

Superintendent
Shearman.
25th Sept., 1878.

286. If a robbery was committed, to whom would you go? To the person who committed the robbery, or the person who had lost something?—This was not a robbery.

287. It was something wrong though. If I understand it, it was something worse than a robbery that was to be investigated. It was a charge of gross cruelty on the part of the police to a member of the community, and it appears to me you rushed off to the accused persons to get evidence. What I should consider the proper mode of proceeding to get at the truth would have been to have communicated with Mr. Barton, shown him your instructions, and asked his assistance to sheet the thing home, if the accused men were guilty, and not to have gone to these others to have put them on their guard?—That is what I proposed doing, but I was requested not to apply to Mr. Barton.

288. Who requested that?—The Under Secretary for Defence.

289. Is that letter in the correspondence?—It was a verbal communication.

290. Did you agree with that recommendation? Do you think that a proper means of getting at the truth, not to communicate with the plaintiff? Do you think that a proper way of conducting the public business?—I thought the proper course was to apply to Mr. Barton.

291. Then you were not permitted to do what you thought the proper thing, in consequence of advice from head-quarters?—I told you I was requested not to communicate with Mr. Barton.

292. If you had been left to your own judgment, would you have done so?—If I had been allowed to do as I thought proper I should have done so; it was the proper course to take.

293. *Mr. Bunny.*] Who is the Under Secretary for Defence?—Colonel Reader.

294. Did he send for you to tell you this?—I really do not know.

295. Did he communicate with you, or did you go to him?—I sent the correspondence to Colonel Reader.

296. No, no; I want to get at this point: You say you would have gone to Mr. Barton if it had not been for Colonel Reader. Was this conversation before you sent in your report?—Yes.

297. Well, I want to get at this: Apparently, after the papers were sent to you, you met Colonel Reader. Now, how did you come together? Did he send for you, or did you go to him voluntarily?—I went to him. I do not know whether I went on this business or not. I think it cropped up in conversation.

298. You do not recollect whether he came to you, or whether you went to him?—I saw him at his office there. I must have gone to him, but whether I went for the special purpose of talking to him about it, I do not remember.

299. It is very important. I want to get at this point: Did you voluntarily to go to him, or did he send you a message that he wished to see you?—I really cannot recollect.

300. It is very important to recollect?—But if I cannot recollect, there is no help for it.

301. *The Chairman.*] How often do you see the Under Secretary for Defence? Every day?—Frequently, but not every day; and this was on one of the occasions on which I happened to be in the office.

302. *Hon. Mr. Gisborne.*] Could you tell us the exact words he used?—No; he intimated it was better not to communicate with Mr. Barton on the subject.

303. Did he give you any reasons?—I do not remember that he did; I do not think he did.

304. *Mr. Bunny.*] Suppose there was a case of robbery, and it was placed in your hands as director of the police, should you take the advice or direction of Colonel Reader if he said, "Oh, don't bother looking after the case; it is all right." Should you be doing your duty if you did?—Yes, I should; because I must obey the orders of the head of the department, and the orders of the department come through Colonel Reader.

305. Are you bound to obey? Suppose a robbery was committed, and it was committed by a friend of the Government, and suppose that, when you, in the exercise of your duty, were taking steps to bring the offender to justice, you received a verbal communication from the head of the department, saying, "Oh, we know that A. B. is guilty enough; but we do not want the thing brought home to him. Do nothing more in the matter." Would you take such instructions?—I do not think such instructions would be given.

306. Here is an inquiry into a case of gross ill-usage of a man, and you chose to take verbal instructions not from the head of the department, but from an Under Secretary, who says, "Don't communicate with the man who makes the complaint; don't go near him; don't touch him." We want to look into the thing. It is a much worse case than a robbery?—I think I should be guided by the law in such a case.

307. *Hon. Mr. Gisborne.*] Do you remember whether, when Colonel Reader intimated this to you, it was as his own opinion, or as an instruction from the Minister?—I do not.

308. *Mr. Toke.*] Was the impression left upon your mind that he meant you to get information from independent sources from that of Mr. Barton?—I do not know what his meaning was.

309. Did you take his meaning to be that he wished to stifle the case by not getting information from Mr. Barton?—I cannot say what his meaning was. I can say nothing but what he told me. What his impression and intentions were are known to himself, and you can get them from him.

310. You must have taken some meaning from what he said. What did you gather: that he wished to suppress information, or that you were to get information from independent sources?—I really think he meant that Mr. Barton was not an agreeable person to deal with, and that any other person would be preferable to get information from. That was my impression at the time.

311. Mr. Swanson asked you a general question about going to accused persons. I do not understand that the Inspector of Police was accused?—There was no one accused.

312. The policemen were accused?—A person supposed to have left the service was the person accused.

313. *The Chairman.*] Did you not understand that the discipline of the Wellington Police was on its trial?—No.

314. *Hon. Mr. Gisborne.*] I suppose you went to Mr. Atchison as the head of the police?—Yes; as the person in charge of the district. I cannot think that Mr. Atchison would have any object in