory one. . . ." Was Burrell not on duty at that time?—I may state that I used to utilise the men of a Saturday night sometimes to strengthen the relief. On this night I will not say whether Burrell was on duty or not. I think he was off duty.

59. Seeing that a complaint was made to you, had you not, as sergeant in charge of the station, a duty to perform—to enter the complaint in the occurrence-book, even though it was only a verbal complaint?—Seeing that the man was under the influence of drink—

60. That is not the point. If you, as sergeant in charge of a station, have a complaint made to you, is it not your duty to enter it in the occurrence-book?—It may have been. I will not doubt that. I would have entered it in the occurrence-book had the man come back with a written complaint.

61. Although he made only a verbal complaint, was it not your duty to have entered it in the ordinary manner?—Yes, I understand that it would have been, but I would have entered it had he come back.

62. Was it not your duty to have entered it even though it was a verbal complaint?—It may have been. I will not say that it was.

63. How long have you been a sergeant?—Since 1894.

64. And yet you cannot say whether it was your duty?—It is the custom.

65. Is it not a part of the regulations?—A column is in the book for the purpose.

66. It was part of your duty to enter it even though it was only a verbal complaint?—I omitted to enter it for the reason I have given.

67. It was part of your duty, although you did not do it: according to your regulations you ought to have made an entry?—I should judge so from the heading of the book.

68. Why did you not?—Because, as I have explained, I expected the man to come back with his complaint.

69. You admit that you ought to have entered the complaint, and that you omitted to do so?—It is customary to do so.

70. The regulations say it should be done?—I do not know that a regulation bears on that. I am guided by the column of the book.

71. It is the duty, then, of a sergeant in charge to enter complaints, either verbal or in writing?—It is the custom, I believe.

72. And it ought to have been done?—Yes, I dare say it should have been.

73. Were you convicted by the Commissioner on this charge?—If my memory serves me aright, I was.

74. And cautioned to be more careful in future?—I think so.

75. Another charge was in connection with a visit by two single females to the single men's quarters some time between 1 and 2 o'clock on a certain morning?—Yes.

76. Were you aware of those girls being at the station?—I was called.

77. By whom?—By Constable Williams.

78. What did he say?—He came to me and said there were some women in the station. I immediately got up and went to the station.

79. You were in bed?—I was. I found all the doors wide open, the gas fully lighted, and the constables and the girls sitting at the table having refreshment of some sort. From what I had seen of them in the street I knew them to be respectable girls, coupled with the fact that one of the constables was engaged to be married to one of them. I went out into the office and called Durbridge. I told him that to take females to the station was a very wrong thing to do; that probably he did not mean any harm, but that harm could be made out of it; and not to do it again. He explained to me that he had been to a social with the two young ladies, and when returning to the police-station he asked them in a joking way to come in and have a cup of cocoa. They accepted his invitation and went. I said, "It is a very indiscreet act to bring them here. You should not have done so. Do not do it any more." It had never been done before since I had been there, and has not been done since.

80. Have you ever known of any other occasion where single men have taken single girls into the single men's quarters at the police-station at that hour of the night?—I cannot say that I have.

81. You do not know of any similar case?—No, I cannot think of any.

82. Did you mention the matter to the Inspector or report to him?—No.

83. Did you make any entry of the matter having been reported to you?—No.

84. Was it not your duty to have done so?—I did not think so. I did not think there was anything wrong about it.

85. Do you approve of single girls being taken into single men's quarters in that way?—No.

86. You did not consider it sufficiently important to bring under the notice of your superior officer?—Had the girls been strangers whom I had not seen before I should have thought so.

87. If they are girls that you know you do not mind their going in at 2 o'clock in the morning?—Considering the circumstances—

88. Do you think it should be allowed?—Oh, no, not at all. But it was the first time that I ever knew of it, and I simply, as I have said, cautioned them.

89. You have never known of any case similar to this?—Not at night.

90. Did the Commissioner find you guilty of the charge of not having reported the occurrence?—I saw a copy of the decision, but I could not say from memory.

91. Were you reprimanded?—I may have been.

92. Are you reprimanded so often that you do not remember the number of times?—To the best of my belief I was on that occasion.

93. Another charge inquired into was with reference to one of the constables being found asleep on the floor of the police-station at Nelson at 4 o'clock in the morning?—Yes. I said before that that was a very untruthful statement to make, because such did not occur.

94. Since you went there have you known of any policeman being asleep in the station when he ought to have been on duty?—No. Had such been the case I certainly should have reported it.

95. Do you know the Bush Tavern?—Yes.

96. Do you know a man named Woodward who used to be in charge of it—I do not know whether he is there now?—I remember a licensee of the name of Woodward being there.

97. What reputation had he?—I do not know anything against his character.

98. Would you have any reason to doubt statements made by him?—Well, I would not. I have had no business transactions with him to judge from.

99. You have never heard of anything against his character?—No.

100. Was it the practice during your time for constables to leave their beat at night and go to the station to make themselves coffee?—The constables used to go in to make it, I believe. I cannot speak of my own knowledge, but I was informed that it was done prior to my going to Nelson, and I made no objection. I did not, however, stop up late to see whether it was done or not.

101. Then, if this was going on you were not aware of it?—No, I cannot say that I was aware of it; but had I known I do not say that I would have objected to their going to the station to get some coffee.

102. You cannot say whether they stopped there for a longer time than was necessary for them to get their coffee?—No, I cannot say that. I know that I have got out of my bed at different times during the night, such as 1, 2, and 3 o'clock, and gone round the beat and found them there on the beat. I used to make periodical visits round the streets at different times—waking myself up by means of an alarm-clock—and I would find them there.

103. Did you know a girl named ———?—No.

104. *Mr. Hardy.*] You admit having been reprimanded for not entering up a charge?—Yes.

105. Would it be the duty of the officer in charge to record any statement made by a man under the influence of liquor?—I should not think so.

106. Notwithstanding your punishment, did you not think it wiser to wait till the man got sober, and then if he returned enter up the charge in the regular way?—That is really what I intended to do. Had he returned with his written complaint, as he said he would, I should have entered it up.

107. You, as an intelligent police officer, read between the lines and considered that was the better position to take up?—I did.

108. You were perfectly satisfied that the man was under the influence of liquor?—I am quite certain he was.

109. Men under the influence of liquor sometimes make rambling statements?—Yes.

110. And you thought, for the sake of your office, it was better to give him an opportunity of coming to his senses and then making the charge?—I thought so.

111. *Mr. Hall.*] I think you said that you knew this man Remnant?—Yes; through seeing him about the town.

112. Did you hear anything of his character?—Yes. I have said that I myself have seen him under the influence of drink, and I have heard that he assaulted his wife, but this latter is only hearsay.

113. If a man made a complaint that he had been insulted by a constable, would you consider that charge definite enough to enter up in your minutes?—If he was sober and came to me in what I should term a proper way I should immediately inquire into the matter.

114. You asked him whether he had been insulted?—I asked him how, and he said, "Never mind; I have been insulted," and with that he sat down in the chair in my office.

115. As he did not make a definite charge as to what the insult was you considered that a sufficient reason for not entering it up?—I did not consider that a sufficient reason for not entering it up; but my idea was to let the man go and come back again in the morning, and if he had a complaint, to make it, and then I would have entered the complaint.

116. To definitely state what the charge was?—Yes; and then I should have made an entry.

117. You have had every opportunity of judging of the character of those police who were under your charge—I refer to Burrell and Durbridge?—Yes.

118. You positively say that Burrell was a good average policeman?—Yes, I should say he was. He was attentive.

119. He attended to his duties as well as the average policeman?—Yes; in fact, he did his duty well.

120. And his moral character was ———?—It was good. In my opinion, he did his duty well.

121. Can you say the same of Durbridge?—I would.

122. That he was in every way equal to Burrell?—Yes. Both of them gave every satisfaction while I was there.

123. Do you state here that you were not influenced in any way in refraining from reporting against these men by any special favoritism that you felt towards them?—None whatever. I

would not allow myself to be influenced either one way or the other. If they had done what was wrong and it came to my knowledge I should certainly have reported it—that is, if I considered they had committed an offence.

124. In the report of the Commissioner it is stated that you did not carry out your duties, and I want to ask you this: Throughout your career as a policeman have you been in the habit of refraining from reporting upon such matters?—No. If anything came to my knowledge and I considered it serious in any way I reported it.

125. Then, your reason for not reporting was that you did not consider those things serious enough to report?—What do you mean by “those things”?

126. Say, the presence of the young women in the station at a late hour?—I did not consider that was a serious matter in consequence of my knowing the young women, and knowing the constables, and knowing that one of the constables was engaged to one of the young women, and the fact that all the lights were turned up, the doors all open, and there being no secrecy whatever about the matter. I walked straight out and found them all sitting at the table having a cup of something.

127. You say there was nothing in these circumstances which would have led you at any time to report unfavourably against the men for their action in this matter?—I would not say there was anything, in my opinion. I would like to add, however, that had it occurred again I certainly should have reported it at once.

128. *The Chairman.*] Was it ever reported to you at any time that the constables under you were in the habit of assaulting people in the streets?—No, I never had a complaint of that sort brought to me.

129. Do you think that if the constables had gone on assaulting people in a wholesale manner it would have been reported to you?—I am quite satisfied that it would. They would have come straight to the office. That is my opinion.

130. Do you know young Bannehr, a brickmaker?—I believe that I have seen him, but I could not pick him out. I know his father.

131. They never at any time called upon you to make a report as to the constable's treatment of young Bannehr?—No, they did not.

132. It was never brought under your notice in any way?—It was brought under my notice. Mr. Bannehr was in the street one day, and in the course of conversation said that his son had got mixed up—so I understood—with one of the constables. As nearly as I can recollect, those were his words. I said, “How do you mean—‘mixed up’?” He said, “I did not want to say anything about it.” I asked, “Why?” He replied, “I thought you had heard about it.” I said, “That was a very foolish thing for you to do. If anything was done why did you not report?”

133. You say that you have been twenty-six years in the Force?—Yes.

134. You said just now—I want it again—that Burrell and Durbridge were fair average policemen—fair samples of the Force?—Yes; I do say that, as far as I have seen them.

135. They were under you for three years and eight months?—I was at Nelson for that time. They were under me for some time less than that.

136. Kelly was the mounted constable when you took over the station, was he not?—He was.

137. Afterwards Aldridge came?—Yes.

138. Were you and Aldridge on good terms all the time you were there?—Well, there was nothing to speak of, except that now and again he used to feel annoyed at being sent out to do the outskirts of the town. When there was no mounted duty to do I would send him out to the outskirts, as complaints came about larrikinism, riding bicycles on the footpath, and so on. He said that he did not think this was a mounted man's duty.

139. He was under you, and you could send him where you liked?—Yes, I considered so. He used to feel offended at this sometimes, and grumbled a bit, but he used to go and do it. I may say that he showed a lot of dissatisfaction from the time he came here. He was what I would term a dissatisfied man. He got me to change the hours for him, and when I did so he was dissatisfied with them, and I told him it was impossible to please him with regard to hours.

140. Do you know any of these young fellows, or all of them—Neve, Cox, Burns, and Simpson?—I have seen them.

141. What character do they bear, generally?—They were amongst a class of young fellows who were a nuisance up the Toitoti Valley, as far as I could see of them.

142. Did you get any complaint about them?—I cannot say about them in particular, but I got complaints as to numerous offences of larrikinism up the Toitoti Valley.

143. You do not know whether they were in the habit of annoying and assaulting old people and using obscene language?—I know they kept very late hours at night. I would not say that all of them did; but when out late taking a turn I have seen some of them. I have met them bellowing and roaring through the valley.

144. Was no complaint lodged by Mr. Wilson about these lads?—Yes; a complaint came to the station about larrikins breaking windows and throwing stones on his house.

145. You are sure it was that—not “tin-kettling” the Wilsons?—I heard that they threw a big stone through Mr. Wilson's window, and narrowly escaped killing one of his children.

146. Do you know John Stapp, a man of the name of Blincoe, and a man named Reed?—The only Stapp I knew was in the post-office.

147. I should not say this one was in the post-office. Then, you do not know Blincoe, Stapp, or Reed?—No.

148. Did you never have any complaint about either of them?—No.

149. Do you know the Postboy Hotel in Nelson?—Yes.

150. What was the general character of that house whilst you were there?—Very good.

151. You never heard anything against it?—No.

152. It was a respectable house, then?—Yes, I would say so.

153. Was any complaint ever made at any time from, I think, the Bush Tavern about any one creating a disturbance there at a late hour of the night?—No, I got no complaint of that.

154. You never heard of any?—No, not to my knowledge.

155. You did not think it a very grave offence for a constable to go off his beat into the station in order to make himself a cup of tea at night?—No, I did not, because it had been going on prior to my going there.

156. But supposing it had not?—Considering the quietness of the town and the hour at which they would go in I do not think there was much harm in it, especially in a small place like Nelson.

157. You would not think that anything was likely to take place on the streets suddenly?—No; most people would be in bed at that time—the streets would be practically deserted.

158. You have heard of the famous row on Christmas Eve, I think it was: you were there at that time?—That is all I heard about it.

159. Was it reported to you at all?—No.

160. By the constable, or any one outside?—No. The only thing that was said to me about it was what was said by Mr. Bannehr, which I have related. That is all I heard about it.

161. If there had been anything very serious I suppose you would have heard?—I could not hear it unless it was reported to me.

162. It would have been reported?—Yes, I should think so, if it had been in any way serious.

163. *Inspector Macdonell.*] Did you ever receive any letters in reference to Durbridge and Miss _____?—I never did, except one from yourself.

164. That was the only one?—The only communication or information that I got about it at all.

165. What did you do with regard to the one I sent you?—As your instructions were so stringent not to allow anything to leak out, and my not having heard anything about the matter before, I sent it back to you, stating that as I did not know any person there to inquire of I was leaving the matter till you yourself arrived, as you stated you were about to come.

166. Are you sure that is quite correct?—I am quite positive.

167. Is it not a fact that I asked you in Nelson, before you did anything, what you had done in the matter?—What transpired in Nelson was this: you arrived in the evening, and I produced the correspondence and told you that I had not done anything in the matter as I knew no person to inquire of, your instructions being so stringent. Then you wrote to me afterwards to forward the correspondence to Greymouth. That I did.

168. You said in the first place that you did nothing—you were waiting for me to come myself; as a matter of fact, I came there and asked you what you had done in the matter?—You sent the correspondence down.

169. How long had you the correspondence altogether?—I should say, about a fortnight or three weeks.

170. Not more than that?—I would not think so.

171. Not nearer two months?—I will not say that, but I do not think so. In any case, I had no person to go to under your instructions.

172. What were your instructions that I gave?—To report at my convenience, and to be very careful not to allow anything to leak out in any way, and mentioning a woman's name—no, I do not think you did mention the name. I did not make any inquiry in case it might leak out, so that you would not be able to say it had leaked out through my inquiry.

173. You neglected to carry out my instructions?—No.

174. I instructed you to go and inquire into the matter?—At my convenience. You arrived before I had done so.

175. I am aware of that. But you did actually nothing?—I tell you that I was afraid to inquire, because it was a very delicate matter. Only one woman was mentioned by you, and it would not do for me to go there and make inquiries after you had been there.

176. After I had been there?—Yes, if you had been there. From this anonymous letter I presumed you knew more about it than you let on to me.

177. Had you any right to do so? Did you not get your instructions clearly and definitely in writing?—Your instructions were so stringent that I did not care to inquire.

178. I told you to be very cautious and see that the matter did not leak out, and I hoped the woman would be discreet: did I mention her name to you?—I do not know that you did. If the correspondence is there it will show.

179. You cannot say whether I mentioned the name of the woman you were to go and see or not?—I do not think you did mention her name.

180. Was it not mentioned in the anonymous letter?—Yes, I believe it was.

181. And yet you stated just now that you did not know whether her name was mentioned or not?—I am talking about your correspondence, and not the anonymous letter.

182. Was not the anonymous letter attached to it?—Yes.

183. The woman's name was mentioned, but you never went near?—I did not.

184. Do you think you were justified in that?—Yes, because I could hear of nothing—I never heard anything before about the matter, and I thought it was in your hands.

185. But you know that you are not supposed to go and order what I am to do. It is the other way about, is it not—you are supposed to carry out my instructions?—Yes. Probably if you had not been coming yourself—

186. Did I not say in the letter that I was sending you the anonymous communication because I could not go to Nelson myself at the time?—Yes, at that time; and to make inquiry at my convenience.

187. That is your explanation of why you did not do anything in the matter?—For the reason that if anything had leaked out you would have blamed me.

188. Now, with regard to Remnant's complaint against Burrell, I may say that I did not quite understand your evidence a little while ago: you said that Remnant said he had been insulted, not assaulted?—Yes. The first I heard about the alleged assault was when the man at the inquiry said "insulted," and you said, "No, assaulted."

189. Are you sure you are correct?—Yes.

190. Was not this what happened at the inquiry: did I not ask the man, "Do you mean 'insulted' or 'assaulted'?"—Yes; you put the word into his mouth.

191. Were not those the exact words?—I would not be sure; I know that when he said "insulted" you said "assaulted." I cannot recollect exactly, but I know that you drew his attention to it.

192. I asked whether it was the one or the other. Did you never hear ignorant men use the word "insulted" instead of "assaulted"?—I cannot say that I have except on that occasion.

193. When the Hon. Mr. Hall-Jones asked if you examined Remnant you said that you looked at him to see if he had any marks. Now, if you understood that he meant "insulted," why did you do that?—I looked at the man, and had there been marks on him I would have seen them.

194. But do you not see the distinction?—Yes, plainly. My reason for looking at the man was his impertinence—when in a drunken state to drop down into the chair in my office.

195. Will you please explain why, if the man said he had been insulted and you so understood him, you told the Hon. Mr. Hall-Jones that if he had been assaulted he would have had marks on him, and that you would have seen them when you looked at him?—I did not mean that I examined him to see if he had been assaulted. I looked at the man when he sat down in the chair, and had he been assaulted and had a mark on his face or head I should have seen it.

196. Now, you said that you heard—it was only hearsay—that Remnant assaulted his wife: will you tell us who told you?—I cannot really tell, because I have heard it three or four times.

197. You cannot tell who said so on any of the three or four times?—No. I did not ask. I heard it in conversation with some people. I do not know who they were, and I did not ask them any question about it.

198. You cannot give the name of any of them?—No.

199. Did you say at the inquiry at Nelson that Remnant appeared as if he was going to fall asleep in the chair?—Yes, to the best of my recollection.

200. You said that you sometimes ordered him off for loitering at the corner?—I did.

201. Can you name any of the corners that you ordered him off?—Yes. I ordered him away from the Masonic Hotel corner. He and others were in a cluster there, and I ordered them away—not him in particular, but the whole of them.

202. You just moved them off in the usual way?—Yes.

203. How often did you?—I cannot say. It was my practice to go round on Saturday night, and if I met them I moved them on. There was generally a cluster of them.

204. Now, with reference to Burrell, you say that you understood that he ordered Remnant off the corner, and that was all that took place?—Yes. I have said so.

205. That Burrell told you so?—Yes.

206. Can that be correct if he was not on duty at the time?—I myself whether on duty or not would have ordered them off, and I would expect him to do the same.

207. Is it usual for constables in their own time to order people off for blocking the footpath? Did you ever see any of them do it?—Yes.

208. Are you certain that he made that explanation?—Yes, as nearly as I can recollect.

209. Did you question him as to what happened at the time?—Yes. I fancy I asked him whether he had said anything to Remnant, and that is what he told me, that Remnant was standing at the corner and he ordered him off.

210. You cannot say whether Burrell was on duty or not?—I believe he was not.

211. Now, with regard to the young women being in the station at night, where did you go after you were called and saw the constables and the women?—Into my office.

212. How long did you remain there?—I should say I was in there five or ten minutes perhaps. I called the constable in almost immediately after going in.

213. What did you do when you left your office?—I went into my quarters.

214. Did you see the women away before you went?—No. I believe they did go. I saw somebody behind me when I was near my gate, whom I took to be them going away.

215. You did not think it necessary to see for a certainty that they went away before you went?—I did not, because they were respectable young girls as far as I knew, and respectable young men.

216. Now, do you say that no one ever drew your attention to the fact that the single constables at Nelson were in the habit of spending their time in the station and at other places when they should have been on duty at night—that they did so pretty frequently?—No one ever did. Nobody mentioned that to me to my recollection.

217. At any time?—At any time.

218. You say that you knew they were in the habit of going in to get some tea?—I cannot say that I knew it.

219. Do you remember my telling you when you came back from Collingwood that I found two men in the station on two nights running while you were away, and that you replied to me, "I never watched them. I had no suspicion"?—No, I have no recollection of that.

220. You said, in answer to the Hon. Mr. Hall-Jones, I think, that you got up out of bed and walked round the town several times, and found the men on their beats?—I have done so, just when the fit took me.

221. Did you make an entry in the diary to that effect at any time?—No. I do not know of any other diary where that is shown.

222. The diary would not show any entry about getting up during the night and going round to see whether the men were on duty. Do you not think it a proper thing to show that in a diary?—No, I do not think so. I never knew it to be done.

223. Will the diary show that the single men were let off duty early—at any rate, three times for the once the married men were let off?—As to doing extra duty?

224. Whether extra duty or not, will the diary and the watch-house visit-book show that they were let off frequently during the night compared with once for the married men?—The diary will show where the single men, having done extra duty the previous day, had been let off early. The single men's names will probably appear more frequently in that book than the married men's, because when asked to do so the married men did not care about it—going to the theatre, and so on. I have asked them to do it, and they have objected. Therefore I put on the single men who were willing to do it.

225. Did you say the married men were not willing to go to the theatre?—Certainly.

226. Will you tell us which of them?—Williams, and also Bird. McGrath also said he did not care about it. That was on Saturday night. They would go off at 3 o'clock on Sunday morning. However, I considered that was a matter for me.

227. You know that the regulation requires that the duty be given fairly to the men all round?—Yes, I am aware of that fact, and I do not think anybody in Nelson will complain that it was not.

228. In reference to complaints against the constables for assaulting people, you said, I think, that you heard no complaint from any one?—None whatever with regard to an assault.

229. Of any description—disputes, or rows in the streets late at night?—It has not been reported to me that an assault has been committed on any person.

230. Did Constable Jeffries, at The Port, at any time tell you that a man from The Port went home one night and complained to him?—No.

231. He never mentioned it?—No, according to my recollection.

232. I think it was Reed that was mentioned in the matter?—I do not know; I never heard about Reed.

233. You say that Jeffries never mentioned the matter to you, nor reported it in writing or verbally?—That is so.

234. With regard to the character of the Postboy Hotel, did you ever play cards there with any of the constables?—No.

235. Never?—Not to my knowledge.

236. Not with Burrell?—No, not to my knowledge.

237. Nor with Aldridge?—No. I have no recollection of playing cards there with Aldridge.

238. Did you know a girl who had the reputation of being not too good—did you mention it to anybody at any time?—Did I know a girl?

239. Or a woman, in the Postboy Hotel—a widow?—No, I did not know of any person not too good there.

240. You never mentioned to any one that she was a good mark if any one was on?—No, never.

241. Not after playing cards there one night?—I say, no.

242. You only say you do not remember being there with any one playing cards?—I do not remember being there playing cards with any one, or saying the woman was a good mark if any one was on.

243. Now, with regard to the boys Cox, Neve, and two others, you said they were among a lot known to be nuisances. Were any of them brought before the Court for being nuisances?—Seven were brought up, but I do not think the four were amongst them.

244. You know that these four made a complaint?—To whom?

245. To the Commissioner, I think. It went through you afterwards for report, did it not?—Yes.

246. You remember the report made by Burrell?—I do not. I know that he made a report. Probably it went through me.

247. You do not remember what he said?—No.

248. In the report he blamed the lads for misbehaving themselves?—I believe him, if he did say so. I have seen Cox and Neve out late at night bellowing through the streets and making a disturbance. I have gone after them, but they were too quick for me.

249. Did you know them?—Yes.

250. Could you not summon them afterwards for singing-out in the street?—No.

251. Could you not?—I am aware of the fact that if a person disturbs the neighbourhood we can bring him up.

252. If they were bellowing out in the street why were they not prosecuted?—I did not do it on that occasion because they were two among many.

253. Do you not know that one good check checks a great many?—Yes.

254. If these young fellows did anything wrong, will you say why they were not brought to the Court?—For the simple reason that I did not catch them. I did not feel disposed to bring them before the Court on that charge, it being so frequently done there.

255. Was not that all the more reason why they should have been punished?—No. The whole lot in that neighbourhood were a nuisance, and the idea was to get the whole bunch of them and bring them up. We did get seven of them.

256. But is it not the best check of any to bring them before the Court?—Yes, I think so.

257. One being sharply checked checks perhaps a dozen?—Yes; but when one brings young fellows before the Court one wants something to charge them with.

258. Howling about the streets at night is not a very trifling matter?—Two boys about the streets at night is not a case where I should consider that I should lay an information and bring them before the Court.

259. If you had any doubt at any time as to whether you should take action or not was it not your duty to report the matter to me?—Yes; you misled me, or endeavoured to do so, on one occasion, which I will endeavour to prove presently. In my opinion, you did so.

260. Is that an excuse for you not reporting anything in any case?—I did not consider that I should submit reports on by-laws to you.

261. If a nuisance is committed in any part of the place by boys or others shouting and yelling—a great number of them—and you not being able to put it down?—I did put it down. I made the place very much quieter than it was when I went there.

262. You sent Burrell up to Waimea Street on account of some larrikinism?—Yes.

263. Did he report the result of his visit when he came back?—No, he did not always do so.

264. I mean at this particular time?—No; he would often tell me on returning.

265. Did you ask him what was the result?—I was not always present when he came off duty.

266. I refer to this particular time?—I cannot say that I was present when he came off duty at that particular time.

267. Did you at any time ask him the result of his visit there?—Not to my knowledge on that particular occasion.

268. He made no report to you?—Not that I am aware of.

269. When you sent the man there specially with reference to larrikinism was it not his duty if he noticed anything wrong to report to you?—Yes. Burrell was not the only one sent round to these places; others were sent as well.

270. I am not talking of the others at all?—I have no recollection of him speaking to me on that particular occasion. They all took their turn at it.

271. You knew of it, at any rate, when reporting to the Commissioner?—Yes.

272. Did you then call upon Burrell for an explanation as to why he did not report at the time what was reported then?—I told him to make a report of the circumstances, and it was forwarded to Greymouth.

273. Did you call upon him then to report why he had not furnished you with a report at the time?—No, not to my knowledge.

274. When old Mr. Wilson complained of larrikinism did he make any complaint against these particular boys—Cox, Neve, Burns, and Simpson?—No.

275. Did he know who were annoying him at the time?—I do not think he did.

276. Now, in reference to the complaint against yourself, sergeant, of going for a basket of eels with Constable Kemp?—So you stated, as nearly as I can recollect. I was charged with that.

277. Did I say so?—I am under the impression it was you.

278. Was it I who stated that?—I am of the opinion that it was you. You were the cause of it in connection with these charges.

279. How?—By bringing forward *ex parte* statements.

280. Was not the charge investigated?—Yes.

281. Do you not know the substance of it?—The charges were already made.

282. Do you not know who reported the matter?—I am of the opinion it was you.

283. And yet you were at the inquiry?—Yes.

284. And heard all about it?—According to the charges. I am of the opinion that the charges which were formulated against me were taken out of some reports forwarded by you.

[These questions were objected to as being irrelevant.]

285. I was going to ask you this in connection with the charge against you about tampering with the diary —?—I did not do anything further than enter the date of my going up the river with Constable Kemp for my own information. I went up the river with Kemp on that morning for the purpose stated.

286. I am referring to the diary?—I did make an entry in the diary.

287. And I discovered it?—I admitted it when you asked. You asked, "Was that entry there?" and I said I had made that entry.

288. Did I not for a little time examine that entry with a magnifying-glass?—I did not see you with a magnifying-glass.

289. And you were silent all the time?—I was at the other desk until I looked round.

290. Did you not hear me speak out about the diary?—I knew you had the diary there.

291. Did I not hand it to the Commissioner—put it on the table in front of him—and did he not have it for some time without passing any remark, you standing looking on?—I would not say for some time; I should say a second or two.

292. Was it not after he had had it, as I have stated, without passing any remark that you said, "I admit I altered the diary," or something to that effect?—I said that I made the entry.

293. Did not the diary show that an attempt had been made to alter the hours of duty for Constable Kemp?—Not a bit. That did not affect the hours of duty in the slightest degree.

294. Does not the diary even now show that an attempt was made in the first place to alter the hours of duty?—Nothing whatever, except an entry in the margin to show that Constable Kemp went up the river with me on that particular morning.

295. There was an attempt to alter the hours of duty?—No; the book will speak for itself. The only entry that I made was, "Kemp and I up the river." I made that entry when I saw the date on which we were charged with going up the river.

296. There was no entry in the diary about going up the river before you made that entry?—No. I entered it when I saw the date on which we went up the river—just for my own information. It cannot be construed to mislead, because there is nothing there to mislead.

297. The misleading was this : you said you went up the river to detect poaching, and not to fish, and you said that no entry was made at the time about going there in connection with poaching. Did you not think that important enough to enter in the column of "Occurrences"?—No. If every time I went out I entered it in the diary the column would be filled up.

298. You took a constable off his beat and took him away—I forget how far, but it would be two or three miles, I suppose?—About a mile and a half.

299. And looked for poachers, and the diary showed that he went on duty at the usual time, there not being a word about being after poachers?—I do not know that there is. If there is I have not made any alteration as to the hours of duty. The town being quiet at that hour of the morning I considered the constable was of more service to me in going there than staying in town.

300. I think you said at the inquiry that you could not remember ever going for a basket of eels?—No, I never went up and took some one else up with me for a basket of eels.

301. I think you said that you did not remember ever going there yourself for a basket of eels?—I am perfectly certain I did not go.

302. Do you still adhere to that—that you never went there for a basket of eels, but to fish for eels?—I will not say that. I have gone up the river with a "bob" fishing for eels.

303. Did you say that at the inquiry in Nelson?—You talk about going with an eel-basket. I say No, but I have gone up at night.

304. Did you say to the Commissioner that you could not recollect ever having gone up for a basket of eels?—I said and I still say I never did.

305. You did not give the explanation that you might have gone fishing without the basket?—I did not mention that, as far as I am aware.

306. When you were asked the question I think you volunteered the information that you never went for a basket of eels; but would it not have been a reasonable thing to have said that you went up the river fishing for eels without a basket?—I answered the question that was put to me.

307. You did not volunteer that information?—No.

308. But you give it now?—I say that I have at times—I do not know when—gone up the river fishing. It was at night, after my work was done.

309. *Commissioner Tumbidge.*] Now, sergeant, have you been twice rewarded during your service in the Force for saving life?—Yes.

310. Saving the lives of persons who were likely to be drowned?—Yes. They were drowning in the open harbour.

311. And you jumped in?—Yes.

312. You have been a sergeant since 1894?—Yes.

313. What stations have you been in charge of?—Of Lawrence, in Otago, and of Nelson.

314. Other stations where you have done duty as a sergeant are, I believe, Auckland, Christchurch, and Dunedin—in Christchurch twice?—Yes.

315. With regard to the question of entering in diaries, is it the rule for the officer in charge of a station, where he has a number of men under him, to specify the actual hours he goes on and comes off duty?—No, it is not done.

316. Now, I want to ask you a question arising out of a remark made by Inspector Macdonell. Is there any truth in the Inspector's statement that you came to me behind the Inspector's back and made a statement to the effect that Mr. Trask had said he was in communication with the Inspector with reference to the conduct of the Nelson police?—No.

317. There is no foundation for any such statement?—No.

318. The constables at the Nelson Police-station when you went there were McGrath, O'Brien, MacDonald, Culnane, Kelly, and Bird?—Yes.

319. Were not the whole of those men past what you might term the prime of life as regards activity?—Yes, all of them, I should say.

320. As a matter of fact, Constable MacDonald retired on a pension about two years ago, did he not?—Yes.

321. And O'Brien retired on compassionate allowance very soon afterwards on account of old age?—Yes. He retired before MacDonald.

322. Culnane has since died?—Yes.

323. He was a man who was getting on in years, anyhow. Do you know his history—that about ten years ago he retired as medically unfit for further service, and was taken back into the service again?—Yes.

324. As a matter of fact, the man was past active street-work, was he not?—Yes.

325. The other two were Kelly and Bird. What would you put Bird's age down as?—I should say, from fifty-three to fifty-five years.

326. Probably you know that Kelly is a man of over twenty years' service?—Yes.

327. They were the men under Sergeant McArdell, who was in Nelson before you went there?—Yes.

328. McArdell, I believe, is a man of nearly seventy?—Yes, about that, I should say.

329. Well, now, with that staff was it not practically impossible to deal with the younger members of the Nelson community, who were, we will say, full of animal spirits—we will not call them larrikins, but "inclined to be disorderly"?—The constables were not fit to cope with them.

330. Nor did they cope with them?—No.

331. These younger men who came afterwards you say assisted you in putting down the larrikinism?—They did.

332. In doing so do you suppose that they would meet with the approval or the disapproval of the young men with whom they had cause to interfere?—I should say that they would meet with

the disapproval of the young men. I might mention that three young fellows named Coles practically had charge in Nelson. They had got away from these old men with the handcuffs on them, being away some time. When I went there it was with great difficulty that we managed them. I had to get them brought before the Court and bound over to keep the peace on several occasions—in fact, they were bound over to keep the peace on account of assaults on the police when I came away. These young men practically had charge of the place.

333. It has been suggested before this Committee that you showed favouritism towards the single constables, inasmuch as you did not send them on particular duties?—I sent the men to the duties that I considered most fitted for them, and dealt the duties out, in my opinion, as evenly as it was possible to deal them out—to see that no man did more than his eight hours a day.

334. Constable Williams, for instance, complained that he was not put on plain-clothes duty?—Yes. His remark, made to me in the passage when Constable Bird was appointed Gaoler, was, “I was sent over here to do plain-clothes duty.” I told him that I had no such instructions, and that he would take his turn with the other men.

335. From your knowledge of Constable Williams do you consider him a man possessed of sufficient intelligence to properly conduct inquiries in plain clothes?—I should not think so.

336. What do you say about Constable Bird?—You can hardly read his writing. He writes so frightfully badly that it is almost impossible to prosecute in Court on his writing.

337. Then, if you did employ the single men on plain-clothes work, and so on, it was because you, in the exercise of your discretion, considered they were the most suitable for that work?—That is so.

338. *Hon. Mr. Hall-Jones.*] You said that you saved two lives: how long ago was it that you saved the last one?—I have saved many, sir, but I have been rewarded for two.

339. Did you have any difficulty in getting the last certificate?—No. I never applied for any certificates. They were sent to me.

340. You made no application?—No.

341. Nor spoke to any one in Auckland who had to do with the distribution of the certificates about getting you one?—No; I have no recollection of speaking to any one about a certificate.

342. With regard to the entry in the diary, do I understand that it was Constable Kemp's turn for duty that morning?—Yes.

343. He was taken with you either to catch eels or to catch poachers?—I took him up the river, as it was reported that poaching was going on. We were away three-quarters of an hour.

344. What was entered in the diary?—I just entered in the margin of the column “Kemp and I up the river.”

345. That was put in some time after the event?—Yes.

346. After you knew there was a row about it?—I had heard about it. I put that entry in to show that that was the date on which we went, but I will not be quite positive as to its being the day on which we did go.

347. You did go up the river, and you heard there was going to be some trouble about it, and then you put that entry in the diary?—Yes. I had to send the papers back again, and I made that entry in the diary for my own information, taking the date from the papers. There was no misleading about it.

348. Do you remember the anonymous letter about the girl ——?—I remember the correspondence from the Inspector.

349. The file shows that you got a letter from the Inspector dated Greymouth, 24th December?—Yes.

350. The anonymous letter being sent on to you at the same time?—Yes.

351. This is the letter sent by the Inspector:

“Police Office, Greymouth, 24th December, 1901.—SERGEANT MACKAY,—I find it will not be convenient for me to visit Nelson at present (I intended doing so for some time), consequently I send you the attached anonymous letter for careful and cautious inquiry and report as soon as convenient. Please see that the fact we are inquiring does not leak out in any way. I may say I heard something of the matter from a different quarter a short time ago. I hope the woman mentioned will be discreet, and not disclose our inquiry to any one. I would be glad to know who the writer of the letter is; still, do not risk anything in endeavouring to find out.—E. A. MACDONELL, Inspector.” And this is the anonymous letter: “Girl named —— got in family way to Durbridge, policeman. Went to Wellington, got rid of child. Telegrams passed between them Mrs. ——, —— Hotel, can give account.” That is the anonymous letter received by the Inspector and sent on to you with the memorandum dated 24th December?—Yes.

352. Did you do anything in connection with that?—I did not really like to interfere with it, because I had never heard anything about it, and if I had gone up to the woman, who knew Durbridge, making inquiries it might have leaked out in that way, and I would have been blamed.

353. You have been in the Police Force for a number of years, occupying a responsible position, and yet when you get a strictly confidential letter asking you to make careful and cautious inquiry and to report as soon as possible you do nothing?—I had no grounds to go upon.

354. Did you attempt to seek for any information?—I did not, because I did not like to meddle with the thing at all. I considered it a very delicate matter, and did not like to mix myself up in it.

355. This letter referred to a charge of abortion—“Went to Wellington, got rid of child”?—Yes. The Inspector said that he had heard something from another quarter. I thought that he knew something, and that if I started making inquiries round there and it leaked out he would blame me for letting it leak out. That was really the reason that I did not do anything. I was waiting for him to come himself.

356. Did you so inform the Inspector?—I did when he came.

357. How long after was it that he came?—On the 1st February, I think.

358. Then, this matter had been brought under your notice, a grave charge against some one had been hinted at, and yet from the 24th December till early in February you kept the letter in your possession?—So that it should not leak out.

359. And you took no steps to find out the smallest item of evidence that could be gleaned respecting it?—I could not hear of anything.

360. A policeman does not wait for things to come to him?—No. I did not make any inquiries about the matter, for the simple reason that if it had leaked out I would have been blamed for it. When the Inspector came down he could advise me, or else make inquiry himself, and then he could not blame me.

361. Was it not your duty as the sergeant in charge of the station, if you felt yourself in the position you have indicated, to have at once informed the Inspector of the fact?—I understood that he was coming down. I had a very good idea that he was coming down in Jubilee week.

362. You recognised the gravity of the charge?—Yes, and I reckoned it a delicate matter to handle, because I had nothing further than the letter to go upon.

363. The girl's name was mentioned?—Yes.

364. And that of a woman who could give an account was also mentioned?—Yes.

365. From your experience as a policeman did you not know of means of endeavouring to obtain information without going to either the girl—— or Mrs.——?—Not that I knew of. I knew of no one to approach on the subject.

366. And you made no attempt?—No; for the reason I have given. If the Inspector had told me to inquire of any particular person I certainly should have gone and inquired as directed, but there were no definite instructions given.

367. You were to make careful and cautious inquiry?—Who was I to approach?

368. Was it not your duty to say in reply to the Inspector's letter that you did not know who to inquire of, instead of allowing it to remain in your desk?—But I was expecting him to come to Nelson.

369. He told you that he could not come?—Not just then.

370. Do you usually leave grave matters of this nature over in this indefinite way?—A matter of that sort is usually passed on to the detectives, as far as I know.

371. You lived near the police-station, did you not?—I did at that time.

372. What distance was your house from the police-station?—I should say, about 10 yards. There would be about 3 yards between the two buildings, but walking round the front it would be about 10 yards.

373. Did you have any office at the house?—No.

374. Your business was done at the station?—Yes.

375. If Mr. Bannehr, sen., and Mr. Bannehr, jun., and another came to lay a complaint before you and they said so at the station to the constable there, what was his duty?—To knock me up, if it was anything serious; if it was not serious, to make a report to me in the morning.

376. Did you receive any report from the constable as to Mr. Bannehr having been at the station on the night in question?—No, I did not.

377. One of your replies I am not quite clear about. A question was put by the Inspector as to your having played cards with single constables at an hotel?—Yes.

378. A sergeant of police playing cards at an hotel with a single constable is not an every-day event: it is a somewhat unusual thing, is it not?—I do not know. I have known it to be done.

379. I can scarcely imagine a sergeant who had done so forgetting it. Let me put the question again. Did you at any time while in Nelson play cards in an hotel with a single constable, or with any constable?—I really have no recollection of doing so.

380. You would not swear that you did not?—No, I will not, but I feel pretty sure that I did not.

381. In his report upon the inquiry which he held at Nelson the Commissioner states, "As regards Constables Durbridge, Kemp, and Burrell, I think it would be as well if these men were removed to other stations": have you any reason which would lead you to share this opinion?—No.

382. You differ from the Commissioner on that point?—I think the Commissioner has been misled by the reports that have been made to him.

383. That was written after he held the inquiry?—I myself never found anything to complain of with regard to the constables.

384. He goes on to say, "The two former appear to have become too familiar with certain sections of the community at Nelson": have you a different opinion from that?—I never saw anything that would make me think that.

385. Then the Commissioner goes on to say, "and Burrell and Durbridge have, I fear, been too ready with their hands": how would you construe that generally?—I could only account for it by somebody having made statements that something had been done.

386. This, mind you, was written by the Commissioner after holding the inquiry. Do you concur in that finding?—I do not know of them using their hands.

Commissioner Tunbridge: I think I ought to mention that this witness does not know anything about these charges of assault. The papers did not go before him, as far as I remember, and he knows nothing about the charges of assault which were not inquired into.

387. *Mr. Hardy*.] With regard to the letter from your superior officer, Inspector Macdonell, marked "Strictly confidential," the instructions were that you should make certain inquiries. Did you notice what he says, "I would be glad to know who the writer of the letter is; still, do not risk anything in endeavouring to find out"?—Yes.

388. In consequence of that you presumed you were justified in not making inquiries?—In holding back till he came himself and directed me then.

389. When did the mails come in as a rule from the Coast?—On Wednesday and Saturday nights.

390. The letter is dated the 24th December, 1901, and was received on the 22nd February, 1902, at 9 p.m. Can you account for that letter being two months on the way?—No, it was not. I had it locked up waiting for the Inspector to come down, as I understood he was coming down. Seeing that he had given such stringent instructions, I thought it better to wait till he came down and instructed me what he wanted done, so that I would not be blamed for anything leaking out.

391. You were of the opinion that the Inspector had received some information that you were not in possession of, and you thought it would be wiser to wait until the Inspector came and gave you a cue which would prevent anything leaking out?—That is true. It was the information he held and had not sent me that weighed with me.

392. At the end of the paragraph he says, "Still, do not risk anything in endeavouring to find out"?—Where he says that he heard something from another quarter led me to believe that he had more information than I had. I thought it was wiser to wait till he did come and give instructions as to what was to be done, rather than for me to go and start an inquiry when I thought he was coming.

393. *Mr. Lawry.*] It is stated in one of these reports, "The single constables in Nelson bear a bad name for immorality": did you ever hear of their being charged with immorality?—I never heard a word against any of the single men's characters.

394. If they, generally speaking, bore a bad name for immorality you must have heard of it?—I would think so.

395. "It is considered they have too little to do": do you think they had too little to do?—No. I found them very willing at all times to assist. Whether it was overtime or not they were willing to do it.

396. It goes on to say, "They . . . are not properly looked after": were they, in your opinion?—Yes; I was quite satisfied that they were well looked after.

397. Then, this person goes on to say, "I often hear of rows and assaults committed by them"—that is, the single constables. If such was the case it must have come to your knowledge?—I would think it must have come to my knowledge.

398. You referred to a mounted constable who was under you at Nelson, named Kelly. Was he in Nelson when you first took charge there?—Yes.

399. Did you know him before you met him there?—I cannot say that I did.

400. Was he the Mounted Constable Kelly that was in Auckland for many years?—No; a brother of his.

401. Was there any particular reason why this Constable Kelly should have been removed and Mounted Constable Aldridge take his place?—Well, I may say that Kelly was practically useless there.

402. Did Inspector Macdonell ever make any charges or complaints to you about your not maintaining discipline and discharging your duties before the complaints were made against the young men?—No, he never found fault with me in any way that I know of before then.

403. In no communication did he find fault with you or charge you with not doing your duty?—No.

404. There was no complaint, and everything went on harmoniously until the charges were made against the constables and yourself?—It was only since Inspector Macdonell came there that any trouble arose.

405. You are prepared to declare emphatically to this Committee that you never had any official fault to find with the two constables, Burrell and Durbridge?—That is so. I had no cause to complain of them.

406. *Mr. Hall.*] Do you acknowledge that there was more friction between the people and those young constables than there was between the people and the constables who preceded them?—I did not hear of any friction with the young constables.

407. But you have heard?—Only from these reports.

408. You know something of the reports and the evidence that has been put before us?—I was never complained to about it.

409. Is it your opinion that there was less friction, or as little friction?—I have not heard anything against the men who were there formerly further than this: I repeatedly heard it said that they were rather old for work. But I have not heard of any friction between the public and the young constables who came there.

410. Were any complaints made to you, previous to the young constables coming, that the constables were in the habit of insulting or assaulting people?—No; I did not hear that till these reports came along. That was the first I heard of it.

Commissioner Tunbridge: I might point out that this officer does not know anything about the charges of assault that appear in the printed papers. They never went before him. They were not inquired into at Nelson.

411. *Mr. Hall.*] You have stated here that the constables who preceded the young men were aged men, partly incapacitated?—Yes.

412. Is it your opinion that the larrikin element in any town would be likely to take advantage of a public officer who was incapacitated?—Yes; I have said that the larrikin element would.

413. Is it your opinion that the introduction of young and vigorous men would be likely to cause friction?—It would quiet the larrikin element, no doubt. They would be more frightened of the young men than the others.

414. You have already stated that the two young men in question are good samples of the ordinary policemen at the present time in the Police Force?—Yes; they were very good constables, and behaved themselves all the time. I have no fault to find with them whatever.

415. *The Chairman.*] Is it not a fact that in any town larrikins will always take advantage of an old man—will take greater liberties with an old man than with a young man?—Yes, the larrikin element always will.

416. Therefore the constables in Nelson being old the larrikins took greater liberties with them than they did when the young men came there?—Yes, I would say so.

Inspector MACDONELL examined. (No. 16A.)

417. *Mr. Graham.*] I have been asked to ask one question of Inspector Macdonell, while the witness is here, in reference to a point referred to in the Inspector's report to the Commissioner. It is of very great importance to the character of the wife of one of these men. The Inspector says, "I think, if gone about carefully, admissions might be got from the girls themselves. Constable Durbridge has been keeping company with ———. She has disappeared, and it is suspected she is away to get rid of a trouble similar to ———. Whether this is so or not I cannot say, but the fact that her married sister will not tell where she is is suspicious." That is on page 44 of the printed matter. I want to ask the Inspector whether he knows that the woman who was then Miss ——— has a married sister?—I was told so, and I had no reason to doubt it.

418. Did you believe it?—I had not the slightest reason to doubt it.

419. Who informed you that her married sister would not tell where she was?—I decline to answer that here.

[The Chairman intimated that the witness must answer.]

Witness: With all due respect I do not see how this can possibly bear in the case. It may lead to ill feeling between families there, and cannot help the Committee.

[The Chairman repeated that the witness must answer the question.]

420. *Mr. Graham.*] My question is, who informed you that she had a married sister?—Mr. Canning.

421. James Canning, livery-stable keeper, of Nelson?—Yes.

422. You say distinctly that Mr. Canning was your informant?—He informed me, I am almost certain.

423. Did you make any other inquiry to find out whether the person in question had a married sister?—I stated here before that I sent to the married sister—the sister whom I understood to be married—twice.

424. By what means did you send to the sister? Did you find out the address of the sister?—No.

425. Did you know where she was?—No.

426. By whom did you send to her? Who did you send to Miss ———'s sister to ask her where Miss ——— was?—I cannot tell you the man's name, but I understand he is a relation of the woman. Mr. Canning could tell. He sent the man for me twice.

427. This was all done on the statement of Mr. Canning? You say that he was your informant, and was asked to ascertain from the sister where Miss ——— was?—I heard from others, too, that she had a sister.

428. Who were the others?—I think Constable Williams was one.

429. You think—you would not swear?—I am pretty well sure. I have no doubt about it.

430. Have you no doubt that Miss ——— has a sister?—I have no reason to doubt it. If I had I would say so.

431. The ground upon which you have no reason to doubt is that Mr. Canning and Constable Williams told you that Miss ——— had a sister? That is your only ground for making the statement in this report, "Whether this is so or not I cannot say, but the fact that her married sister will not tell where she is is suspicious." Did you not think it your duty to try to find that married sister and see whether she could tell?—I did what I considered was my duty.

432. You are quite sure that Miss ——— has a sister?—I am nothing of the kind. Why do you assume that? I said that I was informed she had a married sister.

433. The extract from your report that I read out a few minutes ago is an absolute statement; it is not a belief. You are asserting it as a positive fact that she has a married sister. I suppose you will admit that if Miss ——— had a sister she would be likely to know it?—She would under ordinary circumstances.

434. You think she would be more likely to know whether she had a sister or not than you would?—Yes.

435. And whether she had either a married sister or a single sister?—I would imagine that, under ordinary circumstances.

436. If I told you that I had it positively that Miss ——— has not got and never had a sister, either single or married, would you believe it?—I would need to have proof. I believe that you are so informed, but if it is by the parties concerned—

437. If I told you that Miss ——— has not got and never had a sister or a half-sister, will you take that in preference to the word of Mr. Canning and Constable Williams?—She may be a sister-in-law, or something like that. I do not know. I am satisfied there is some near relationship there.

Mr. Graham: Well, I can only say that this woman has not got a sister, married or single.

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