

1929.
NEW ZEALAND.

ELSIE WALKER CASE

(STATEMENT BY THE MINISTER OF JUSTICE REGARDING THE).

Laid on the Table of the House of Representatives by Leave.

ELSIE WALKER CASE.

THE inquest in this case was not a trial of any person for murder or manslaughter or other crime.

The powers and duties of Coroners in this Dominion are not identical with those of English Coroners. The jurisdiction of a Coroner is defined by the Coroners Act, 1908, as "to inquire into the manner of the death of any person who is killed or drowned, or who dies suddenly," &c. His duty is to ascertain the cause of death.

Prior to the date of the Criminal Code Act, 1893, when a verdict of murder or manslaughter was returned by a Coroner's jury against any person, the Coroner could issue a warrant against the person accused committing him for trial at a Supreme Court. As no one can now be tried in this Dominion on a Coroner's inquisition, it follows that as far as consequences are concerned the finding of a Coroner is no more than a formal report to the Justice Department as to the cause of death of a person. His verdict does not in any way commit the police to take or prevent them from taking action in any Court at any time in accordance with the evidence at their command. They act independently, and without fear, favour, malice, or ill-will.

The inquest on Elsie Walker concluded on the 25th January, 1929, on which date the Coroner delivered his verdict; therefore any legislation passed now cannot affect that verdict unless such legislation be made retrospective. It is, however, considered unnecessary to reopen the inquest because—(1) No good purpose can be served, as no fresh evidence bearing on the cause of death has been discovered; (2) the additional information ascertained since the close of the inquest is contradictory, and of little, if any, evidential value; (3) as already stated, the present law provides for adequate action by the police should fresh evidence be forthcoming. It is therefore unnecessary to amend the Coroners Act this session to provide for the reopening of inquests.

The reopening of the inquest in the Elsie Walker case would be of no value in so far as the evidence of Mrs. Thomason and Mrs. Langdon is concerned, and they are the persons who are alleged to have provided important evidence. When first interviewed, at the time of deceased's death, they made signed statements to the police which materially conflict with subsequent statements made by them at least eight months later.

The following extracts in opposite columns show that one or other of the statements of these women is false, and no Court would believe them:—

STATEMENT OF MARGARET THOMASON TO POLICE, 23RD JUNE, 1929.

On 1st October, 1928, with Mrs. Langdon (sister), we left Tauranga by train for Papamoa about 5 p.m. Mr. Preston and Mrs. Teague were on that train. Mr. Preston, Mrs. Langdon, and I were in the same carriage. When the guard came through the door into the carriage he got jammed into the doorway with a Maori woman. On looking towards the door I saw Bill Bayly in the passage-way. I know Bill Bayly well. My sister saw Bayly also, and drew my attention to his being there.

STATEMENT OF MRS. LANGDON TO POLICE, 28TH JUNE, 1929.

On Monday, 1st October, 1928, I saw Bill Bayly standing in passage-way as guard came through. I had a good view of Bill Bayly. I drew my sister's attention to Bill Bayly. She nodded to him. I spoke to him.

Constable Jackson called at my sister's place that day or the following day inquiring about the girl and the car, and I made no statement to Constable Jackson.

STATEMENT OF MARGARET THOMASON TO POLICE, 22ND OCTOBER, 1928.

It was some time before the disappearance of Elsie that I saw Bill Bayly on the train; it would be about ten days or more before Elsie's disappearance.

STATEMENT OF MRS. LANGDON TO POLICE, 23RD JUNE, 1929.

I know Bill Bayly. The first time that I met Bill Bayly was after the disappearance of the girl Elsie Walker, when he and his father brought the car back to Papamoa. I knew him before, having seen him on previous visits.

On Monday, 1st October, 1928, Mrs. Thomason and I left Tauranga by 4 p.m. train. I did not see any of the Baylys on the train that day. My sister made no mention of seeing any of the Baylys on the train. I am positive that I did not see any of the Baylys on Monday, 1st October, 1928, certainly not Bill Bayly, and no person has ever told me that they saw Bill Bayly that day.

Mrs. Langdon's signed statement to Constable Jackson:—

"On 1st October, 1928, at about midnight, I went to bed. I heard a motor-car pass our house," &c.

"(Signed) KATHLEEN LANGDON.
"2/10/28."