

1878.
NEW ZEALAND.

GAOLS COMMITTEE.

REPORT ON CHARGES AGAINST THE POLICE. (TOGETHER WITH MINUTES OF EVIDENCE.)

Report brought up 23rd October, 1878, and ordered to be printed.

ORDER OF REFERENCE.

Extract from the Journals of the House of Representatives.

WEDNESDAY, THE 21ST DAY OF AUGUST, 1878.

Ordered, That the charges made against the Police by the honorable member for Wellington City (Mr. Barton) be referred to the Gaols Committee for inquiry and report.—(Hon. Mr. Stout.)

R E P O R T.

THE Gaols Committee, having been instructed to inquire into and report on the charges made against the police by the honorable member for Wellington, Mr. Barton, have the honor to report, as follows :—

The Committee regret that, though desirous of obtaining all the evidence available, they have not been able, in the time at their disposal, to sift thoroughly some of the matters brought under their notice. Some of the cases complained of occurred so long ago that there has been great difficulty in getting accurate information. Charges against the police in other parts of the colony have been tendered to the Committee; but it was necessary to restrict the present inquiry to the case of the Wellington Force.

The charges against the police may be summed up as follows :—

1. Abuse of their powers, and cruelty to prisoners on arrest.
2. Neglect of duty in prosecuting offences, and arbitrary assumption of discretionary powers.
3. Favouritism and partiality in recommending and objecting to publicans' licenses, and in the general supervision of public-houses.
4. Laxity of discipline and breach of regulations.

The conclusions the Committee have arrived at are as follows :—

1. *Abuse of Powers, and Cruelty to Prisoners on arrest.*—There is no reason to believe that wanton and deliberate cruelty or injustice have been practised by the police; but the Committee have been satisfied that in two cases citizens were wrongly arrested, and that they were roughly treated. It has been proved that handcuffs are too readily used, and that handcuffed prisoners, when violent, have been repeatedly chained down to rings in the floor of the police cells to keep them quiet. An attempt has been made on the part of the police officers to justify this practice on the ground that prisoners might break down the cell doors. The practice is cruel, dangerous, and under no circumstances justifiable.

2. *Neglect of Duty in prosecuting Offenders, and arbitrary Assumption of discretionary Powers.*—There appear to be good grounds for this complaint. In two cases before the Committee no good reason has been shown by the Inspector of Police for not instituting criminal

proceedings. In one case when, notwithstanding the remonstrance of the prosecutor, the police declined to take up a case of forgery, and where a conviction was obtained by the perseverance of a private individual, the action of the Inspector was inexcusable.

3. *Favouritism and Partiality in recommending and objecting to Publicans' Licenses, and in the general Supervision of Publichouses.*—This charge has not been made out; but the Committee is satisfied, on the evidence, that too much power has been left to the police in this district, and that practically a recommendation or objection on the part of the police without further evidence has had too much weight in the granting and refusal of licenses.

4. *Laxity of Discipline and Breach of Regulations.*—There has been considerable laxity with respect to the police regulations. Under the system recently inaugurated, matters have improved in this respect; but the police have been too much in the habit of frequenting public-houses, and a policeman appears in one case at any rate to have been allowed to live in one. Charges have been made against the police of improperly accepting rewards from private individuals for duty done. There is no evidence of corrupt intention, but officers have been open to suspicion in consequence of the prevalence of a bad system. No reward should be given for police services by private individuals, except through the head of the department, who should give instructions for its distribution. It has further appeared on evidence that at the Wellington Station there has been no proper system of recording papers or keeping books.

In conclusion, the Committee desire to record their deliberate opinion that no police system will be satisfactory which allows officers and men to remain too long in one place. Even if their judgment does not become warped by local influences, they are subject to the suspicion of being unduly influenced. The evidence taken before the Committee, and the demeanour and expressions of witnesses, revealed a fear of the consequences of offending the police, which leaves a painful impression. One of the advantages to be obtained by the establishment of a New Zealand Police Force is the possibility of moving officers and men from one place to another from time to time. The Committee recommend the periodical transfer of police officers from one station to another.

The evidence taken is appended to this report.

23rd October, 1878.

CHARLES C. BOWEN,
Chairman.

MINUTES OF EVIDENCE.

CHARGES AGAINST THE POLICE.

Mr. BOWEN, Chairman.

THURSDAY, 19TH SEPTEMBER, 1878.

ALEXANDER ANTHONY GORDON PILMER, being duly sworn, was examined.

1. *The Chairman.*] Do you remember speaking to Mr. Barton about a case in which you considered a policeman had maltreated a prisoner at the Manners Street lock-up?—I do. *Mr. Pilmer.*
2. When was that?—It was not very long ago, but I do not recollect exactly when. I did not know the matter was coming here, but I did speak to him about it. 19th Sept., 1878
3. When did the occurrence of which you complain take place?—Considerably before that. Perhaps the Committee will understand it better this way. Mr. Barton was going to bring something before the House.
4. That was late?—Yes; and I spoke in ordinary conversation about this matter; also about another man threatening to put me in the lock-up as well.
5. Can you tell us the time and date of the occurrence?—No; I cannot.
6. You were impounding horses at the time?—Yes.
7. Can you not get at the pound-book, and would that not tell you?—I was constantly impounding cattle, so I do not suppose that would give much information.
8. Do you know how long ago it was?—I should think about two years ago.
9. Where was it—at the Manners Street Station?—Yes.
10. Where were you at the time?—I was impounding horses. I had just finished putting them in, and I sent my son into the police-station with the key while I made up the list. The key was always kept at the stationhouse.
11. That adjoins the pound?—Yes.
12. Well, what occurred?—The boy came back to me and said, “Oh, father”—“papa” was the word—“just come and see how the policeman is beating a man.” I went immediately to see what was going on—I am too ready to go into rows—and I saw the policeman beating the man with a baton about eighteen inches long.
13. Where did he strike him?—Over the shoulders, hips, and legs.
14. *Mr. Tole.*] Did you see this yourself?—Yes.
15. I thought it was the boy who saw it?—Not him only. I saw it myself. The boy drew my attention to it.
16. *The Chairman.*] Were they severe blows?—Yes. I should not like to have had them. I think they were unnecessary. Once the man (if outrageous) was brought to order, there should be no further violence; and if the man showed submission to the officer, that should have been an end of it.
17. What was the man doing?—Nothing; he was carrying a bucket.
18. Did he say anything, or do anything, to irritate the constable?—No; he seemed too frightened.
19. Could you say what he was?—No; he was not known to me. He appeared to be a sailor.
20. You did not know him?—No.
21. You did not address him?—No.
22. What did you say then when you saw this going on?—I said to the constable, “You should not do that, Buchanan.” He then desisted, and the man went away with the bucket.
23. What did the policeman say?—He said, “Oh! he sprang at me like a tiger.” Those are his exact words.
24. Did the man say anything on the policeman saying that?—No; he went out directly.
25. Is that all you know of the matter?—Yes. I mentioned the thing to the Mayor, Mr. Hutchison, either that or the following day.
26. Did you make any complaints to the Inspector of Police?—No; I thought the less I had to do with the police the better.
27. Do you know whether the Mayor made any complaint?—I do not know. I know once the Mayor wrote to the Inspector of Police, and could get no answer.
28. About this affair?—No; about another matter.
29. *Mr. Barton.*] Were the policeman and the prisoner of about a size?—No; the policeman was an immense man—a strong, able-bodied fellow of about 6 feet—while the prisoner was not more than 5 feet 6 inches.
30. When the policeman said, “He sprang at me like a tiger,” did the man appear to be labouring under excitement?—No; the prisoner was not excited; he was frightened.
31. When you saw the policeman beating the man with a baton, did you say anything by way of remonstrance?—No. I said simply, “You should not do that, Buchanan,” or something to that effect.

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32. Buchanan was the policeman?—Yes.
33. *Inspector Atchison.*] You have seen me very frequently; why did you not make this complaint to me before now?—I have not made any complaint yet. I simply told Mr. Barton what occurred.
34. During the time you were Inspector of Nuisances, you were a sworn-in constable: did you not think it your duty to report the matter?—I told the Mayor about it. Considering that I was sworn-in by Mr. St. Hill in about 1863, my recollection begins to forget that I am a special constable.
35. Are you sure you told the Mayor?—Yes; and the Mayor told me afterwards he had written to you on some matter, and you had not condescended to answer his letter. Also, I may add, Sergeant Monaghan told me distinctly he would make it “hot” for me in consequence of McCarthy’s case. In that case I caught a man charged with rape, and held him prisoner for over an hour, and the police refused to take him off my hands. I told Mr. Barton of these things.
36. Do you know what this man you say you saw beaten was charged with?—No.
37. Do you take in the papers?—Yes.
38. Did you not see what the man was charged with?—No.
39. Did you look to see?—No; it was the poor man’s business to complain, not mine; my evidence would have been forthcoming.
40. You did not think the case of sufficient importance at that time to induce you to make a complaint to the Magistrates or to the Inspector of Police?—No; it was the man’s affair.
41. In cases of assault or things of that sort, the names of prisoners are generally published in the morning and evening newspapers?—Nothing was published about this assault.
42. You know what I mean. This man’s name must have appeared in the papers?—I did not look; everything does not appear in the papers.
43. Do you not think you should have endeavoured to find out his name? Was the matter not of sufficient importance?—I do not read the police reports when I take up a paper. I had orders from the Mayor not to interfere with the police in any shape or way.
44. When you were at the pound you took a memorandum of the impoundings?—Yes; and the brands of the horses.
45. By whom impounded, and other information?—Yes.
46. You kept a pound-book in fact?—Yes.
47. Then could you not by means of that book arrive at something near the date?—I do not think so, because I was continually impounding. One day I would put in one horse, and some days more. One day I put in thirteen horses. I could not distinguish on which day it was I saw this.
48. Would not the entries in the book enable you to see?—You can get the book.
49. *Mr. Barton.*] What day of the week was it?—I could not tell that.
50. *Inspector Atchison.*] It was not such an important matter that you considered it necessary to tell me of it?—It was not of particular importance. I knew that policemen were in the habit of treating prisoners badly. That was a matter of common report all over the city.
51. Did you think it your duty to tell the Mayor about it?—I used to speak to him generally about these matters.
52. Simply as mentioning an occurrence, not reporting as a matter of duty?—No; the Mayor and I have often had conversations about the police, and the Mayor told me not to interfere with them, as they had often refused the Corporation officers assistance, and Inspector Atchison had not had the courtesy to answer a letter he had sent.
53. But this would not have been interfering with them. Surely if you saw an act of inhumanity on the part of a policeman you should have reported it?—If he had struck the man on the head I would have knocked him down.
54. But why did you not go to a Magistrate?—I did not think it was necessary. I did not care to interfere.
55. But you thought it necessary to tell the Mayor?—Not as a matter of duty.
56. *Mr. Bunny.*] How long have you ceased to be Inspector of Nuisances?—About six months.
57. Did you go to Mr. Barton, or did Mr. Barton come to you?—I am not quite certain about that. I told him in the course of conversation.
58. Where did that conversation commence?—About the streets somewhere, and afterwards in his office.
59. But you cannot say how the conversation commenced?—No.
60. *Mr. Barton.*] Do you remember being engaged in a building next the *New Zealander* office, as inspector or something of that sort?—Yes.
61. Do you recollect my passing there, and having a conversation there?—I do. I recollect now.
62. And you remember on that occasion telling me of this occurrence?—I do.
63. And I asked you whether you would have any objection to coming to my office and giving full particulars?—That is the case.

ALEXANDER ANTHONY GORDON PILMER, being duly sworn, was re-examined.

64. *The Chairman.*] In your previous evidence you referred to McCarthy’s case, and we wish you to state to us what you said to Mr. Barton, against the police, in this matter?—Yes, I was living within seventy yards from Mrs. Stott’s. One day I was busy, I heard an awful noise, cries for help and so forth, proceeding from the direction of this house; but I did not take much notice, as I thought possibly the husband and wife might be quarrelling, but it turned out afterwards that the husband was away from home.

65. What time did this occur?—About 3 o’clock in the afternoon.

66. On what day did this occur? What date?—You can get that from the police-books. I do not know.

67. How long ago was it?—About four years ago.

68. Well?—At last my wife went out at the back door, and she came back and said she thought something wrong was going on. Then a girl came down, and said her sister, Mrs. Stott, was being murdered. I went up immediately, and found a man with his clothes disarranged molesting the woman. I knocked him over; and, as soon as I had secured him across a chair, I sent one of my boys down for the police. The boy came back and said the police would not come. I sent him a second time, but still they would not come, and I was obliged to let the man go. The woman was a good deal knocked about, her clothes were torn, and she was much exposed. The man was at large a week after this, and then was arrested. I saw Sergeant Monaghan afterwards—I think the same evening—and said, “Well, that was a pretty mess you made of that business to-day.” He said, “You must make your complaints regularly.” The woman wished a letter to be placed in the paper as to the conduct of the police, and to please her I wrote one to the *Evening Post*. Monaghan afterwards taxed me with the letter. He said, “Did you see that letter in the *Post*?” I said, “Yes.” He said, “I wonder who wrote it. Did you?” I replied, “Yes.” He said, “I suppose you will withdraw it.” I said, “No; I shall repeat it, if necessary.” He then said, “Well, I will make it hot for you some day.” That is what he said.

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69. What occurred after that in reference to the case?—They apprehended the man afterwards; he was tried in the Supreme Court, convicted, and sentenced to eighteen months' or two years' imprisonment.

70. *Mr. Barton.*] Was the letter in the paper written after the woman laid the information or before?—I am not sure.

71. *Inspector Atchison.*] Did you ever make a complaint about this before to any one?—I had no occasion to make a complaint to any one. The man was tried by the Supreme Court.

72. Did you ever make any complaints about the conduct of the police?—I have spoken of it in ordinary conversation to people in the city.

73. Will you mention one or two?—I have spoken to the whole city. I cannot particularize.

74. Did the letter in the *Post* appear before or after the arrest?—I am uncertain. It can be seen from the police records.

75. *The Chairman.*] How long did the arrest take place after the time you first sent for the police?—I believe about a week. He escaped, and got himself in hiding for a time.

76. You could turn up the letter in the *Evening Post*?—Yes.

77. *Inspector Atchison.*] You gave evidence in the case?—I did.

78. Did you tell the Magistrate on the bench, or the Judge, that you had sent for the police, and that they had refused to come?—I do not know that I did. That could be found out in the office.

79. You distinctly say Monaghan said he had nothing to do with the matter, and that you must make your complaints regularly?—Yes, he did.

80. You have not a very friendly feeling towards Mr. Monaghan, I believe?—Oh, I do not know. I have no unfriendly feeling.

81. Did not Monaghan supersede you as Inspector of Nuisances?—Yes; but that was a long while after; about six or seven years after.

82. You were dismissed?—No.

83. Paid off?—I was. Not paid off in the ordinary acceptation of the words. My services were considered unsatisfactory by two personal enemies on the Committee, and I received three months' pay.

84. *Mr. Tole.*] What messenger did you send for the policeman?—My boy.

85. Is he here?—He is somewhere about.

86. What were the words of the reply he received?—I could not say.

87. Was anything said about a “cock-and-bull” story?—There may have been, but I do not recollect. It is several years since these things occurred.

88. *Mr. Barton.* Was anything of the sort said by Monaghan?—No; he said in reply to me, when I told him he had made a pretty mess of it, “We have nothing to do with this sort of thing.”

89. *The Chairman.*] Is Mrs. Stott in the same place still?—She is living in Tory Street.

90. *Mr. Barton.*] Do you know Constable McGrath?—Yes.

91. Do you remember asking McGrath one day to come with you for the purpose of inspecting a nuisance?—Yes.

92. Did he make any threat against you then?—He did.

93. What was it?—He seemed to be annoyed because I asked him to step out. I was in a hurry, and, as he was walking slowly and dawdling, I said, “I wish you could step out a little.” He said, “I could walk faster if I chose.” I replied, “Then I wish you would choose.” But he would not. When he arrived at the place he said there was nothing to complain of. I took up a clothes-prop and stirred the nuisance up and said, “Is there nothing there to complain of?” He said, “People cannot always keep their places so clean.” I said, “Do you call that clean?” He said, “Yes, I do.” I replied, “I would like to know what you call dirty if you call that clean?” He said, “If you talk to me in that impertinent way,” or something of that sort, “I will run you in just as I would do any one else.”

94. You did not care to interfere with the police after that?—No.

95. Did you report that to the Mayor, Mr. Hutchison?—I did.

96. Do you know whether it was reported to the Inspector?—Mr. Hutchison told me he did, and said the Inspector had not the courtesy to answer the letter.

97. *Inspector Atchison.*] Did you not take McGrath off his beat without any authority, and ask him to go with you?—I met him between Charlotte Street and Sydney Street. The house I found fault with was one of Mr. Cleland's, on the other side of the Galatea Hotel, and I told him what I saw, and we went a little way past the Government Buildings. He dawdled along so slowly, and as I was losing time I asked him to step out, and then took place the conversation I have referred to. I thought I could get assistance from the police, but I never troubled them much after that.

98. Did you invite him into the Metropolitan to drink?—I did not.

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99. Did you go in there yourself?—I might have done, but I do not remember. Certainly, I did not ask him to go in.

100. Did you not invite him, and did he not refuse?—No.

101. You did not threaten him in consequence of what he said to you?—No; my words were to this effect: You would not use a threat like that to your own Inspector, and you must treat me with the same respect.

102. *Mr. Tole.*] Was there no conversation between your pointing out the nuisance and his threat to run you in?—There was no conversation beyond what I have stated.

103. *Mr. Swanson.*] This was a nuisance you say?—Yes.

104. What was your object in taking the policeman to see it? The chief of the police seems to think it wrong to take him off his beat. Did you ask him as a policeman, simply because he was a policeman?—Yes, I asked him because he was a policeman.

105. Is it a crime in Wellington to ask the assistance of a policeman if you see wrong being done?—I did not know it was. I wish to make an explanation. I did not take the man off his beat. I remember I only took him from Charlotte Street to Molesworth Street. That was not off his beat.

106. *Mr. Bunny.*] Where was the nuisance?—It was at one of Cleland's houses in Molesworth Street.

107. The policeman never objected to go?—No.

108. It was merely a matter of speed?—That was all.

109. He raised no objection to go?—No.

110. And if you had not been inclined to walk fast, there would have been nothing more about it?—No.

111. What was the result of the visit?—I afterwards took a person named Buck to see it.

112. Was the man summoned?—I forget.

113. What was his name?—It was some foreign name. I think it ended with a "witch."

114. *The Chairman.*] Could you find out whether you summoned him?—The police-books would show.

115. I understand the constable said there was no nuisance?—Yes.

116. And you then took a private person to see it?—Yes.

117. Now, what action did you take on that?—I forget.

118. If it had been a nuisance, what action would you have taken?—If I could get the nuisance abated without any trouble, I would not summon a man; but, if people would not abate nuisances when their attention was called to them, I summoned them.

119. *Hon. Mr. Fox.*] I understand you are not now Inspector?—No.

120. What were the circumstances of your dismissal?—There was a reorganizing committee formed by the Council, and on that committee I had two personal enemies, Mr. J. R. George and Mr. T. K. Macdonald, and they "reorganized" me out.

121. You were not dismissed for misconduct?—They said my work was not satisfactorily carried out, and I got three months' pay, and my services were dispensed with. I asked why, but got no answer.

122. *Mr. Bunny.*] Were you the only one dismissed? Were not other officers—the Town Clerk, the Engineer, and others—dismissed? Was there not, in fact, a regular change-out at that time?—I was not the only one. The services of ten officers were dispensed with. I am obliged to you for asking that question; a wrong impression might have been left on the Committee otherwise.

WILLIAM GUNSTON, being duly sworn, was examined.

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123. *The Chairman.*] Will you state to the Committee what occurred on the 13th August, in reference to the arrest of a prisoner in Manners Street?—We were going down Manners Street—

124. Who were "we"?—Willis, and I, and Boyd, and Charles Fox, were going down Manners Street together. We never went off the road. Burke was on the footpath. They were ill-treating him. There was a crowd of people round.

125. Was Burke under arrest?—They were taking him to the lock-up.

126. Who were the policemen?—A man named McWilliams was one, and there was another whose name I do not know.

127. What were they doing?—They had him on the footpath. His hands were tied behind his back, and his legs tied. McWilliams was kneeling on him, and they were knocking him about.

128. His hands were tied behind his back?—Yes.

129. Was he lying on his back?—I could not say.

130. *Mr. Swanson.*] They were kneeling on him?—McWilliams was. They took him down to the Police Court. About a hundred persons were there following, and I went down with the others. When they got Burke in McWilliams came out of the station, walked past the path out into the road to me, and said he would make it "hot" for me. He took me by the shoulder. I said, "Oh, if you want me, I will go in."

131. What were you doing at the time?—I had done nothing. I suppose he took me for somebody else. When I got in the door he struck me on the face, and knocked me down on the floor, and then kicked me several times.

132. *Hon. Mr. Fox.*] That was McWilliams?—Yes; after that they searched us, and put us into a cell.

133. *The Chairman.*] "Us." There were two of you then?—Yes; myself and Willis.

134. When he struck you were you resisting in any way?—No; I did not resist. I thought he merely wanted me to take my name. I did not dream of being kept in prison, or anything of that sort.

135. You were then locked up?—Yes; we were kept locked up from 4 o'clock in the afternoon till 9 o'clock at night.

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136. How did you get out?—Mr. Marshall and some friends got me out.
137. You were bailed out?—Yes.
138. On what charge were you locked up?—I think it was “resisting the police in the execution of their duty, inciting a prisoner to resistance, and attempting to create a row.” I know there were three charges.
139. The case came on in Court?—Yes.
140. And what occurred?—The judge said it was evidently an arrest of the wrong persons, and the case was dismissed.
141. *Hon. Mr. Fox.*] As against you and your companion?—Yes.
142. *Mr. Bunny.*] Had the police been obstructed by any one?—There were some parties whom I did not know who were interfering, hooting, and saying: “What’s his number?”
143. You did not interfere in any way by word or action?—No.
144. *Mr. Tole.*—Did any body appear for you in Court—any lawyer I mean?—Yes; Mr. Allan.
145. Is McWilliams in the police force now?—I do not know.
- Inspector Atchison:* He is at Taupo, suffering from a broken leg, which he received when struggling with some drunken sailors.
146. *Mr. Barton.*] What are you?—An assistant fruiterer in a shop on Lambton Quay.
147. Did you know McWilliams before this, or did he know you?—Nothing further than that he may have seen me in the Temperance Lodge. I was a Good Templar at the time.
148. And he was too, I understand?—Yes.
149. Did he not know your class in life, and that you were a respectable person?—I do not know whether he knew me in that way.
150. *Inspector Atchison.*] This occurred on a Saturday afternoon?—Yes.
151. Were the people yelling, hissing, and hooting?—I think they were, when he kneeled on the man.
152. Was the mob not inciting the man to resist, by this yelling, hissing, and hooting?—When he kneeled on the man the people got quite close and hissed. I do not think there was any hissing before that.
153. Did you make this charge before the Magistrate who heard the case?—I mentioned the matter in the Court; but the Magistrate said, “I cannot take that,” or something of that sort.
154. *Mr. Barton.*] Was that Mr. Crawford?—No, it was Mr. Wardell.
155. *Inspector Atchison.*] You remember, I let you out on bail about 7 o’clock in the evening?—No, it was 9.
156. Well, 9. You instructed Mr. Allan, first thing on Monday morning, to appear for you. Did you tell him your whole case, or did you tell him only part? Did you tell him how this constable had maltreated you?—I believe I did.
157. Did he take any notice of it?—He seemed not to care. I do not think he mentioned it; but I did.
158. When did you tell Mr. Barton of this?—I never told Mr. Barton about it at all. The first time I saw him in the matter was when I came here to-day.
159. *Hon. Mr. Fox.*] Was the other man ill-used?—I believe Willis was kicked as well as myself. I got the worst of it, because McWilliams took me, and the other constable took Willis. I do not think the other constable ill-used him much.
160. *Mr. Tole.*] Willis was locked-up too?—Yes.
161. *Hon. Mr. Fox.*] You were knocked down by a blow?—Yes.
162. He must have hit you pretty hard then?—He did hit me hard; and I had a regular long bruise on my side where he kicked me.
163. Policemen wear pretty thick boots, do they not?—Yes; I felt them pretty hard.

Inspector ATCHISON, being duly sworn, was examined.

164. *Mr. Swanson.*] In view of the evidence we have heard from Gunston, I just want to ask you this. Suppose a man was beaten and kicked by the police in this way, and his lawyer states the facts in Court, what would you, as head of the police, do?—I should have the matter investigated, and then, if there was any truth found in the complaints, should recommend the aggrieved party to take out a summons against the policeman, or at once myself dismiss him. *Inspector Atchison.*
165. Suppose the policeman said he did not hurt the man complaining, how would you get at the truth?—I would have the man examined to see if there were any marks of violence on him.
166. What if the policeman said, “Oh, he got those before I went near him; I did not injure him.” I want to know what means you would have of finding out if the charges were true?—It would have to be investigated as far as possible, that is all. For instance, the other day a man said he had been kicked by the police, and he showed great bruises. We had an investigation, and it was proved the policeman had not done it. Then he said another prisoner had kicked him; but it turned out after all that he had hurt himself by falling over a fence.
167. How was that proved?—He was seen to fall by disinterested persons.
168. But supposing he did fall, would it follow he was not hurt by the policeman at all?—No, of course not.
169. *Mr. Barton.*] Do you remember my making a statement at the theatre to the effect that a policeman, whom I called Policeman X, had tied a man down, and that he had then kicked him?—I remember reading in the paper.
170. Do you remember an inquiry being demanded by the police with respect to my statements?—Yes.
171. I want to know this: Did you inquire as to whether such an inquiry did take place?—I paraded the men, and read the Mayor’s letter and the memorandum I got from the Commissioner. I asked one and all if they had seen anything of the sort; and I spoke to some of the oldest officers in the force, men who had been at the Wellington Station for years, and they all said distinctly they had never seen anything or heard of anything of the kind.

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Inspector Atchison.
19th Sept., 1878.

172. You have seen Mr. Commissioner Shearman's letter on the subject. He acknowledges that some such thing had occurred, but the man had left the force. Who was the man he was alluding to?—He was alluding to Sergeant Monaghan.

173. Did you discover that Monaghan did such a thing?—No.

174. Do you know where Commissioner Shearman made that discovery?—No; I was surprised at the letter.

175. Did he tell you he was alluding to Monaghan?—No, but I knew Monaghan was the only man who had left the force.

176. So far as your investigations were concerned, you got nothing?—No.

177. Did Mr. Shearman hold an inquiry without your being present?—No, he held no inquiry at which I was present, and I do not know of any inquiry being held by him. I was at Wanganui when the letter was published, and I knew he referred to Monaghan, because he was the only man who had left the force.

178. Did you know to whom I was referring when I spoke?—Yes.

178A. How?—We guessed.

179. *Mr. Swanson.*] Are there any fixed regulations about making inquiries?—There are the Armed Constabulary rules.

180. Well, now, in this very case of this young man we have had before us this morning. Suppose it had been reported to the Government, and you were directed to institute an inquiry, how would you have gone about it?—I should send the complaint up, and the Commissioner most likely would cause an inquiry to be made by officers not connected with the station.

181. What would be done then?—The officers appointed would endeavour to ferret the matter out. The man would be asked to put his complaint in writing.

182. Then how would the investigation proceed?—That I cannot say. If it were me, I would call on the constable to explain, and then Colonel Reader would decide.

183. After he heard the constable, he would decide?—Just so. He would hear the complainant, and perhaps take out a summons, and have the matter investigated in the Resident Magistrate's Court.

184. I want to know what you would do?—Well, if the matter were referred to me, I would take all the evidence I could get, and then forward a statement of the facts to the Commissioner.

185. If any one does differently in such a case, it would be wrong?—I cannot say; that is what I should do.

TUESDAY, 24TH SEPTEMBER, 1878.

MICHAEL MONAGHAN, being duly sworn, was examined.

Mr. Monaghan.
24th Sept., 1878.

186. *The Chairman.*] You were lately a member of the Wellington Police Force?—Yes.

187. Do you remember the case of one McCarthy, who was convicted of assault on Mrs. Stott?—I remember the case.

188. Do you remember Mr. Pilmer making any complaint to you about that case?—No; he never did.

189. Do you remember getting any message from him on the subject?—I remember a young girl—a small child—coming down to the police station and saying that Mrs. Stott had been insulted by McCarthy; something of that sort. I could scarcely make out what she had to say.

190. Of what age was this girl?—I scarcely recollect. I should say she was between seven and eight years of age.

191. You are quite sure it was a girl?—Quite sure.

192. Did no boy come down?—To the best of my recollection, No. Mrs. Stott came down and laid an information.

193. Was that the same day?—I am not certain about that; I believe so.

194. She laid the information?—I think I laid the information. Search was then made everywhere for McCarthy for two or three days, but unsuccessfully. He kept out of the way of the police for some time, but we caught him at last. As a matter of fact, I know that he was away from his house for a week almost, and we caught him on the morning on which he returned.

195. Did the girl say by whom she was sent?—She said by Mrs. Stott. That was her sister.

196. There was no boy of Pilmer's came down?—No; there was not. It was not a boy who came; it was a girl.

197. You do not recollect quite what the girl said?—No; it was something about Charley McCarthy having insulted her sister, and she wanted me to go out. I could not say exactly what she complained about, but I looked upon it as one of the ordinary quarrels between neighbours.

198. Did you see Pilmer afterwards about this matter?—I do not remember seeing him about it at all. Possibly I might have.

199. Do you remember a letter being written to the *Evening Post* about the matter?—I do not know; there might have been. I do not recollect it.

200. You do not remember having spoken to Pilmer on the subject?—I do not remember having spoken to him on the subject at all.

201. McCarthy was convicted?—He was; and got eighteen months, I believe.

202. Do you know where Mrs. Stott is now?—I believe she is in Wellington, and McCarthy also is in Wellington. I know he is driving a cart for the Corporation; but I am not quite certain where Mrs. Stott is. I think she is in town.

203. Could you give the Inspector any information which will lead to the discovery of both these persons?—I shall only be too happy to do so. As I said before, McCarthy is a carter, in the employ of the Corporation, and Mrs. Stott is also in Wellington. In fact, I saw her husband about a week ago.

204. You do not know where she lives?—No. I might state that this charge appears to be rather a peculiar one. McCarthy at that time was a very troublesome, rowdy fellow, but latterly he has improved, and I am sure that at that time I should have no wish whatever to have assisted him to escape from the law; rather the other way. He had been repeatedly up before the Police Court, and I had had occasion many times to tell the Bench what a bad character he was. There was no doubt he was at that time a very rowdy, rough character.

Mr. Monaghan.
—
24th Sept., 1878.

205. Have you had any "falling-out" with Pilmer?—No. Mr. Pilmer has always been assisted to the utmost by the police, but he was in the habit of taking constables off their beat to go along with him to assist him in his work, without even informing the police at head-quarters of what he was going to do; and one day I told him that, if at any time he wanted a constable, he should come to the station and see the sergeant in charge for the time being, when one would be sent with him wherever he wanted to go. I should very much like to know why these charges have been kept treasured up so long without being brought forward at the time, when they might have been properly disposed of.

206. *The Chairman* (to Mr. Pilmer). Perhaps you might inform the Committee why you did not make these complaints earlier, as Mr. Monaghan suggests?—If the persons aggrieved did not make their complaints, why should I make them?

207. *Mr. Barton* (to Mr. Monaghan). Do I understand you to say that you entirely failed in getting information from the girl as to what the complaint was?—The girl told me that McCarthy had insulted her sister; that is all I could get from her. There are so many of such complaints brought forward to the police by persons who quarrel with their neighbours, that it is impossible to attend to them all.

208. *Mr. Toke*.] Did Pilmer ever tell you that he had held the man down for an hour waiting for the police to come?—No.

[Mr. Barton, having searched the files of the *Evening Post*, said the letter was not to be found, but subsequently he discovered the letter in the *Wellington Independent* of the 11th December, 1871, and read the letter to the Committee.]

JOHN BUCHANAN, being duly sworn, was examined.

209. *The Chairman*.] What are you?—A police constable.

Mr. Buchanan.

210. Where are you stationed?—At Wanganui.

211. Do you recollect Mr. Pilmer speaking to you about your treatment of a prisoner at the Manners Street Lock-up?—Never.

24th Sept., 1878.

212. Not early one morning, say between 5 and 6 o'clock?—No; I have not the least recollection of it.

213. Do you not recollect his complaining to you of your striking a prisoner with your baton?—Never.

214. [Mr. Pilmer's evidence was here read over to witness.] You remember nothing of that?—No; I only remember one case of trouble with a prisoner at the Te Aro Police Station. I remember one morning, when on duty between 5 and 9 o'clock, that there was a little bother. It is a constable's duty first thing in the morning to see that the prisoners in the lock-up roll up their blankets and clean up their cells previously to the men being marched down to the Police Station on Lambton Quay, ready for Court hours. One morning I started a man up and told him to roll up his blankets. He did so, and then I examined the cell and found he had made a closet of the floor (and it was in a dreadful mess), instead of using the bucket set there for the purpose. I said, "Look what you have done" (knowing it had been done that night, because everything was clean the day before); "clean it up as soon as possible." He refused, and said I could do it. I said, "Surely you don't expect me to do it." He still refused to do it, and I went out, locking the door, to see the watchhouse-keeper, Doran. I told him what had taken place, and asked his advice. He said, "Oh, you had better try him again." I then got a tub or bucket and a mop and brought water, and asked him to do it. He still refused, and I shook him a little. I pitched the water all over the cell, and then the man scrubbed the place out. That is the only occasion on which I ever had an argument with any prisoner. As for me beating a man, I never had any occasion to do it. I could not stand by and see a man so beaten, much less do it myself.

215. Did this man attack you in any way?—No.

216. Did you ever say he flew at you like a little tiger? Did you say that to Mr. Pilmer?—I never spoke to Pilmer nor he to me in his lifetime about beating a prisoner, and if he had made such remarks I must have remembered it.

Inspector ATCHISON, being duly sworn, was examined.

217. *Mr. Swanson*.] Are there rings in the floor of the cells?—There are.

Inspector Atchison.

218. Is it the custom to chain men down to these rings?—Sometimes we get hold of madmen, and they are tied down to prevent them injuring or destroying themselves, but that occurs very seldom. We had a man in some time ago who, when the constable went to the cell, lifted up a bucket and tried to strike him down. Such a man ought to be tied down. We have not used the rings for years, but the man in charge of the station, who has been in the force for sixteen years, can give more information on that point than I can.

24th Sept., 1878.

219. When were the rings put in?—Years ago.

220. There are rings in both lock-ups?—Yes.

221. When a man comes in to the lock-up what happens?—He is charged, and then searched and put in a cell.

222. Is a report entered in the book?—Yes, his name is entered in a book, by whom arrested, for what arrested, the hour of his arrival, and the property taken from him. That is signed by the constable arresting, and countersigned by the man in charge of the lock-up at the time.

223. It would be all in the book to be shown next day?—Yes.

- Inspector Atchison.*
24th Sept., 1878.
224. If any of this ring business took place would that also be put in the book. If a man or a woman was tied down would that appear in the book?—I never heard of a woman being tied down.
225. Or a man?—Only in the cases I have mentioned.
226. If it was done would it be reported?—It should be. I generally visit the station about 8 in the evening, and then again about 12 if I am down town.
227. *The Chairman.*] I suppose there are rules for the guidance of the men. Now, supposing a man was tied down to a ring, would that be specially reported to you?—I think so.
228. Is it a rule that the police are to be allowed to chain men down?—The rule is that if they did they would make a report to the sergeant.
229. *Mr. Swanson.*] Would not the books show when men were tied down to the rings?—I do not think so. I only know of two occasions when men were chained down, and then for their own safety.
230. *The Chairman.*] Are the police numbered?—No. That is they are numbered, but they do not carry their numbers.
231. Would it not be better to have them numbered?—It would. I think the Government propose to do it.

ELLIOTT L'ESTRANGE BARTON, being duly sworn, was examined.

- Mr. E. L. Barton.*
24th Sept., 1878.
232. *Mr. G. E. Barton.*] Do you remember obtaining from the Minister of Justice for me an authority to inspect the police quarters, stations, and lock-ups in Wellington?—Yes; I do. (This is the authority produced.)
233. Do you remember going with me to the head station at the Supreme Court Buildings?—Yes.
234. And inspecting the cells there with me?—Yes.
235. What did you see in the cells?—There were rings in the floor of all the cells, except one. The first one we went into, I think, was that used for stores or lumber; the first used for prisoners was one which we were informed was used for women, and the ring in that was smaller than those in the others. All the other cells but one contained rings, and in that there was a place in the floor where a ring had been. The policeman said that they had been broken out, or something to that effect. You had asked the policemen what the mark was; they said, "There had been a ring there." We asked whether there were any more cells than those shown us, and they said, "No."
236. How far was the ring in the cells away from the wall of the cell?—About two or three flooring planks.
237. *Mr. Tole.*] Six-inch planks, I suppose?—About that. The rings may have been farther away from the wall than that, but that was about the distance.
238. *Mr. Barton.*] Did you then go with me to the Gaol and inspect the cells there?—Yes; we went over them with Mr. Read. We went all over the Gaol.
239. Did you go into every room?—Yes; he showed every room there was.
240. Did you see any door that you did not go into?—Only the door leading into his own house.
241. Now, were there any rings in any of these cells?—No; we looked carefully to see if there were any.
242. Do you remember that amongst the cells went into was the dark cell, or what they call the punishment cell?—Yes; that is a cell in which, Mr. Read told us, no man is kept longer than forty-eight hours at a time.
243. Was there any ring in that?—No; there was nothing but a shelf for the prisoner to lie on.
244. After that, did you, with me, visit the Manners Street Lock-up?—Yes; the lock-up near the fire brigade station.
245. Did you make an inspection of the cells there with me?—Yes.
246. Were there any rings there?—Yes; in one cell, I think. The policemen said they had to tie men down to the rings sometimes if they were noisy.

- Mr. G. E. Barton.*
24th Sept., 1878.
- Mr. G. E. Barton, M.H.R.,* on oath, said: On the 29th July last I visited the Manners Street Lock-up, the Lambton Quay Lock-up, and the Wellington Gaol. At the Lambton Quay Lock-up there were three cells, each of which had rings in them. I think there were more than three, but I am sure there were three. In the Gaol there were no rings at all, and at Manners Street Lock-up there was one. The police officer in charge of the chief lock-up (I do not know his name, but that can easily be ascertained, because it was on the 29th July, and about 12 or 1 o'clock when I went there) said distinctly, when he saw me looking at the rings, that they were not often used, but they were used for persons who were outrageous, or who were very turbulent, to restrain them. I wish to add this: I went to the chief police station I think on the same 29th July, and asked to see a book kept at the station, showing the charges on which persons were locked up. I wanted information about a case now before the Committee. The officer in charge asked me what day I wanted. I told him I did not know the exact day, but that it was about two years ago. He told me he had not the book. I asked him where it was, and he said I had better ask the Inspector of Police about it. I asked if the Inspector was in. He said he believed he was not. I then asked him if the book was in the Inspector's office. He said, "No, the book is in Mr. Baker's charge." I asked him what Mr. Baker. He said, "Mr. Baker, the Clerk of the Resident Magistrate's Court." I asked him if he was sure about that, and I understood him to say he was, but I did not quite catch his answer, so that I am not entitled to speak positively. I went in to Mr. Baker. I did not see him when I first went in, but I called again, and then saw him. I described what I wanted, but I forget what his answer was; but I could not get to see the book, nor a direct statement from Mr. Baker as to whether he had it in his charge.

WEDNESDAY, 25TH SEPTEMBER, 1878.

Mr. SHEARMAN, Superintendent of Police, being duly sworn, was examined.

- Superintendent Shearman.*
25th Sept., 1878.
247. *The Chairman.*] Are there any rules as to the mode of conducting inquiries when complaints are made against the police?—Yes.

248. Is the complainant present when inquiries are made?—Invariably.
249. Is notice given to him to be in attendance?—Yes; of course I am only speaking from my own experience.
250. I may mention it has been stated incidentally by a member of the Committee that in the North Island a complaint was made, and the complainant knew nothing about the inquiry till it was all over?—It has not been the case in my experience.
251. Do you remember the circumstances of Mr. Barton's complaint against the police in Wellington? Do you remember a complaint being made to the Government?—Yes.
252. Was the matter referred to you?—Yes.
253. And you wrote a letter on the subject?—I did.
254. You had an inquiry made about these complaints?—Yes; I made inquiries to ascertain whether there was any one to come forward to prefer a charge.
255. And there was not?—There was not.
256. *Hon. Mr. Gisborne.*] I understand there was no one particularly charged?—No; nor could the person supposed to be ill-used be found.
257. This is the letter you sent to the Government on the subject (read)?—Yes; I sent that.
[Extract from *Evening Post's* report of Mr. Barton's speech to the electors, forwarded to the Government by the Mayor of Wellington, read.]
- Mr. Barton:* That was what the *Post* published, but not what I said.
[Mr. Barton's letter to the Minister of Justice read.]
258. Did you make any inquiries, at the time these documents were forwarded to you, on the subject of the allegations made?—I did.
259. Did you learn that such an offence had been committed by anybody?—I did not.
260. You say, in your letter, "The offence is supposed to have been committed by some one who has now left the police force." What did you mean? Did you mean that this was the case?—I meant that some one who had left the police force was the person accused—the sergeant—who had left the Wellington force previous to my coming to Wellington.
261. Sergeant Monaghan?—Yes.
262. How do you arrive at the conclusion that Monaghan was the officer alluded to?—I was told so by Inspector Atchison and the detective.
263. That Mr. Barton meant Monaghan?—Yes.
264. He was then out of the police force?—He was.
265. You had no reason to suppose that any officer now in the police force was at all implicated?—None whatever.
266. You said that after you wrote the Government did not communicate with you again on the subject?—I did; the one addressed to Mr. Barton.
267. *Hon. Mr. Gisborne.*] When you read the words "supposed to have been committed," whom did you mean it was supposed by?—"Supposed to have been committed?"
268. Yes. You said the person by whom it was supposed the offence had been committed was not in the police force. Why did you use the word "suppose"?—By whom was it supposed?—By Mr. Barton.
269. *The Chairman.*] How did Mr. Monaghan come to leave the force?—I really do not know. I was not here then.
270. It was before your time?—Yes.
271. *Hon. Mr. Gisborne.*] Did you communicate with Mr. Barton on the subject?—No; I instructed Mr. Atchison to make inquiries to ascertain if he could discover the person said to have been ill-treated, or the person who had been guilty of the ill-treatment.
272. *The Chairman.*] When did you take charge of the police force of the North Island?—About nine months ago.
273. Up to that time you were Commissioner of the Canterbury Police?—I was; up to May, 1877.
274. *Mr. Bunny.*] Mr. Barton had no notice from you that you were going to hold an inquiry?—I did not communicate with Mr. Barton, as I said before. I reported so far to the Government, and I heard nothing officially after that relative to the inquiry.
275. *Mr. Swanson.*] In a case like this, I suppose it was desirable to get at the truth?—Undoubtedly, it was my duty to do so.
276. Yet you did not communicate with Mr. Barton on the matter, asking him to come and talk the matter over with you, and invite him to assist you to get at the truth by giving you information and being present at the inquiry?—No. I simply communicated with the Government, and awaited further instructions.
277. The Government communicated with you and told you there was something wrong about the police, and, I apprehend, wished you to inquire into the wrongs?—They sent me the correspondence, and asked me to make inquiry.
278. Certain complaints were made against the police?—They said no more than what appears in the correspondence.
279. It was said there were certain cruelties committed by the police?—Who said?
280. Who said? Why, the newspapers, and Mr. Barton, and everybody.—The Government did not say there were more than what appears in the correspondence, and requested me to make inquiries.
281. The report forwarded to you showed that Mr. Barton said so?—Yes.
282. Very well; what steps did you take to find out the truth? How would you ordinarily go about the matter to find it out? Would you go to the accused, or to the accusers?—I should go to the accusers.
283. In this case did you communicate with Mr. Barton and say, "Here, come up and tell me all about this, and let us find out the truth?"—I first made inquiries.
284. Of whom?—Of Mr. Atchison and the detective.
285. Were they not the accused?—They were the persons I looked to to get evidence.

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

cloaking the police, especially a person who had left the force. I should think he was the best person to go to for evidence.

*Superintendent
Shearman.*

25th Sept., 1878.

315. You did not imagine that the Inspector of Police was the accused party?—Certainly not.

316. *The Chairman.*] Did you not consider, on the charges being sent to you, that the discipline of the Wellington Police was on its trial?—No; I did not. I thought the person who had left the force was the person who was supposed to have committed the offence.

317. *Hon. Mr. Gisborne.*] I will put a somewhat analogous case. Suppose there was a complaint lodged by one of the public against a private in the army, and you had to investigate it and report, would you not, first of all, apply for information to the officer in command of the company, and get him to make inquiry? Would not that be the proper course?—That would be the proper course.

318. And further inquiry outside might follow?—Yes.

319. On that principle, you went to Mr. Atchison?—Yes.

320. *Mr. Swanson.*] Put it another way. Suppose a private on a foraging expedition at the Hutt had committed great cruelties there, and you had to inquire into it, would you not go out to the place where the offence was committed, and endeavour to get information on the spot, instead of asking questions of the officers of the regiment here in Wellington. I apprehend you would be more likely to get information there?—I should think the proper course would be to go to the officer first. There was no person mentioned here as having committed the offence.

321. Would not going where you would be likely to get at the truth be the best way to prosecute an inquiry?—Of course; that is the object of an inquiry.

322. If you thought the officer knew most about it, would you not go to him; but if you thought you could get more from the witnesses on the spot, would you not go to them at once and direct?—It would depend upon circumstances.

323. *Mr. Tole.*] Mr. Swanson seems to regard the officers of the police here as the persons accused, which I do not take to be the case at all?—No; it was Policeman X against whom the complaints were made, and I asked Mr. Atchison who Policeman X was.

324. I suppose you went to Mr. Atchison to inquire who Policeman X was in consequence of instructions; but, had you been left to yourself to do what you thought right, would you have gone slap to Mr. Barton to have seen what evidence could have been produced, in order to sheet the charges home?—I should have gone to Mr. Barton afterwards, when I had found out the person who had committed the offence, and then asked Mr. Barton to produce his evidence, and entered into a proper investigation; but I never could get at the fact that anybody in the service had committed the offence.

325. Would not the proper course have been to have gone to Mr. Barton direct, instead of to the people who were charged?—That was not my view of the matter. I thought Mr. Atchison and the detective the best persons to tell me who Policeman X was.

326. Better than Mr. Barton, with his witnesses, who had actually got the kickings, and knew all about it? Do you not think the evidence of the persons assaulted better than anything Mr. Atchison could supply?—I stated I should have gone to Mr. Barton if I had been left to my own discretion.

327. *Hon. Mr. Gisborne.*] Also to Mr. Barton?—Yes.

328. *Mr. Tole.*] To whom first?—To the head of the district, so as to ascertain who the offender was.

329. *Mr. Swanson.*] And by this means the police would have been put on their guard?—They would have been put on their guard by Mr. Barton's speech, previous to my taking any steps in the matter.

330. Perhaps you would tell us what steps you took after you were communicated with on the subject?—Colonel Reader communicated with me first; then I went to Inspector Atchison and Detective Farrell; then I communicated with Colonel Reader. It was after my official communication with Colonel Reader that I had a conversation with him, I think; but I am not certain about it.

331. *Mr. Barton.*] You saw Farrell. Now, what did Inspector Atchison tell you that caused you to see Detective Farrell?—He did not tell me anything to cause me to see Farrell.

332. What inquiries did you make of Inspector Atchison?—I asked him who Policeman X was, and if he knew anything about the charges which were preferred in Mr. Barton's speech.

333. What did he say?—He said, that it was all nonsense—that Mr. Barton was a crotchety sort of person.

334. That was the substance of what he said?—There was some official communication. I think I referred the correspondence to him, but I am not sure.

335. That was after the verbal communication, in which he said he was under the impression there was nothing in the matter?—Yes; he said he thought there was no truth in it. He paraded the men, and asked if there was any truth in the matter, but discovered nothing.

336. You sent him an official communication, telling him to make inquiry?—Yes; after I received the correspondence from the Under Secretary I sent it to Inspector Atchison.

337. Now, the inquiry he made was to parade the men?—He made inquiries.

338. Did he parade the men?—I do not know.

339. He never told you?—I do not think he did; he might have done so.

340. Did you hear it from anybody else?—I saw it in the papers.

341. Did he never tell you what course he took?—He was to take the best course he could.

342. Assuming the course he took was to parade the men, I suppose when they came to parade he would call them to attention?—You may suppose that if you please; I do not know.

343. Well, what course would you have taken. Would you have paraded them all, and asked first one and then the other, or put the question to the whole of them together?—I do not think that is the course I should have taken had I made the inquiry.

344. Now, I want to get at this: Assuming that was the course taken, do you think there would have been the least chance of finding the matter out, supposing Policeman X was in the ranks at the time?—Policeman X could not be in the ranks, if the man supposed to have committed the offence was an ex-policeman.

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345. I did not say he was an ex-policeman?—But you said it was Policeman X.
346. You did not suppose, because I said Policeman X, that I meant an ex-policeman?—Yes, I did.
347. Do you not know that X is an unknown quantity?—I took your meaning to be a man who had left the service.
348. *Mr. Swanson.*] Policeman X might be past or present?—That is according to the view an individual might take of the speech. I thought, when Mr. Barton spoke of Policeman X in his speech, that he referred to an ex-policeman.
349. You do not read *Punch*?—Yes, I do. I am very well acquainted with *Punch*; nevertheless, in this case I thought an ex-policeman was meant.
350. *Mr. Barton.*] Did you ever hear what questions Inspector Atchison asked the police when he paraded the men?—No.
351. Of course he paraded no policeman who had left the force?—No; he told me he could not discover anything.
352. Did he make any written report to you?—Any reports to me are attached to the correspondence.
353. Did he make his report in writing?—I do not know whether he did or not. I have no other reports on the subject than those attached to the correspondence.
354. Whatever report he made, did it go through you. You were the officer to whom he would report in regular order?—Yes; but I do not know whether he may not have reported to others as well. He may have reported direct to the Commissioner or to the Under Secretary.
355. You are the proper person to whom he should have reported. You were his superior officer?—Yes.
356. Can you charge your memory whether he reported to you covering the reports of inferior officers?—No; he forwarded no reports from inferior officers. I remember meeting him, and asking him if he had discovered anything. He said there was no truth in the complaint whatever.
357. Are we to understand the thing was done verbally, and that no records were kept of the steps taken in regard to these very serious charges?—There were no charges made at all.
358. I was under the impression that my charges were severe, especially this one, and tolerably distinct?—If a person wishes to charge the police he generally does so by communicating with some one in authority.
359. *The Chairman.*] Was the answer of Inspector Atchison verbal, or in writing?—I got from him none but verbal replies, if I recollect right, except those which were attached to the correspondence.
360. That was laid before the House?—That was sent in to the Government.
361. *Mr. Swanson.*] I am a good deal astonished at this sort of thing. I understand you received instructions to make inquiry, to examine witnesses, and that sort of thing?—I received instructions from Colonel Reader to inquire into the matter; and I did so.
362. You received instructions from Colonel Reader to inquire into the complaints?—The papers were forwarded for my attention.
363. What did you do?—I did make inquiries. I was a stranger in the place; I knew no one; and I went to the Inspector of Police and the detective, as the persons I thought best able to inform me who Policeman X was.
364. Then, instead of inquiring yourself, you got these two men to make inquiry?—That is the proper course. I cannot do everything myself. I have a good many men under me—I cannot be everywhere at once; and I took the course I thought best to be pursued.
365. Then, so far as this was concerned, you were of no use at all. Do you think you went the right way about the business. Instead of you yourself parading the men, or sending for them individually and examining each of them separately, without letting them know what you heard of from the others, you go direct to Atchison. If you had wanted to get at the facts, would not the other way have been the best one?—No; it would have interfered with the discipline of the force.
366. I am not talking about discipline. I am talking about the best way of getting at a crime. I ask whether that would not, at any rate, be as good a way as getting the Inspector to parade the force and ask them all, in the presence of one another, “Do you know anything about this?”—The parading of the men was the course adopted by Inspector Atchison.
367. *The Chairman.*] The minute of your instructions is not attached to the papers laid before the House?—No; it can be found in the office.
368. This is your letter [letter of 13th April, 1878, read]?—Yes. The minute of which you speak will be found in the record-book in my office, in an abridged form.
369. Will you bring that before the Committee or Judges?—Yes.
370. *Mr. Barton.*] Having found that Inspector Atchison could get no information of any value at all, did you again see Colonel Reader, and report that to him?—The correspondence will show what I said to Colonel Reader.
371. I understand you were seeing Colonel Reader every day?—Frequently; not every day. Sometimes I should not see him for a fortnight.
372. You remember that the whole of the correspondence was published in the newspapers?—Yes.
373. You remember seeing it?—I do.
374. Did it not form the subject of conversation between you and Colonel Reader after that?—No.
375. Did you ever ask him, as you could get no information from the police, to allow you to see me?—As I said before, I suggested I should see you, and he intimated it was better not to see you.
376. That was originally?—Yes.
377. But after you found there was no information to be got from the police?—I communicated with Colonel Reader.
378. Did you ask Colonel Reader again to be allowed to see me, as you could get no information from the police?—I think it was after I sent in the first correspondence that Colonel Reader intimated it would be better not to communicate with you.

ERRATUM.—Question 369, *for* “or Judges,” *read* “on Friday.”

379. *Hon. Mr. Gisborne.*] Was that in answer to an inquiry, or volunteered?—He said he would like to see the letter I intended writing to Mr. Barton, and I sent two letters down, that which appears in the papers, and another one pointing out the course I would have taken; the latter I should have sent to Mr. Barton.

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380. You wrote that to the Under Secretary?—He told me he would like to see what correspondence I purposed having with Mr. Barton upon this subject, and I sent him down the letter I proposed writing to Mr. Barton.

381. Was that before you sent in your final report or afterwards?—It was before.

382. *Mr. Bunny.*] Have you a copy of that letter? You say you sent two letters, or that one was sent, after alterations, if I understand you, to Mr. Barton. Have you a copy of that?—Yes.

383. Will you bring that letter on Friday?—Yes.

384. *Mr. Barton.*] You say in your letter to the Commissioner of Armed Constabulary—that is, Colonel Reader?—No; that is Colonel Whitmore.

385. Well you say (read). Now, where did you get information that the alleged offence was supposed to have been committed some time ago?—From the detective.

386. The detective told you the alleged offence had taken place some time ago?—Yes.

387. Then you were aware the offence had been committed?—Oh, no; I was not aware any offence had been committed.

388. You say the detective told you it had taken place?—That it was supposed to have taken place.

389. Oh! Well, by whom was it supposed to have taken place? By me?—I supposed, from information gleaned, that the offence had taken place.

390. From whom did you glean that?—From the information I received.

391. Who was the person from whom you received the information? You know that phrase, "information received," is often used in a Court when it is not desirable to divulge the names of persons from whom the police get information; but before this Committee there must be no concealment?—I have no wish to conceal anything.

392. I do not suppose you have, but you said in your report that the offence was supposed to have been committed some time ago. Now, that did not appear in my speech?—No; I inferred that from what the detective and Inspector Atchison said.

393. Well, what did the detective tell you? You have told us what Inspector Atchison said?—I asked him if he thought there was any truth in the report, and he shook his head, and said he did not think there was any truth in the report.

394. Therefore you concluded the offence took place some time ago?—From what I saw in the papers I supposed it had taken place some time ago, because Sergeant Monaghan was suspected.

395. I did not say Sergeant Monaghan?—I cannot say what you said.

396. You had an extract handed to you which was sent to the Government by the Mayor of Wellington?—Yes.

397. That contained a charge that an offence had been committed, and you confirm that by adding the further fact that the offence is supposed to have taken place some time ago?—I had no reason for making that statement beyond what I gleaned from the inquiries I made, and from what I saw in the public prints.

398. *Hon. Mr. Gisborne.*] About this letter you were going to send: First you got a letter from the Government, directing you to institute an inquiry, or to make inquiries. That was an official minute?—Yes.

399. Very well. Then you saw the Police Inspector, then Colonel Reader, and he, either in answer to your request or otherwise, said you had better not see Mr. Barton?—Yes. I suggested to Colonel Reader that I should see Mr. Barton, and he intimated that I had better not do so.

399A. Yes; I understand that. I have now come to this. That is how it follows. But now I do not understand whether this draft of a letter which you wished to send to Mr. Barton was written after or before this?—There is a date upon the letter, and I will bring all the documents on Friday. At the present time I cannot recollect.

RICHARD JONES, being duly sworn, was examined.

400. *The Chairman.*] You were known by the name of Alfred Jones some time ago?—No.

401. You were, some time ago, arrested here in Wellington for drunkenness?—Yes; at least they said I was drunk.

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402. You were handcuffed?—Yes; but I should like to know why I am being asked these questions.

403. Well, there are complaints that you were ill-treated, and the Committee wishes to get at the facts?—Well, I should like to know where this information comes from, because I have not given the information. I would not have had such a thing occur for anything.

404. You mean that you are annoyed at being brought up in the matter?—I thought it was wrong when I was arrested and brought up at the Court, but this only makes matters worse, I consider.

405. Complaints have been made, and we wish to know whether you were cruelly treated or not by the police?—I was handcuffed, and not allowed bail.

406. Where did the police arrest you?—In Ghuznee Street.

407. Were you noisy at the time?—No.

408. Why were the handcuffs put on?—Because I refused to go. I was with two others at the same time—persons lodging in the same house as I was—and I was really the only sober one of the three. One was rather drunk, and I and the other person were seeing him home. The first thing I knew of anything wrong was that a policeman caught hold of me by the shoulder and said, "Here, I want you; come along with me."

409. And you resisted?—Yes; because I had no right to go.

410. You were not drunk?—No.

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411. Were you making a disturbance?—No.
 412. Were those who were with you making a disturbance?—No.
 413. The policeman put you in handcuffs?—Yes.
 414. Were you tied to a ring in the floor of the cell?—No.
 415. Did the officer in charge of the Police Station tell you from time to time that you would be released if you would tell the name of the publican who gave you the drink?—Yes; he said bail would be accepted if I told him where I got the drink.
 416. Did he tell you he would take the handcuffs off?—I could not say. I was greatly excited at the time.
 417. Who was the policeman?—I could not say for certain. I was greatly excited, and I hardly knew what I said or did. It was the first time I had got into such a scrape, and I was half mad.
 418. *Hon. Mr. Gisborne.*] Was it the policeman who arrested you?—No.
 419. Did you offer bail?—Yes; my friends came down and tried to get me out.
 420. Was it refused?—Yes, without I told them where I got the drink from.
 421. Did you complain of that to any one?—No; I complained to no one except my employer.
 422. That was Mr. Kells?—Yes. He was the only one who knew about it, as I thought, except those who were with me. We hushed it up as much as we could.
 423. *Mr. Rolleston.*] Were you brought up in Court?—Yes.
 424. *The Chairman.*] What happened in Court?—The usual fine of five shillings, I think it was.
 425. *Mr. Barton.*] You were fined?—Yes.
 426. *The Chairman.*] What were you charged with—resisting the police?—No; only with drunkenness.
 427. Was anything said about your being handcuffed?—No.
 428. Were you kept in handcuffs in the cell?—Yes; for some time. They handcuffed me behind my back, and left me there for a long time. Being in that position, the time perhaps felt longer than it really was.
 429. You were conscious of everything that happened during the whole time?—Yes; all the time.
 430. *Mr. Swanson.*] I think you said you were sober?—I was not drunk when I was arrested.
 431. *Hon. Mr. Gisborne.*] But you got very excited?—Yes.
 432. *The Chairman.*] You cannot give us any clue to the policeman who arrested you?—No; I was a stranger in Wellington at the time.
 433. Do you know who the officer in charge of the lock-up was when you were taken there?—No.
 434. *Hon. Mr. Gisborne.*] Was it an officer or a private who asked you to give up the name of the publican?—There were several persons there, and all refused bail unless I gave up the name. Some of my friends went down to the Lambton Quay Station to try and get bail; but the same thing was told them there.
 435. Who were the friends?—They are in Melbourne now. I forget their names. We were all lodging in the same house.
 436. *Mr. Rolleston.*] How long ago is this?—Two years.
 437. *The Chairman.*] Were you at the lock-up in Manners Street, or at that at the Courthouse?—At Manners Street.
 438. Do you not know exactly when this took place?—I think it was in November, 1876.
 439. *Mr. Swanson.*] It happened soon after you came to the colony?—Yes.
 440. How long after?—About three months.
 441. And when did you come here?—In July, 1876, I think.
 442. Have you no means of getting at the date?—Yes; I can get at it, I think, from papers at home.
 443. *Mr. Tole.*] The only thing that you complain of is that you were not bailed out?—Yes; that is the only thing so far; but I complain of being at the lock-up at all.
 444. *The Chairman.*] You say you really were not drunk at all; that you were handcuffed; and that bail was refused?—Yes. We started out at 10 o'clock, and went down to see Kells's shops. There were some alterations to be made, and the two with me were carpenters. One was pretty drunk, and we were seeing him home when the policeman came to me and said, "I want you."
 445. In Court did you bring any evidence to prove you were sober?—No; I was glad to get out of the Court. I should have given £5 bail not to have appeared. Directly I got in I was asked some question. I said "Yes;" and was fined 5s. You see, if I had told where I got the drink from it would only have made the thing worse, because there would have been more publicity.
 446. Did the policeman who arrested you say you could be bailed if you would tell where you got the drink from?—It would be hard for me to say, because it occurred when I was a good deal excited. There was a trap-door in the cell, and the policeman spoke to me through that. They used to look in at the door and say this to me: that they would give me bail if I told the name of the publican who served me with drink.
 447. Were your hands or wrists chafed by the handcuffs?—They were chafed.
 448. Were you fit for work the next day?—My wrists were very painful for some time afterwards, but I was able to go to work. I thought the marks would never go off.
 449. *Mr. Tole.*] Was that simply from the handcuffs being on, or from your trying to wrench them off?—No doubt I did not like to have them on. I was lying down.
 450. You were on the ground?—Yes; but, as for being tied to a ring, there was nothing of that.
 451. *Mr. Bunny.*] You could not get up till the handcuffs were taken off?—No.
 452. *Mr. Tole.*] You were taken in charge without any cause at all?—I consider so. I was not drunk, and we were not kicking up any noise.
 453. Were the others taken up with you?—No; they afterwards came down to the station several times to try and get me out. The man who was sober had taken the other one home, and then came down and tried to get me out. Afterwards they both came down several times between 7 and 9 in the morning.

454. I thought this took place at 12 o'clock at night?—No; it took place at 12 o'clock in the day. I refused to go at first.

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455. *The Chairman.*] Do you say it was at 12 o'clock in the day?—Yes.

456. There were three of you together?—Yes.

457. What were you doing?—We were doing nothing except taking this man home.

458. What day was it?—It was a Sunday. I was conducting myself properly, because I was in business, and might come into contact with people I knew, at any time of the day.

459. *Mr. Rolleston.*] What was your business?—A grocer's assistant.

460. *Mr. Tole.*] Were you put down in the cell?—Yes.

461. By whom?—I do not know.

462. *The Chairman.*] Were you thrown down?—I was bundled in and shoved down.

463. Did you fall down in consequence of the shove?—If I remember aright, I was carried in, because I resisted as well as I could.

464. Were you insensible at the time, or is your recollection good?—My recollection is good, but I was excited, because I was afraid of losing my situation.

465. The police did not charge you with resisting them in the execution of their duty?—No; there was only a charge of drunkenness. In the morning, one of the men said, "We could give it to you warm for resisting us." That was all he said. I was charged with drunkenness.

466. What made him say that to you. Did you say you would complain?—I might have said I would complain. I believe I told them so.

467. Was it in consequence of anything you said, that they said that?—It was in the morning before I was tried. The policeman who arrested me (a short dark-complexioned man) said that. He said I had resisted him, and he could make it warm for me; that he was very nearly entering an assault against me, as well as drunkenness. Then he said he did not know who I was, or he would not have arrested me.

468. *Hon. Mr. Gisborne.*] I believe you are living in the Wairarapa now?—Yes.

469. Did you see the Inspector of Police at all, and complain to him?—No; I did not see him, neither did I complain to him.

470. Did you see a sergeant or any officer of the police?—No.

471. You never made any complaints?—No; to no one except Kells.

472. The officers of the force knew nothing about the matter?—Not that I know of. I do not know how this has cropped up. I knew nothing of it, and did not know what I was wanted for when I got the notice on Monday.

RICHARD KELLS, being duly sworn, was examined.

473. *The Chairman.*] The last witness was in your employment?—Yes.

474. When did he come out? When did he enter your service?—It was in 1875.

475. You were then living in Vivian Street?—No; in Manners Street.

476. You were a grocer?—Yes.

477. When did you leave there?—Very shortly after the occurrence.

478. Could you not tell us when you left?—I think it was in October.

479. What year?—In 1875 I think, because I have been where I am now for two years, and I was in that shop ten months.

480. Would you state what you know about the arrest of Jones?—He had not been long in my employ at the time. He was away one Monday morning, and when he came into the shop he said, "I suppose you know?" I said, "What?" He said, "About my being locked-up yesterday." I said, "Nonsense!" He said, "Yes." I said, "You could not have been drunk then." He said, "No; I was taken up when taking a man home." He said he was tied by his wrists behind his back. His wrists were a good deal swollen. I saw him on the Sunday, going home. There were three of them together. I had decided on the previous day, Saturday, to go to the Hutt, and, as he knew all about the fixtures, I asked him if he would go to the shop on the Sunday and show the carpenters what had to be done. He promised he would. On the Sunday it came on to rain and I did not go to the Hutt, and was going to the shop when I saw him coming down the street from the shop. It must have been about ten minutes afterwards that he was arrested. He was not drunk.

481. Had he been long in your service?—No.

482. Was he steady?—Yes.

483. Had you ever seen him drunk?—Never.

484. He was sober when you saw him on the Sunday?—Yes; he was walking all right. One man was very drunk, and Jones seemed to be persuading him to go home. I do not know whether he had any drink in him, but he was not drunk; and since then he has been very steady.

485. He remained in your employment?—Yes; for some time. We had a slight difference about getting another man.

486. Did you make any complaint in this matter?—I was asked whether I knew anything about the matter, and I said what I knew. I did not know it was going any further. One of the policemen told my brother about the man being locked up.

487. What did he say?—He said he had been locked up. I think he was locked up for a purpose. My brother seized everything, and it was done to get this man away from the place, because I knew nothing of the business. I would not be certain, but that is my impression.

488. Do you mean your brother put the police upon this man?—Only one policeman. He has now gone away. That was the person who locked him up.

489. He told your brother that he had locked Jones up?—Yes; he pointed him out to me. He came into the shop one day and said, "So-and-so was locked up;" and added, "So-and-so told me." He did not mention the man's name. I think it was done for a purpose.

490. You have since differed with this young man?—Yes.

- Mr. Jones.* 491. Did you have anything at all to say against his character?—No; I always found him honest, straightforward, and steady.
- 25th Sept., 1878. 492. Did you ever say anything to the Inspector of Police about the matter?—I could not be certain whether I did or not. I have had several conversations with the police.
493. About this matter?—I do not know. I think I said once it was a pity they locked him up. They said he must have given some “cheek” or something; but he said he never did.

THURSDAY, 26TH SEPTEMBER, 1878.

ALFRED BOARDMAN, being duly sworn, was examined.

- Mr. Boardman.* 494. *The Chairman.*] You are Agent for the South British Insurance Company at Wellington?—Yes.
- 26th Sept., 1878. 495. You remember the railway refreshment-room, Wellington, being burned down?—Yes; the Railway Hotel, opposite the station.
496. There was an insurance on it in your office?—No; not in my office. There was an insurance on it in the National and the New Zealand Offices.
497. The owner's name was Pestrige?—Yes.
498. I think you have informed Mr. Barton of something that had passed between you, as Agent for an Insurance Company, and the Inspector of Police with regard to this matter?—Of something which another Insurance Agent had told me had passed between him and the Inspector of Police.
499. Who was the Agent?—Mr. Bruce Wallace.
500. What did he tell you?—That he was standing near the fire almost immediately after it broke out, and Mr. Atchison came to him and said something. I am not sure of the exact words, but it was as much as to ask what the Insurance Companies would stand if the police authorities hunted the matter up.
501. Do you recollect the case of one Heggarty, who was charged with arson?—Yes.
502. He was convicted?—Yes.
503. Did you make any payment on account of that conviction?—Yes.
504. What did you pay?—The three insurance companies interested—the National, the Standard, and the South British—paid a sum of £40, of which our share came to £15.
505. To whom did you pay that money?—I paid my share, £15, to the Agent for the National, Mr. Wallace, and he paid the whole sum over to Mr. Atchison. I may say one thing, Inspector Atchison has admitted to me that he has received the money.
506. The £40?—Yes.
507. What was the money paid for?—My payment was intended to be a stimulus to the whole of the police to work up such cases as that against Heggarty.
508. Was the money paid before or after the conviction?—It was promised before the conviction, and payment followed as a matter of course.
509. Do you know how the money was distributed?—I have tried to get Inspector Atchison to distribute it, but I have not been able to do so.
510. What has become of the money?—I suppose Atchison has kept it himself. In last February he had not distributed it; at least he told me he had not. I tried to get him to pay it over to the police, whom I consider he is depriving of it, and he has never told me has paid it. The only reason I could get why it was not divided amongst the police was that he was making inquiries to see who was the most deserving, but that was four months after Heggarty had been convicted.
511. Who asked you to make a payment on account of a conviction?—I think we promised the money of our own free will.
512. You were never asked for it?—No, I was not. I think Mr. Wallace can give you some evidence on that point.
513. Do you recollect the case of Morton Quin, charged with arson?—Yes.
514. Will you just state what you know about it?—A house at the corner of Quin and Dixon Streets, belonging to Quin's father, was insured in my office for £400. One morning I saw by the papers that there had been a fire there, and I went to the police. In consequence of what I heard, I bought a padlock and key and locked the place up, so that no one could get at it. Detective Farrell made a lot of inquiries and submitted a report to the Inspector of Police, and from the nature of that report I certainly thought there was quite enough evidence to show good cause for further inquiry. The Inspector was at Wanganui at the time, but in two or three days' time returned. After that I asked him at least half a dozen times what steps he was going to take. One day he said he had not had time to look into the matter, but he would take the report home on Sunday and see what it stated; so he put me off for another week. But since then nothing whatever has been done. If you have that report before you, you will see that there was quite sufficient evidence to justify further inquiry, especially as Quin bore a bad character, and had been charged with embezzlement before. I am sure we should have got a conviction if the matter had only been followed up.
515. Were no steps taken?—None, except the inquiries which were made and submitted to the Inspector in the shape of a report.
516. Have you seen the report?—Yes.
517. *The Chairman* (to Inspector Atchison)]. Where is that report?—I do not know. I cannot find a copy of it. It must have been taken out of the office. I fancy Mr. Boardman must have it.
518. *The Chairman* (to witness)]. Have you the report?—Not the original.
519. Have you a copy of it?—There is a copy at the head office in Auckland, and the Government have a copy of it. I submitted it to Mr. Sheehan in a letter, which has never been acknowledged.
520. That is to the Minister of Justice?—Yes; on 18th February last. The fire happened at the end of last October.
521. Will you state what you remember of the report?—The report stated that Detective Farrell was walking down the street about half-past 7 at night, when he saw a sudden blaze in the house. He

broke open the door and ran into a little room used as an office by Morton Quin, and saw a lot of flame all over a table and on the floor. He stamped out the flames on the floor and smothered those on the table. He found the place smelling strongly of kerosene, and a number of papers about the place saturated with kerosene. Morton Quin was a Forester, and was secretary or treasurer. That night he should have brought up a report on financial matters to a meeting of the combined lodges of the North Island, but he did not turn up; and next day, about 12 or 1 o'clock, he was found by Detective Farrell and Sergeant Smith in bed at the Melbourne Hotel. His shirt and wrists were smelling strongly of kerosene, and he made statements entirely different from those made by his sister as to where he had been the previous night, but I cannot now recollect what the discrepancies were. I know one said he was in the house at the time, and the other said he was not.

522. No further action was taken?—No. This man should have submitted his accounts to the Foresters this night, but he did not, and never has done yet; in fact, it is said that the auditors found deficiencies, and that some one had to cash up the deficiency. My theory is, that Quin set fire to the place so that the papers connected with the Foresters' business should be destroyed, so that it should not be found whether there were any defalcations or not. He had previously been convicted of embezzlement, but the conviction was upset in the Court of Appeal on some technical ground.

523. Do you know where he is now?—He is in Wellington. There is another point connected with the matter to which I would like to refer. When I could not get the police to move in the matter, I tried to get the Coroner to hold an inquest, but it appears there is some defect in the Coroners Act. It simply says that a Coroner can hold an inquest on ships, buildings, or property destroyed or damaged; and the Coroner would not hold an inquiry into this matter because the house was not destroyed or materially damaged. I could get nothing done in the matter, and I had just to shut up.

524. *Mr. Barton.*] Whom was the £40 to be divided amongst? Do you remember the names of the police?—Connor (who arrested Heggarty), Byrne, and Farrell, perhaps, but I do not know. I think it was left to the discretion of Inspector Atchison to divide the money amongst the people who were best entitled to it, but it was not intended he should keep it all. Still I think something was said by Mr. Wallace to the effect that he should give what he thought fit to these men and keep the rest himself.

525. *The Chairman.*] Who said that?—Mr. Wallace.

526. He was the agent who corresponded with the police?—Yes.

527. *Mr. Barton.*] The trial was in October?—Yes.

528. How long after the trial was it when the money was given?—I suppose about a fortnight or three weeks.

529. Then you say that about four months afterwards, when you asked Atchison about distributing the money, he said he was inquiring who was the best entitled to it?—Yes.

530. In Quin's case, you spoke to Atchison about it yourself?—Oh! a dozen times.

531. What was it you said to him?—I asked him in the first place if he had read the report. He said No, he had not had time.

532. *The Chairman.*] When was it you asked him that?—A day or two after his return from Wanganui, after he might have seen the report.

533. *Mr. Barton.*] Did you ever speak to him again about that report?—Yes; and again he said he had not had time.

534. How long after was that?—Two or three days after. He then promised to take it home on Sunday and read it. I saw him on the following Monday, and he said he had not read it.

535. How long was it before you wrote to the Minister of Justice?—I wrote to him on the 18th February this year.

536. *The Chairman.*] In the meantime did Atchison ever tell you he had read the report?—Well, I got so sick of the affair that I gave it up in disgust.

537. *Mr. Barton.*] And four months after that you wrote to the Minister of Justice?—About four and a half months after.

538. You never got any reply to that?—No. How I came to write to Mr. Sheehan was this way. One day I came down in the coach with Mr. Sheehan and Sir George Grey from Greytown, and I spoke to him about the way I had been treated. He then asked me to send him a copy of the report in a letter, which I did next morning, but I never got a reply.

539. About that case of the Railway Hotel, on which Pestridge was arrested, did you ever have any conversation with Inspector Atchison on the subject?—No; I only know what was told me. Mr. Wallace told me that Farrell was determined to push the thing on in spite of Inspector Atchison. He ran Pestridge in, and Atchison rebuked him for doing so.

540. Mr. Wallace told you that?—Yes; he said Farrell had got into a scrape for arresting Pestridge, either against or without Atchison's authority.

541. Do you remember a boy being arrested on a charge of arson, it being supposed he had set fire to a building on Lambton Quay, next the Queen's Hotel?—I remember that a boy was arrested, but I may say I did not care to give the weight of my name to that matter. I only know the boy was arrested, and a paragraph appeared in the paper saying that his boots exactly fitted the footmarks in the ground around the building. I know also the case was never brought before the Magistrate.

542. *The Chairman.*] Do you know that the boy was arrested?—I saw it in the papers. The building was insured with me, but I would not take any steps because I knew it was no use unless the police got some money. I knew it was no use after Quin's affair.

FREDERICK CHARLES SMITH being duly sworn, was examined.

543. *The Chairman.*] You are Sergeant of Police, stationed at Wellington?—I am.

544. Do you remember the case of a fire on the premises of a man named Morton Quin?—I do.

Mr. Boardman.
—
26th Sept., 1878.

Sergeant Smith.
—
26th Sept., 1878.

- Sergeant Smith.* 545. What do you know of the matter?—Farrell informed me of the fire and requested me to go with him to view the premises. I did so; but it is so long ago that I now almost forget the exact position of affairs. Farrell drew up a report, and I asked Mr. Atchison if I should also report, but he said, "No; Farrell's would do."
546. Did Farrell and you consult about the report?—We did.
547. Did you consider the circumstances suspicious?—They were suspicious, certainly.
548. Did you see Quin afterwards?—Yes; we looked for him.
549. Where did you find him?—In the Melbourne Hotel, in bed.
550. Did you examine him?—Yes.
551. Was there anything you noticed particularly?—If I recollect properly, there was a smell of kerosene about his clothes, particularly on his arm. Farrell drew my attention to it, and I certainly observed it.
552. After the report went in were any steps taken against Quin?—None that I am aware of.
553. Was no further investigation made?—I believe there was some inquiry made about it.
554. By whom?—By Detective Farrell. He continued to make inquiries under the orders of the Inspector.
555. *Inspector Atchison.*] Do you remember I had a conversation urging Farrell to inquire about the alleged embezzlement of the Foresters' money?—I do.
556. On several occasions I had conversations with Farrell regarding the alleged embezzlement?—I remember two occasions in your office.
557. Will you state what took place?—I almost forget. You directed Farrell, in the first instance, to make some inquiry as to whether it was true that Quin had anything to do with the societies, and on another occasion you directed him to follow it up. I forget what the precise instructions were.
558. *Mr. Barton.*] Did Farrell follow it up?—Not that I am aware of. He never reported it to me.
559. Were you the person to whom he should report?—Properly speaking I should be, but in most cases he informs the Inspector of what goes on. I have nothing to do with his branch of the service.
560. Is it not a fact that the detective's branch is separate, and that he has no right to consider himself under your orders?—I do not know.
561. Farrell ranks as a sergeant?—I do not know how he ranks.
562. Has he been treated as a detective officer ought to be treated?—I am not aware that he has been improperly treated.
563. He is under your orders?—To my orders or the Superintendent's. I am in charge of the Wellington Station.
564. Does he have to do work besides that of a detective?—I suppose he does any small thing he is asked.
565. Will you be good enough to answer my question? Has he had any work to do besides that of a detective?—Nothing but what he is ordered to do.
566. Have you ordered him to do work which is outside the proper work of a detective?—No.
567. Did Inspector Atchison ever tell you to do so?—No.
568. Did you see an article in the *New Zealander* yesterday?—Yes.
569. To what does that refer?—To the service of summonses by Farrell.
570. By whose orders has he had to do that?—By Mr. Atchison's.
571. How long have you been in the police?—Fifteen months in Wellington.
572. How long have you been in the police altogether?—I have been in the Armed Constabulary nine years.
573. Was it decent or proper or respectful to the position of a detective officer to put him to serve summonses? Did you ever know a detective officer before to be put to serve summonses?—I have had no experience of detective officers.
574. *Hon. Mr. Fox.*] Does Farrell wear uniform?—No.
575. He is not sent out on ordinary duty?—No.
576. He does not engage in the work of an ordinary constable?—Certainly not.
577. *The Chairman.*] In the ordinary police service who serves summonses? Are they as a rule served by sergeants and officers?—Sometimes.
578. Is that the usual custom?—No; but I have served summonses.
579. Is it usual for a detective to serve them?—I do not know. Farrell has only done it once or twice.
580. What is your rank?—A first-class sergeant.
581. And Farrell's?—A first-class detective and first-class sergeant.
582. Does he not rank above you? At a fire would you take your orders from him?—No.
583. Is there a sergeant's mess at the station?—No; there is no accommodation for it.

EBENEZER BAKER, Clerk to the Bench, Wellington Resident Magistrate's Court, sworn, produced the Criminal Record Book.

- Mr. Baker.* 584. *The Chairman.*] Do you find the case of Richard Jones, charged with drunkenness, in that book?—Yes. He was, on 13th September, 1875, charged with drunkenness. He was fined 5s. There is no other charge against him.
585. Do you remember a conversation between yourself and Mr. Barton about the case of Jones?—No, not about that case. Mr. Barton once came to me about some matter, but I forget what it was.
586. Was it about the police?—No.
587. Did he ask you for the police-book?—I think not.
588. Do you know what he did ask for?—He asked for some papers which I did not care to give

him, without the authority of the Resident Magistrate. Directly the Magistrate said Mr. Barton might have them, they were given him as soon as possible.

Mr. Baker.

26th Sept., 1878.

589. Did you refuse to show him any book?—No.

590. *Mr. Barton.*] Do you remember my coming to you, and saying I had been applying to the watchhouse-keeper for his book, and that he informed me it was in your possession?—No; I produced any book you wanted if you asked for it. One paper which you once asked for I could not give you. It was an old document, and had with many others been sent out of the office to make room. It was sent up to the Government Buildings, and had there been burned.

591. Did I not ask to see the record-book to get at the case of Jones?—Certainly not.

JAMES FARRELL, being duly sworn, was examined.

592. *The Chairman.*] You are a detective officer?—Yes.

Detective Farrell.

593. Do you recollect a fire occurring at the Railway Hotel in 1877?—I remember a place called the Railway Hotel being burned down. It was occupied by a man named Pestridge.

26th Sept., 1878.

594. Was any action taken by the police in that matter?—Every action. I made inquiries into the case. I was told off by the Inspector to see to the matter, and I obtained evidence for the thief, witnesses, and everything. These were produced, and the man was arrested by me, and he was committed for trial.

595. At whose instigation did you make inquiry?—At the request of the Inspector of Police, Mr. Atchison.

596. Were you ever reprimanded for taking steps in the matter?—No; on the contrary, I was instructed to do so.

597. Do you know of any conversation, or were you present at any conversation, between the Inspector of Police and the agent of the National Insurance Company, or any agent of any insurance company?—I do not think so. I do not remember it.

598. You remember a man named Heggarty being arrested on a charge of arson?—I do.

599. He was committed?—He was.

600. Do you know of any payment having been made on account of that conviction by the insurance companies?—No; except what I have heard from the insurance agent.

601. What agent?—Mr. Wallace.

602. What did he tell you?—He asked me if I had got any money respecting that arrest, and I said, No.

603. Have you ever got any money on account of it?—No.

604. Have any of the police got any money?—I do not know of my own knowledge; but I have heard that Constable O'Connor has. He told me had got £10.

605. Did any one else get any of the money?—I am not aware.

606. Do you remember a complaint being made by Mr. Boardman, about a man named Morton Quin? You are aware there was a fire?—I am not aware that he made any complaint, but I remember the case. The fire took place in the house of Quin, Senior.

607. Did you inspect the premises?—I put the fire out.

608. Did you make a report of the matter?—I did.

609. Did you consider the circumstances suspicious?—I did.

610. Did you report accordingly?—I reported the whole case.

611. What steps were taken about it?—I am not aware that any steps were taken.

612. No steps were taken?—So far as I am aware.

613. Is Quin here now?—He is in Wellington.

614. Was he a man of good character?—No; he was a man of bad character.

615. Your report went in to Inspector Atchison?—Yes.

616. Did he ever speak to you about your report?—I have no recollection of any conversation about it. I gave in a full report.

617. Has he never spoken to you about it since?—I have no recollection.

618. Has Mr. Boardman spoken to you about it?—Yes; to Inspector Atchison, I think.

619. He asked that steps should be taken?—Yes.

620. Will you tell us the circumstances on which you reported?—Morton Quin is a son of John Quin. He resided in his father's house, and the fire occurred in a small room in the house occupied by Morton Quin as an office. One evening I was going along near a place called Maori Row, when I saw a sudden glare in Quin's house. I rushed in and went into this room used as an office. There was a strong smell of kerosene, and papers were burning on the floor and on the table in the room. I threw a rug over the blaze on the table, and after a good deal of trouble put out the fire on the floor, having in the meantime called aloud for help. All the papers were saturated with kerosene, and I had so much difficulty that I thought at one time I should have to retire. However, I stuck to the fire until I got it out.

621. Then did you go in search of Quin himself?—I did.

622. When did you find him?—I did not find him that day. I was informed he had just gone out of the house. The next day Sergeant Smith and I found him in bed in the Melbourne Hotel. We found the right-hand sleeve of his shirt and other parts of his clothing smelling strongly of kerosene.

623. Was there any insurance on the place?—The place was insured for £400, and it was not worth £150. The land is worth a good deal, but the building was worth next to nothing.

624. You reported all this?—Yes.

625. *Mr. Barton.*] Did you make any inquiry as to whether Quin was connected with the Foresters?—Yes; several Foresters came to me to look for documents, but I would give them no information till I got authority from Inspector Atchison to do so. I locked up the premises with a lock I purchased for the purpose, and until I got authority I would not give up any documents. Then I did. I believe Quin is now short £200 or £300.

626. Did you ascertain whether he had that night attended the lodge to render certain accounts?

Detective Farrell.—He had not. He was expected there to render accounts as Provincial District Treasurer, but he did not appear that night, the following night, or on any night.

26th Sept., 1878. 627. Was all that mentioned in the report?—I think so, but I do not recollect now. I made as full a report as I could.

628. Respecting Heggarty's case. You remember Heggarty was convicted in October last year. He was arrested in June, and convicted in October?—I do not recollect the exact month. I know he was tried three times. Twice the jury could not agree.

629. Were you one of the police who were active in searching out the facts?—No; I had nothing to do with the facts. But Heggarty came to town with the evident intention of clearing out. I got information one day that he had arrived in town at 2 o'clock one morning, and I reported the fact to Inspector Atchison that he was in town with the full intention, as I believed, of getting away from his trial. He had at this time been committed for trial, and was on bail. I then received instructions to arrest him, and charge him with perjury. I saw him sitting on the jetty, and I arrested him on a charge of perjury, and he was kept in custody on that charge until he was convicted.

630. You say that O'Connor told you he had got £10?—Yes. I wish to explain that I feel this case very deeply, because I have been accused of giving information to Mr. Boardman. I have been accused, amongst the men of the force, of supplying information, and it grieves me very much. I have also been accused of giving information to Mr. Barton. I have been in the force a long time, and I have known Mr. Barton for thirteen years, during which time we have never had an uncivil word together, nor have I mentioned any thing to any one, who would give him information. Mr. Wallace one day asked me, if I had had any money, and I told him, No. He said he was surprised, because he had given instructions that the money was to be divided between Byrne, O'Connor, and myself. I told Sergeant Smith, and those are the only two that I spoke to on the subject. The next time I saw O'Connor I asked him, if he had got any portion of the money (I did not know the amount of the cheque, as Mr. Wallace had not told me), and he said, he had got £10. This was a month after Wallace spoke to me. I also asked Byrne, and he said, he had got no money. Subsequently Mr. Boardman spoke to me about it, and asked me if I had got any money, and I said, "No." He said, "You have not?" I said, "No." That is all that passed. So far as I was concerned, I knew nothing about the inquiry, till the reports were published. I did not supply any one with information. I did not say anything to any one. I have known Mr. Barton thirteen years, and he is no friend of mine, though I respect him as a gentleman, but not as a friend. I was fifteen years in Otago as a first-class detective and a first-class sergeant; and I have been thirty-three years in the service, and never yet gave information against any officer—certainly not against Mr. Atchison, whom I respect very much; but I am sworn here, and will tell the truth. I do not come here wishfully; I feel it very much.

631. *Inspector Atchison.*] Did you know Heggarty?—I knew he was in town.

632. Did you not first know him when I pointed him out?—I think I told you he was in town, you Smith and I went down to the wharf; but I knew him well enough. I had known him for months. I arrested him at your direction.

633. Who instituted proceedings in Pestridge's case?—You did.

634. Who laid the information?—I supplied a report, and, after reading it, you laid the information.

635. How long after the fire occurred, was it that the warrant was issued?—I could not say. I had full time to make inquiries, and I made full inquiries; and on my report, which Mr. Atchison has, an information was laid. As soon as the information was laid, a warrant was issued; and I was going down the street to the Railway Station, so as to go away by the 2.30 train to Kaitoke, where it was thought Pestridge was, when I met him and arrested him.

636. You do not recollect, what time elapsed between the time of the fire and the time of the arrest?—No; I do not. I was busy getting evidence for the brief.

637. Are you not aware, that the insurance agents waited upon me, and that the warrant was issued the day after the fire?—I do not know. The warrant would show.

638. You are not aware that Messrs. Simpson and Wallace waited on me, and that the warrant was issued immediately?—No; I am not aware of it.

INSPECTOR ATCHISON, being duly sworn, was examined.

Inspector Atchison.

26th Sept., 1878.

639. *The Chairman.*] We asked you to produce the police-book for the Te Aro Station for the year 1875. Have you brought it?—We have made search, and have been unable to find it.

640. Was any book kept?—I believe there was.

641. I mean, was it a rule that a book should be kept?—Yes; in fact, at every station.

642. Who is responsible for the book?—Constable Buchanan was in charge of the station at the time.

643. What becomes of these books when they are done with from year to year?—They are handed over to the central station.

644. And who is responsible for their safe custody at the central office?—Sergeant Fraser.

645. Has he been asked for the book?—He has this morning been hunting for it, but has been unable to find it.

646. What has he to say?—He cannot account for its loss at all.

647. What does Buchanan say?—I do not know.

648. *Mr. Swanson.*] Has he got a receipt from Fraser for the safe delivery of the book?—I do not think he has.

649. *The Chairman.*] Who is the clerk in your office?—Sergeant Fraser.

650. And he keeps the books and papers?—Yes.

651. It appears that the original of Farrell's report on Quin's fire is also missing?—Yes.

652. Is he responsible for that?—In a measure, Yes; but the place is always open. We never keep it shut up.

653. Have you missed any other papers and documents?—I cannot say unless inquiries are made for them. *Inspector Atchison.*

654. It is unfortunate, in this inquiry, that the only two documents we want from you are missing?—I think it is possible Farrell may have taken out the official report for some purpose or another. Perhaps he would tell you. I think it must have been Farrell who supplied Mr. Boardman with his report. *26th Sept., 1878.*

655. You heard Mr. Boardman's evidence just now. What conversation had you with Mr. Wallace on this affair?—I do not remember holding any conversation. I was very anxious to discover the man Pestridge; and when Mr. Simpson and Mr. Wallace came to me the morning after the fire, a warrant was at once issued, and I myself prosecuted.

656. Has any money been paid to you by the insurance companies as stated?—Forty pounds was paid on account of Heggarty's case.

657. By whom?—By Mr. Wallace.

658. How did that come to be paid?—I had been to a good deal of expense in going to the Wairarapa, and keeping witnesses in town.

659. Your expenses, when incurred on the public service, are paid by the Government?—No; they were not.

660. Why not?—I never sent any bill in.

661. Why not?—I did not know they would be paid.

662. Is it not the rule that any officer travelling on the public service gets his expenses?—I have not had any for years.

663. You have travelled frequently?—Yes.

664. And have you paid your own expenses?—Yes. Up to the time Mr. Bunny came into office we never received any travelling expenses.

665. Is there not a rule that travelling expenses are to be paid by the Government?—Yes; now there is.

666. Have you not drawn expenses?—Yes; when I went to Wanganui.

667. Well, why did you not draw them in this case?—I was not aware I could then.

668. How was this £40 disbursed?—In this way: O'Connor had £10, and Fraser had £5.

669. What had he to do with the matter?—He assisted me in getting hold of a man who was in Heggarty's employ. He was the man to whom Heggarty suggested that the place should be set on fire.

670. Well, that only accounts for £15?—On this man, of whom I have spoken (Gordon), I spent £8 or £10. The letter written to me said I was to use discretion.

671. Was the detective paid anything?—No; he did nothing. I found the man Heggarty was going away, and I went down to the wharf, as several steamers were about leaving Wellington. I saw Captain Underwood, of the "Arawata," and pointed out Heggarty to him, and told him what, I thought, he was going to do. I said, "Keep your eye on him; and, if he should go aboard your vessel, just heave-to in the bay, and I will come off in a boat and take him off." I then went and consulted Mr. Bell, the Crown Prosecutor, and he told me the best thing I could do was to arrest the man on a charge of perjury. I at once had him charged with perjury, in having sworn falsely against this man Gordon, who had in consequence been convicted, but who was subsequently released from gaol on a pardon. Heggarty was arrested, and brought up next day, and remanded to the Wairarapa. Farrell had nothing to do with the matter, beyond that he went with Smith to arrest him.

672. Then you say you gave £15 to O'Connor and Fraser, and the rest of the money went to pay expenses?—Yes.

673. Has money been paid to the police in any other case?—Yes. I prosecuted a man named Macdonald, at Wangaehu, and the insurance office sent £15, of which the sergeant at the station got half. That was seven or eight years ago. In that case there was an inquest, and the Coroner's jury returned a verdict of "Accidental fire;" but, as there were suspicious circumstances, I prosecuted the case, and got a conviction for incendiarism. I was days up there on that case.

674. Do I understand you, that hitherto you have got no expenses?—No. Mr. Bunny is here; he can prove it.

675. Is there any case you recollect in which you received money?—No. I have prosecuted a good many cases, but never got anything, or expected anything.

676. Do you know of any money having been paid to the policemen direct?—I think there was a case at Wanganui.

677. *Mr. Barton.*] Have you ever received money for other services to be paid to the police and not given it to them?—I always give them the money if any is sent to them.

678. Does it not occasionally happen, that persons whose premises have been left open at night (when it is discovered by the police, and care taken of the premises till morning) send sums of money to you to be given to the policeman or policemen so acting?—Whatever is sent is given to the police.

679. Do you remember a policeman taking charge of the premises of Mr. E. W. Mills?—No. Will you give me the date?

680. I ask, do you recollect it?—No.

681. Do you recollect Mr. E. W. Mills giving you a sum of £5?—He did nothing of the sort.

682. Are you sure of that?—Yes.

683. That a sum of £5 was not given or sent to you by Mr. E. W. Mills, to be given to a constable who had taken care of his premises?—No.

684. Nothing of the kind took place?—No.

685. Do you remember an occasion on which Mr. R. J. Duncan's premises were left open?—I do.

686. Do you remember a policeman taking charge till morning?—Yes.

687. What was the name of the constable who did that?—I do not know, but I can find out.

688. Did you get a sum of £3 from Mr. Duncan for the constable?—No; possibly Mr. Duncan may have said he would give it.

- Inspector Atchison.*
26th Sept., 1878.
689. He did not give it to you?—No; in a case of that sort I would send the man down to receive the money, if a person said he wished to give money. I did not receive any money.
690. And you deny that Mr. Mills gave you money?—Yes.
691. Did you ever hear he had given it to any other officer?—No.
692. *Hon. Mr. Fox.*] In reference to this affair of Quin's, why did you not take action?—Because I was waiting to get more evidence.
693. That is the excuse you make in the papers. Now, what further evidence than that stated in Farrell's report could you have wished for?—I wished to see if the suspicions about the embezzlement were correct.
694. Why did you hope to get evidence of that sort?—Because I was promised day after day by Farrell that there would be such evidence.
695. Why did you not go yourself and get evidence, when you found there was such delay?—It was in the hands of Farrell, and I did not wish to interfere, as he had promised to get the evidence.
696. But you see it has been strung on for nine months. Did you ever see the secretary to the Foresters?—No; I was afraid to stir in the matter, as I had left the matter in the hands of Farrell.
697. *The Chairman.*] Do you remember Mr. Boardman asking you to take steps?—Yes.
698. And why did you not take steps?—Because I expected this additional evidence.

FRIDAY, 27TH SEPTEMBER, 1878.

COLONEL READER, being duly sworn, was examined.

- Colonel Reader.*
27th Sept., 1878.
699. *The Chairman.*] You are Under Secretary for Defence?—Yes.
700. The Police Department is under you?—Yes; under the Commissioner of Armed Constabulary.
701. Do you remember a complaint being forwarded to the Commissioner as to the police discipline in Wellington—a complaint made by Mr. Barton?—Yes; from the Mayor.
702. What was done in the matter?—Mr. Ballance, who was acting for Colonel Whitmore at the time, instructed me to instruct Mr. Shearman to make inquiries into the matter and report upon it.
703. Did you give those instructions verbally or in writing?—I sent a memorandum.
704. Did you tell him how he was to conduct the inquiry?—No.
705. Did you tell him he was not to see Mr. Barton on the subject?—I had some conversation with him, and he said, he thought the first thing to be done was to go to Mr. Barton. I said, I thought what was wanted was an inquiry, and that the result of that inquiry would be a communication to Mr. Barton by Ministers, but that if he could not get all the information he wanted from the police, then he must get information from Mr. Barton. If he could not get the necessary information by ordinary inquiry it was easy to go further, and of course if he had to go further he should go to Mr. Barton. I thought he should go to the police first, but that was only a suggestion of mine.
706. We have before us a letter from Mr. Shearman to the department. Is that the only report?—That is the only one.
707. Was anything further done?—Mr. Barton was written to, the correspondence being forwarded to him by letter signed by Colonel Whitmore, and it was intended to invite him to give further information by stating names and times, and that kind of thing. You have a copy of his reply I dare say. Nothing more was done.
708. *Mr. Bunny.*] Did Mr. Shearman come to you to ask whether he should communicate with Mr. Barton, or did you send for Mr. Shearman?—I did not send for him.
709. Did you not think, that where complaints are made by a party—accusations of the grave character made in Mr. Barton's statements—that Mr. Barton, the accuser, would be the proper person to communicate with at once?—It was an accusation against the police, and I thought ought to be referred to the police officers first.
710. You see here was a grave charge made against the police. I should have thought the first thing Mr. Shearman should have done would be to go to Mr. Barton and say, "This complaint has been referred to me by the Government, will you let me have your evidence, so that I can see about the proof"?—I should think the first thing which ought to be done, would be to ascertain from the police records, whether anything had taken place of the kind.
711. The police were accused of certain wrong-doings. Do you think it was the proper course to go to the persons accused?—You could always find out—
712. I want to know this: In your opinion was the proper course taken? In other cases of persons accused, is it usual to go to the persons accused and ask them if there is any foundation for the accusation. Is it not more usual and more proper to go to the persons making the charges and say, "Where is your proof, where is your evidence"?—Yes; Mr. Shearman was instructed to make inquiries. I only suggested that the first thing he should do would be to make inquiries and to get evidence from the police. If they could not deny the charges made, then the accusations might be considered to be substantiated; but if they denied the truth of the charges, and inquiry was requisite, then Mr. Barton must be appealed to for his proof.
713. In this case the police did deny the charges, and said, "Oh, Mr. Barton is a troublesome man and does not know what he is talking about in connection with this matter"?—Yes.
714. Mr. Shearman, upon being examined upon this point, said he should have gone to Mr. Barton, but was instructed by you especially not to go to Mr. Barton?—I told you exactly what has occurred. When he said he thought of going to Mr. Barton, I suggested the first thing was to make inquiry of the police, and upon that Mr. Barton would be communicated with by the Ministry.
715. Supposing that Mr. Shearman had then gone to Mr. Barton, as in the ordinary course one would have supposed he would do, would you have considered he was obeying orders?—No.
716. Mr. Shearman, in his evidence, says he would have gone to Mr. Barton in the first place if it had not been for the orders he received from you?—He got no orders at all from me. I could not have given him orders. I certainly told him I would suggest his going to the police in the first

instance, because I believed the object of the Government was to make inquiry of the police as to the charges, so as to answer the Mayor's letter, and then, if the inquiry was not satisfactory, and he could not get evidence, to go to Mr. Barton. *Colonel Reader.*
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717. Would you not think, in the regular course, that, as Mr. Barton had made these charges, he had something within his knowledge to prove them?—Yes.

718. And, in order to get at the truth, do you not think that the first step to be taken should be to go to Mr. Barton, and ask him to substantiate what he had stated?—Yes; it might be.

719. Is not that looking at the matter from a common-sense point of view?—It did not strike me that way then. When any inquiry was to be made I considered an inquiry should be first made of the police.

720. That was to go to the party accused?—You must recollect the party accused must have given information to Mr. Barton himself, and the same party who gave information to Mr. Barton could give it to Mr. Shearman. It must have been the police.

721. Mr. Barton makes the charges, but discloses no names?—No.

722. How could the police communicate with the parties when Mr. Barton gave no names—gave no information—unless the police communicated with Mr. Barton?—There were no names mentioned, but the speech pointed at one man.

723. How do you know?—It was assumed, and everybody seemed to know it.

724. It referred to Policeman X?—Yes; and everybody knew who that was.

725. Oh! have you the same theory as Mr. Shearman about Policeman X being an ex-policeman? How did you know "Policeman X" referred to a particular individual?—That was a nickname of Monaghan.

726. Policeman X was a nickname for Monaghan?—Yes; it was a well-known nickname of his.

727. Well, I will only ask you one more question. Mr. Shearman stated clearly that if it had not been for instructions from you he should have gone straight to Mr. Barton. Do you recollect having given him instructions which would cause him to take such a course of action?—Very likely he construed what I said to mean that, when I suggested that inquiry should be made first of the police.

Mr. SHEARMAN, being duly sworn, was examined.

728. *The Chairman.*] Has your attention been drawn to a case of supposed incendiarism, in which one Morton Quin was concerned?—Yes. *Superintendent Shearman.*
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729. By whom?—There was a memorandum prepared for me in the office, and I signed it when I was acting for Colonel Moule. That had reference to this matter.

730. That was before you took charge?—Yes.

731. Do you know anything of the matter of your own knowledge?—Nothing whatever.

732. Have you found any further documents or papers connected with the other matter since you were here last?—Yes; here they are. [Letters dated 9th April, 1878, and 13th April respectively, read.]

733. The last paragraph of this letter (13th April), as you originally sent it, contained a paragraph which was struck out?—Yes.

734. How did that come to be struck out?—After I had forwarded the letter to Colonel Reader, I saw him—

735. *Hon. Mr. Gisborne.*] Did he send for you?—I do not know. As a rule I saw him in his office, and he told me the letter would do if I erased the latter portion.

736. You say, in this letter, "I submit, as requested, a letter to Mr. Barton." Who requested you?—The Under Secretary for Defence, Colonel Reader.

737. Then he told you to strike out this last paragraph?—Yes.

738. *Mr. Bunny.*] This letter marked "Cancelled." What do you know about that letter, after you sent it in to Colonel Reader?—Nothing.

739. How do you know it was not sent to Mr. Barton?—I do not know it was not.

740. Why then did you mark it cancelled?—Because I thought it was not used.

741. What made you think that?—Seeing it was not in the papers.

742. *The Chairman* (to Mr. Barton).] Did you get that letter, or such a letter?—I did not.

743. *Hon. Mr. Gisborne.*] You say you were verbally requested by Colonel Reader not to call upon Mr. Barton?—Yes; I suggested calling upon Mr. Barton.

744. And he advised you not to?—He intimated I had better not.

745. He seems to have asked you to submit the draft of a letter to Mr. Barton?—Yes.

746. When were you asked to submit that?—I do not know exactly.

747. My supposition, from your evidence, as to the course matters took, is this: You went to Colonel Reader and he advised you not to apply to Mr. Barton personally, but said, "Write a letter to me which you propose to send Mr. Barton"?—Yes.

748. You did write that letter, but it was cancelled, and you were asked to withdraw the paragraph in your letter submitting the draft?—Yes.

749. You did so, and naturally inferred that the letter you wished to send to Mr. Barton never went?—Yes. The whole of the correspondence appears in the record-book, which I have here.

750. *Mr. Barton.*] Colonel Reader, in his examination, has stated that if you had gone to me, he would not have considered you were disobeying orders. He says this in effect: "I certainly told him not to go to Mr. Barton in the first instance, but if he could not get information from the police, then he should have gone to Mr. Barton"?—I do not recollect that.

751. Apparently you first caused inquiry to be made amongst the police by Inspector Atchison without any reference to me. Was it after inquiries had been made of the police by Inspector Atchison and his minions, showing that he could get no information, and that I stated what was false, that you wrote the letter to be sent to me, or was it before any inquiry had been made of the police?—When the matter was first brought under my notice, I determined in my own mind what course I would take, but really I cannot recollect now, whether I suggested to Colonel Reader that I should call

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upon you, or that I wrote that letter before or after I wrote to Inspector Atchison. I never expected the matter to turn up again, and one cannot recollect all the transactions that go through the office.

752. I will give you dates, and, if you look at the dates of the various communications, you will be able to tell without any trouble. I find the letter of the Mayor to the Minister of Justice was dated 3rd April. That letter seems to have been followed by a minute dated 4th April, requesting you to make inquiry "as to the grounds Mr. Barton had for making charges against the police." The letter, which was forwarded to me stating inquiries had been made, was dated 13th April; between the 4th and the 13th, therefore, the matter was being inquired into. I want to know this: When Colonel Reader told you, you had better not communicate with me in the first instance, as he says, but to communicate with Inspector Atchison to make inquiries, was it after you had failed in getting any information from the police that you wrote the letter contained in the letter-book, dated the 9th April, which was cancelled and not sent?—The dates will tell. The whole thing is entered up regularly in the occurrence-book, and I could not tax my memory. You will see it in that book.

753. Well, from these minutes it would appear distinctly enough that your letter, intended to be sent to me (the cancelled one I am speaking of, dated the 9th April), was after these various minutes in which Mr. Atchison showed he had failed to get any information whatever on the subject?—Yes.

754. When you submitted two letters to Colonel Reader—namely, the one that was afterwards sent to me with the paragraph excised, and the one you proposed sending to me—did Colonel Reader give any special instructions, or was there any particular conversation between you?—No; I think not. I think all his written instructions appear in the record-book.

755. Colonel Reader has sworn, there was nothing to prevent you communicating with me; that if you had done so there would have been no disobedience of orders?—It might not have been.

756. You appear not to have been ordered to send that letter?—I cannot say that I was ordered not to send it, but I sent it to Colonel Reader, and it was retained by the department.

757. It was the Ministers who adopted the letter, and sent it on, minus the last paragraph?—It was not sent from my office.

758. Did you consider yourself at liberty to communicate with me after that occurrence?—No, I did not.

799. Did you consider that after that you had any right to communicate with me, directly or indirectly, without orders?—I did not.

760. *Mr. Swanson.*] There was something came up here yesterday, which I should like you to give us some information about. You are chief of the police; are you not?—I am in charge of the police in the North Island.

761. Detectives are under you, are they not?—Not specially under me. They are under the officers in charge of the several districts, and the officers in charge of the several districts are under me.

762. Well, you know something about their business, their duties, and have the control of them to a certain extent?—Yes.

763. Would you consider it your duty to have them as efficient as possible?—That is my wish.

764. Do you consider a man should have high qualifications to be a detective?—It would require very high qualifications to make a good one. He would require to be very intelligent and a well-educated man, trustworthy in every particular, and possessing superior knowledge to the ordinary class of men. Otherwise, he would be useless as a detective.

765. It would be desirable for him to move about in various phases of life, and to have an acquaintance with persons of various classes of the community, and still to keep himself as quiet as possible. In fact, a detective officer should not be known to the public except as little as possible?—That is so.

766. Do you consider, then, it would promote the efficiency of a detective to put him on duties that would make his identity known to every man in the town?—No; it would not conduce to the efficiency of the service, I consider.

767. If a man were put on duty, which would make him known to every man in the town, would it not ruin his efficiency in that particular town in which he was at work?—Yes; it would. I consider, as I said before, that a detective should go about unknown as far as possible.

768. I suppose it would be all the better, if it were possible, to make him move about invisibly?—It would be all the better.

769. Now, I want to put this matter before you, which came up before us yesterday: that a detective officer, who has been a long time in the service, has all sorts of duties put upon him—amongst others, the work of serving out some sixty summonses to jurors and other persons, so that every person in the town almost would know, who he was and what he was, and what his business was. Do you consider that, by such a course of administration, the efficiency of the detective service would be promoted?—No; I do not.

770. Do you not think it is calculated to make a man useless in the detective service in the town where he is doing that sort of thing?—Certainly.

771. You think it is wrong to do that, then?—It would be improper to employ a detective in such duties.

772. If that conduct was brought to your notice, what would you do?—I would have inquiries made, and would report the result to the Commissioner.

773. *Hon. Mr. Gisborne.*] Are not detectives examined in Police Courts and Supreme Courts?—They are.

774. Does that not make them known?—I admit that the system is not as it should be.

775. In England are they not examined as detectives in Courts?—They are, but there are other persons employed by them to get information, who do not appear in the Courts.

776. Employing a detective as a policeman in serving summonses is not in any wise declaring that he is a detective. The person on whom he served a summons would consider him an ordinary policeman?—I do not know about that.

777. *The Chairman.*] He is not in uniform, is he?—No.

778. But apart from that, a question has been raised which I should like to ask you about. Is it, in your opinion, in any way part of the duty of a detective officer to be employed in that way?—No; it is not. *Superintendent Shearman.*

779. If that were done, should you consider, it was a degradation to the officer employed in doing it?—I should consider it was. *27th Sept., 1878.*

780. *Hon. Mr. Gisborne.*] Do you mean a degradation, or merely that it would impair his efficiency?—I should consider that a detective would feel much annoyed at being put to duty, which ought to be performed by an ordinary constable.

781. *Mr. Swanson.*] Would you say you would be justly annoyed?—It is not his duty.

GEORGE WEBB, Record Clerk in Office of Superintendent of Police, North Island, produced Record Book, and read extracts therefrom, and being duly sworn, was examined.

782. *Mr. Barton.*] Will you tell me if there are any entries in that book respecting the alleged ill-treatment of a man named John McVitty?—There are not any entries on that subject. *Mr. Webb.*

783. Nor any correspondence respecting the breaking of the ribs of a man of that name?—No; I should remember it, if anything of the sort had occurred. *27th Sept., 1878.*

784. How long have you been in the office?—Since the 3rd of January last.

785. Anything occurring in January or April, 1876, would be before your time?—Yes; the department was not established then.

Mr. E. W. MILLS, being duly sworn, was examined.

786. *The Chairman.*] Mr. Mills, do you remember the police taking charge of your offices or place of business at night, when the door was left open on one occasion?—No. I believe I remember the police coming up to my house with a key, which had been left in a door, or else, when my people went down in the morning, their finding the key in the door; something of that sort; but I do not exactly remember. *Mr. Mills.*

787. Did you give any reward on that occasion?—I did not.

788. You never paid anything to the police?—No.

789. *Hon. Mr. Gisborne.*] Did any one else on your behalf?—No; I should know if they did so.

790. Then there is no truth in the statement?—I have not yet heard what the statement is.

791. Well, the allegation is that your offices were left open on one occasion; that the police took charge of them during the night and remained there till morning, and that you gave a reward of £5, which has never reached the persons entitled?—It is totally untrue. I now remember that some time last session—I remember the time, because I had one of the members of the House spending the evening with me—a policeman came to the house about 6 or 7 o'clock, and said some one was breaking into my place. We went down town, and three policemen were put on to watch at different points, while my son and I went into the premises. Then we found that water was trickling down between my building and Kreeft's on to some tin or zinc, or something of that kind, which made a noise as if a person was breaking in.

792. You gave no reward?—No; except that I gave the men 3s. or 4s., all the silver I had in my pocket, with which to get a glass of grog.

793. You never gave any police officer money to distribute?—Certainly not, nor has any one in my employ.

RICHARD BRUCE WALLACE, being duly sworn, was examined.

794. *The Chairman.*] You are Agent for the National Insurance Company?—Yes.

795. We gather, from evidence given yesterday, that you acted as the chief business man between the police and three insurance companies about the detection of some cases of arson?—You refer to Heggarty's case. *Mr. Wallace.*

796. I understood there were two or three cases in which you were the agent who dealt with the police?—I think there were two cases.

797. Which were the two?—Heggarty's case, and the case of a man named Pestridge.

798. Would you be good enough to state what occurred in Pestridge's case?—Soon after the fire, Mr. Simpson, the Agent for the New Zealand Insurance Company, who was partially affected by the fire with myself, waited at the police station to see the Inspector, but we saw Sergeant Smith, and we asked him to make what inquiries he could, as we believed there was something wrong connected with the fire. Next morning he had a report in. We called at the police office, and saw what he had found out and reported. I fancy we then saw Inspector Atchison, and we talked the matter over, and decided to have Pestridge arrested if there was any case against him. We left the matter in the hands of Inspector Atchison, who went further into it, and the result was that he laid an information, on which Pestridge was arrested. I know we had a second meeting, at which a decision was come to that Pestridge should be arrested, and the information was then laid, and Pestridge was arrested the same afternoon, a constable having been sent to Kaitoke, where Pestridge was supposed to be.

799. Was there any conversation on that occasion as to a reward or payment to the police on account of their services, supposing Pestridge was arrested or convicted?—I could not say that there was any conversation. It is generally considered amongst insurance companies that if the police get a man convicted it is only right to give them some reward.

800. Is that done habitually?—No; but in some cases it is done. Of course it is a matter of grace.

801. Do you know any case in which payment has been made?—Oh, yes; in Heggarty's case there was some money given.

802. How much?—£40.

803. Was it stated what that money was given for?—Yes; I wrote the letter in connection with it. It was a stimulus to the police in consequence of their having arrested Heggarty, and got him convicted.

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804. Was any particular policeman mentioned, or was it stated how the money was to be distributed?—Well, I have a copy of the letter at the office.

805. Can you send us a copy?—Yes. It is some time ago, and I do not recollect the circumstance very well; but, so far as I recollect, I enclosed the sum of £40 to Inspector Atchison, and told him it was for services rendered by the police in Heggarty's case, and it was to be divided amongst those officers who were deserving of it. He was to give the men what he thought proper, and to retain the balance himself. I think I mentioned incidentally the names of Farrell, Byrne, and O'Connor—that is, the detective in Wellington, and the constables at Carterton and Greytown—who had rendered important service, as I thought. I remember mentioning these people, because I had an impression that they had something to do with the arrest; but the letter inferred that Mr. Atchison was to use his discretion in how he disposed of the money.

806. *Mr. Bunny.*] You left it to him, then, to do what he thought fit?—Yes.

807. *The Chairman.*] Do you recollect any other case in which a payment was made to the police?—The only case I was connected with was a case some two years ago, when I gave £10 in the case of Parker. That was more for the purpose of defraying the expenses to which the police had been than anything else.

808. To whom did you give that?—I cannot recollect, but I think I have the letter which I sent.

809. You will send us a copy of the letter I suppose?—Yes. I am not sure whether I have the letter, but at any rate I am sure that I have a record.

810. Is there any other case?—No other case with which I was connected.

811. *Hon. Mr. Gisborne.*] In Pestridge's case there was nothing given?—No.

812. *Mr. Bunny.*] Was anything said about the police being given money in order that they should look after the case then?—Not to my recollection. I never knew of them saying such a thing. It is the business of the insurance officers to keep in with the police, but we are never asked for anything, and would not give anything if we were asked in that way.

813. Was any bargain made with you by the police as to the arrest of Pestridge?—No.

814. *Hon. Major Atkinson.*] The police, so far as you know, have never hung back until they were promised money?—No; not as far as I know. I may say, in regard to Pestridge's case, that I considered they were rather smart.

815. *The Chairman.*] Do you consider it is necessary for the conduct of insurance business to "tip" the police?—I think it is. If there is a case of incendiarism, and the police, at our instigation, exert themselves, I think it is only right that we should give them something, because I know that the police have to "tip" men themselves in order to get information, and I think insurance companies ought to repay anything of that sort to the police.

816. *Hon. Mr. Gisborne.*] Have you had experience in any other place than Wellington?—No.

817. *The Chairman.*] Had your office any insurance in the case of Morton Quin?—I recollect the case.

818. Were you interested?—No.

819. You had nothing to do with the case?—No.

820. And you know nothing about the case?—No; except that the case occurred here, and of course I talked about it.

821. Did you see the report of the detective officer about it?—No; I do not think I did. I had nothing to do with the case beyond talking about it.

822. Did you think the circumstances suspicious?—Yes, I did think the circumstances were suspicious at the time the fire occurred. Touching the matter of reward, I may say that the insurance companies' agents have frequently had discussions on the subject of offering a standing reward for information where fires occur, if there is a suspicion of incendiarism—information which would lead to convictions; but it has generally been overruled by the majority of the agents, on the ground that it would cast an implied slur upon the community to have such a reward advertised. It has been discussed.

823. *Hon. Mr. Gisborne.*] You gave money on two occasions—once £40, once £10. Did you ever hear complaints as to how the money was distributed?—I cannot say I have heard direct complaints, but I have heard indirectly from the Agent of the South British Company, Mr. Boardman, that the money was not fairly distributed.

824. You heard from Mr. Boardman?—Yes, on one or two occasions, but I did not attach much importance to it at the time.

825. You had no complaints from the constables?—No. I have never seen Byrne or O'Connor since.

826. Did Inspector Atchison ever answer the letter in which you sent the money?—I cannot say. If he did I have kept a copy of his letter; but I am almost certain it was not answered.

827. *Mr. Swanson.*] Would not his letter acknowledging the receipt of the money be your voucher?—It would not be necessary to send the police answer for a voucher.

828. *The Chairman.*] Perhaps the police would not give a receipt in a case of that sort?—I should not ask for a receipt. A sufficient receipt would be the cheque, which would be crossed. If the cheque went through the bank that would show they had the money.

829. *Mr. Barton.*] Could you charge your memory whether that was a crossed cheque or not?—No; I can hardly say that; but, as a rule, a cheque seldom leaves our office unless it is crossed.

830. *Hon. Mr. Gisborne.*] You are sure the money was paid?—Yes, I am sure of that.

831. *Mr. Swanson.*] If a conviction had not been obtained, would the money have been paid?—I do not think it would. The only thing is this: it might have been paid if the police were put to any expense; and, if that were represented to me, I should have felt bound to have remunerated them the expense to which they had been put.

832. But nothing in the shape of reward would have been given?—No; unless a conviction had been obtained, the insurance companies would have given nothing.

833. *Mr. Barton.*] You stated, in one of your answers just now, that it was necessary for the

insurance companies to "keep in" with the police. What did you mean by that?—I do not know *Mr. Wallace.* that it is necessary for them to do it, but I only hold it is well to do it.

834. Why did you use that expression?—Do you mean that, unless the police are kept in with, *27th Sept., 1878.* they would not perform their duty?—No. The police are mainly instrumental in hunting up cases of this sort, and it is only right that the companies should pay them for bringing men to justice, when they are put to any expense in doing so, or when they do their duty well, and are put to a great deal of extra trouble. It must be recollected that the police in this way save the companies large sums of money.

835. Did any police officer ever say to you, "What will you give for a conviction?" or words to that effect?—No; I think if he had said such a thing, he would have been certain to get nothing at all, but I have no recollection of anything of the sort being said to me.

836. Was anything said as to what the insurance companies would give if the case was prosecuted?—Not at all. The only thing that I can call to mind in connection with the police and insurance companies, and that would bear upon this point, is, that a policeman may have said, "We save the companies a lot of money, and you are not liberal enough." I do not recollect anything having been said in that way, but in conversation it may have been put in that way.

837. *Mr. Swanson.*] Gave you a hint, you mean, about not being generous?—Yes.

838. *Mr. Tole.*] Do you think that, if the companies refused to give any money, the police would do their duty the less?—No.

839. *Mr. Barton.*] In Pestridge's case, I understand you to say that no police officer, or sergeant, or man said, "What will you give for a conviction?" or any words to that effect?—No. It is some time ago, and I speak from memory, but I think not.

840. If you said so to Mr. Boardman, would you remember it?—I do not think I should be likely to make such a statement if it did not happen to me.

841. Then, if Mr. Boardman recollects that you did say that, what then?—I am perfectly certain such a thing was not said; and I may mention that I was perfectly pleased in Pestridge's case with the despatch which was used by the police. I thought at the time that, as Government property was involved—the railway station also having been burnt down—that was the reason why the police were so smart. I thought it might have acted as an additional stimulus. At any rate, the police did their duty in that case.

842. Were you and others not aware that, although Farrell was prosecuting the inquiry vigorously, the Inspector was throwing difficulties in the way? Was not that a matter of discussion between you and other insurance agents that Farrell was working his best to get a conviction, and that the Inspector was working on the other side?—No; I have no recollection of that.

843. Are you sure that no such discussion ever took place?—I am almost certain of it, because, with regard to Pestridge's case, I believed the Inspector was working up the case well.

844. You thought that then; will you say so now?—I have thought that all along.

845. That it was the Inspector, not Farrell?—Well, I looked upon it that Farrell was taking his orders from Inspector Atchison.

846. Were you not aware that Farrell was trying to work up the case, and that he and the Inspector were not pulling together?—I think not. I had several conversations with the Inspector, and I am certain that he worked up the case well on that occasion. The only thing that annoyed me was that the principal witness was not to be found when the trial came on.

847. Did you ever tell Mr. Boardman anything to this effect: that Inspector Atchison came to you and said, "What will you give for a conviction?" and that Atchison never intended to take any steps, but that Farrell proceeded with the case, although Atchison opposed him?—No; I do not.

848. Did you ever say anything to Mr. Boardman about that?—No. I had no conversation with Farrell. If Mr. Boardman says that I said that, he makes a mistake; but I did consider it was a pity that the principal witness was away.

849. *Mr. Swanson.*] Whose fault was that?—It appeared the subpoena had never been issued. It was generally supposed that he was kept right out of the way, but it was not attributed to the police in any way.

850. *Major Atkinson.*] Were you satisfied with the distribution of the £40? Had you any reason to be dissatisfied with it?—Well, although I mentioned the names of O'Connor, Farrell, and Byrne to receive portion of the money at Atchison's discretion, I never heard from Byrne or O'Connor whether they received the money or not. In fact, I did not trouble my head about it. But I heard from Boardman that Farrell said he had not received any money, yet I did not attach much importance to it. These things are apt to go out of one's head. I did not attach sufficient importance to it to say anything to Atchison about it. The view I took was this: Although I had mentioned these names, it was merely because I thought they had something to do with the matter, and it struck me that perhaps Farrell had not had so much to do with the matter, and that only Atchison and the officers had any claim.

851. If you knew as a matter of fact that Farrell had not got any money, would you be content?—Not if it was put to me this way, that Farrell was deserving of something and got nothing; but if Inspector Atchison gave me an explanation, which he has not done yet, that Farrell was not entitled to any, then I should not grumble. I do not know what view Inspector Atchison entertains on the subject.

852. The point I want to get at is this: Did you leave it to his discretion?—I did.

853. *Mr. Swanson.*] You named these men. Did Atchison ever call upon you and tell you that Farrell was not entitled to it, and that he had given some to these other men and had stuck to the rest himself?—No.

854. You were never told that these men were undeserving?—No.

855. You were left under the impression that it was quite right—that these men deserved something, that you had given it to the Inspector, and that it was served out?—Well, although I mentioned these men's names, it did not concern me.

Mr. Wallace. 856. Inspector Atchison never called upon you and said you were misinformed as to the deserving parties?—No.
27th Sept., 1878. 857. There was no account rendered to you as to how the money was distributed?—No.

MARTIN CONNER, Constable, stationed at Carterton, being duly sworn, was examined.

Mr. Conner. 858. *The Chairman.*] You were engaged in investigating the case in which Heggarty was concerned?—I was.
27th Sept., 1878. 859. Were you paid any reward in consequence of that?—Sometime afterwards I received a letter from Inspector Atchison, enclosing a post-office order for the sum of £10.
859A. When did you get that?—I could not say.
860. About when?—I could not say. I kept no record of it. I received it, and replied.
861. Is this your letter of reply (produced and read)?—Yes.
862. When did you send that?—It is dated 5th January. About that time.
863. When did the fire occur?—I think it was in November. I cannot state positively.
864. *Mr. Barton.*] What induced you to say, "I beg to return you my sincere thanks for recommending me for a reward"?—I do not know.
865. Did you mean recommending you to the head of the department?—No; it is the usual phrase made use of in such letters.
866. Is there a system of rewards in the department?—I never received one but that.
867. Are you sure you sent the letter on its date?—Yes; I wrote it on that date.
868. Did you send it then?—I should think so. I cannot remember. I never expected the matter to turn up. It is not an official matter.
869. Have you not an official record of it at Carterton?—No.
870. *The Chairman.*] This letter of reply was addressed to Inspector Atchison?—Yes.
871. Where is this filed?—It may be in Mr. Atchison's office. I wish to make one or two remarks. I was greatly satisfied with the reward, and made no complaints; and, secondly, Inspector Atchison was called upon more than once to investigate the case. People in the Wairarapa were excited, and wanted him to come up, and therefore I wrote myself that he would come up in order to satisfy the people. When he came up, he made every inquiry. He was up more than twice, I think. I am positive he was up twice, and that on one occasion he was there three days or so.
872. *Mr. Swanson.*] Has that anything to do with the £10. Nothing particular.
873. Then, what is your reason for giving us that evidence. I merely volunteered the statement to the Committee, if it was required.
874. The Committee I am sure is very much obliged; but why did you make that particular statement?—To put the Committee in possession of that fact, in case they required to know about it.

JOHN BUCHANAN, being duly sworn, was examined.

Mr. Buchanan. 875. *The Chairman.*] You were in charge of the police station at Te Aro?—Yes.
27th Sept., 1878. 876. In 1875 and 1876?—In 1875, I think.
877. Where is the record-book?—There was an old book which cannot be found.
878. What becomes of the old books?—The Te Aro Station was pulled down and altered. The book must have got away in the lumber somewhere.
879. Is there no rule about where the book was to be kept? What did you generally do with the old books?—They are generally brought down to the other station.
880. Did you bring this down to the other station?—I think not.
881. You think not?—I cannot draw upon my recollection that I did.
882. You do not know what became of it?—I do not know.
883. When did you give up charge?—In _____ The book must have been lost at the time of the alterations of the station. I know after the station was repaired there was a new charge-book, but what became of the old one I do not know.
884. *Mr. Swanson.*] Who had charge of the book at the station?—The person who was in charge of the Station.
885. But who was responsible?—If I was there by myself I would be responsible for the safety of the book, but if I was not there, then the person left in charge would be responsible.
886. When the policemen all went away at night, who would be responsible?—Nothing could happen to the book then.
887. What I want to know is this, who would be responsible for the book day and night and altogether?—Whoever would be in charge of the station.
888. Then I suppose you mean the book was handed from one man to another as they took charge of the station?—Yes.
889. Did they ever take receipts from one another for the book?—No.
890. Did you consider this book of no importance?—I would not consider it of any importance.
891. Why not?—Because every charge in it was copied and taken down to the Resident Magistrate's Court, and entered there. That is a record.
892. But what becomes of the original book?—I cannot say. I cannot make out what became of it.
893. As the book is lost, who is to blame for it?—I cannot tell. If I had been there always I would know whether it would be myself or not.
894. Supposing a book of this sort became full, what would be done with it?—It should be brought down to the Inspector's Office and kept there.
895. If you had taken the book down, would you have got a receipt for it?—If I wished I could.
896. Is it a rule of the service that you should, on handing over documents or books, get a receipt to hold you harmless?—I could get a receipt.
897. Is that the rule?—Yes.

898. Have you got a receipt for the book?—I have not. I do not say it was brought from the station when it was pulled down. *Mr. Buchanan.*
899. Do you consider yourself responsible for the book going a-missing?—If it occurred while I had charge. Sometimes another constable had charge. *27th Sept., 1878.*
900. Where was it kept?—In the search-room; and if there was any one present at the time a prisoner was brought in, he would sign the book.
901. Who? the prisoner?—No; the second constable.
902. *The Chairman.*] A list of the prisoners' property would be entered in the book?—Yes.
903. And that is signed at the time by witnesses?—If there is a second constable in the station.
904. Then, that is the record?—Yes.
905. A copy of that is no record?—Yes, if signed by witnesses.

Inspector ATCHISON, being duly sworn, was examined.

906. *Mr. Swanson.*] This police-book which seems to have been lost—I understand the property found on a prisoner, and everything else, is entered in that?—Yes. *Inspector Atchison.*
907. You look upon that as the record?—Yes. *27th Sept., 1878.*
908. You would not consider any copy a record?—Not unless it is a certified copy.
909. I suppose it is understood that the original should be kept?—It ought to be kept.
910. Who is responsible for the custody of the book?—This man (Buchanan) was responsible in 1875.
911. He says that the building was altered?—It was pulled down.
912. And the book should have been taken to the head station?—Yes; if it had been we should have found it there now. We have searched everywhere, but it cannot be found.
913. Well, what is your theory as to its loss?—That it was not brought down to the station.
914. Who is the officer who should take charge of these books and papers at the central station?—Sergeant Fraser.

TUESDAY, 1ST OCTOBER, 1878.

Mr. C. B. IZARD, Crown Prosecutor, being duly sworn, was examined.

915. *The Chairman.*] Do you recollect some suspicion having been thrown upon one Morton Quin, in regard to a case of supposed arson?—I do. *Mr. Izard.*
916. Was the matter put into your hands as Crown Prosecutor?—No; the agent of the insurance company interested came to me privately about it. *1st Oct., 1878.*
917. Did you investigate the matter?—I did. I had a report from Detective Farrell on the matter placed before me.
918. In your opinion, was there a case for a prosecution?—I think there was; but I did not think it was a very strong case—in fact, I thought it a weak case—but there was, I thought, sufficient to justify an inquiry before the Magistrate.
919. No investigation took place?—I did not hear of it.
920. Did the Inspector of Police ever speak to you on the subject?—I think he did; but I am not sure. I had very little to do with the Inspector, and I cannot charge my memory as to what was said. After the insurance agent spoke to me, I had a conversation with Farrell about what had taken place; and, when the insurance agent came again, it was agreed that a prosecution ought to take place; at the same time I did not think it was a strong case.
921. Did you hear anything of Quin's relations with the Foresters?—All I heard about it was this: They were looking about for some motive which would have induced him to set the place on fire. The insurance was not in his own name, so that he would get no money from the policy. I think it was his father's property—at any rate he would get no benefit personally from the payment of the insurance money. We then looked about to see if there was any motive which could be suggested, and it was suggested that the accounts of the Foresters might be wrong. It turned out there was a meeting of the Foresters on the night of the fire, that Quin ought to have submitted his accounts to that meeting, but that he did not attend. It was thought that was the clue; but I was informed that the accounts of the Foresters were all correct.
922. That his accounts were correct?—I think so. The Inspector of Police told me the accounts were correct.
923. Did the Foresters ever tell you so?—No.
924. Did Farrell ever tell you so?—No; I think it was Atchison. It was some months ago, so that I cannot say absolutely.
925. *Mr. Barton.*] Was it not stated in Farrell's report that the accounts were not correct?—I do not think so. I have a copy of it here. [Reads the report.] No; the statements of the sister, which refer incidentally to a meeting of the Foresters, is all that is given. I think it came verbally from the insurance agent that the accounts might be wrong.
926. I suppose, after reading that report, you came to the conclusion that undoubtedly somebody had saturated the place with kerosene for the purpose of burning it down?—I believe there was good ground for supposing that somebody had attempted incendiarism.
927. There was no doubt of it?—No.
928. You had found from this document that the office was in the occupation of Morton Quin?—Yes.
929. That his sister made a statement regarding the last time he had been seen in the office?—Yes.
930. That he was found in bed next day with his sleeves smelling of kerosene?—That was very weak, slight evidence.
931. And the statement you said you were made aware of by somebody that he was accountant

Mr. Izard.
1st Oct., 1878.

to the Foresters, that there was a general meeting that night, that he did not attend it, and that there was a suspicion the accounts were astray?—Well, it could scarcely be called a suspicion; it was not so strong. It was suggested that perhaps the accounts were wrong, and that that might have something to do with it. It was this: that he had certain accounts to render that night, and it might have been convenient for him to say the papers connected with the accounts had been burned. That was the form the suspicion took, and it never went beyond a suspicion.

932. Were you not given to understand by the insurance agent, or somebody, that the officers of the Foresters stated that they believed their moneys were short some £200 or £300?—I never heard that. I had no communication with the Foresters. I do not say positively the insurance agent did not tell me that, but certainly I have no recollection of it.

933. I ask you this: The insurance agent was given the key of the premises by Detective Farrell, and had it in his possession for a week after the fire. Did it not strike you as a suspicious circumstance that the Inspector of Police did not cause any inquiry to be made of the officers of the Foresters, to ascertain whether it was a fact that there were defalcations?—I do not know that the Inspector did not make inquiry. My impression is that he did inquire into it. Farrell represented the police to me in this matter. I saw Atchison once or twice, and I know I recommended proceedings to be taken, and he said we had better wait until the Foresters held their meeting and examined their accounts.

934. *The Chairman.*] Did it strike you that the Inspector and the Detective were working contrariwise?—It struck me that the Detective was more eager in the matter than the Inspector. I can hardly say they were working contrariwise.

935. *Hon. Mr. Fox.*] Did the Inspector exhibit any zeal, any desire, to proceed in the matter?—He did not display the same eagerness as the Detective. I think he wished to investigate the matter, but he did not take the same view as we did. He did not seem to think we were able to get a conviction, because the main evidence depended upon the man's sister. He said, in effect, "She has made these statements privately to the Detective, but, when she finds out that she might bring her brother into disgrace, we shall have great difficulty in getting any evidence out of her." That was his idea. I suggested that the Detective should lay an information, but he did not, and I spoke to him a second time, and I am not certain what answer I got, but I think it was that he must obey instructions from his superior officer.

936. The Detective, and you, and the insurance agent, were anxious for an information to be laid, but the Inspector threw cold water upon it?—Hardly that; but he did not display the same eagerness as the other two in the matter.

937. Then we come to the same point again. Was he not the reverse of eager?—No.

938. Then why did he not go on?—The reason he gave me was that we could not get evidence. I expressed my opinion that there was sufficient ground on which to lay an information, but at the same time pointed out to the insurance agent that it was not desirable for him to do it. It is a serious thing to put the criminal law in motion.

939. *The Chairman.*] You thought it unwise policy for an insurance office to resist claims by laying criminal informations?—Yes; it is a risky thing to have a man arrested on a charge of arson.

940. *Mr. Barton.*] Might not proceedings have been taken by holding a Coroner's inquest?—They consulted me as to whether an inquest could be held, and I advised it could not. I think it was this way: The Coroner refused to hold an inquest, and they came to me to see if they could not compel him to hold one. I looked at the Act, and said I did not see how he could be compelled to do so. I found the Coroner was only to sit in cases where the buildings had been damaged. In this case the buildings were not damaged, only something in the room. That was the view the Coroner took, and on looking up the Act I thought it was a correct view.

941. Do you remember Petridge's case?—Yes.

942. The owners of that place were Mace and Arkell?—No; I think it was vested in trustees.

943. It was a leasehold affair so far as Pertridge was concerned. Had not Mace and Arkell an interest in it? They got the insurance on it?—Yes.

944. Have Mace and Arkell any connection with Mr. Atchison?—Not that I know of.

945. Was there a prosecution in that case?—Yes; but it failed.

946. What was the cause of the failure?—The principal witness did not appear.

947. That was a witness named Ferguson?—I cannot recollect. I know the reason he did not appear was that some slip had taken place.

948. Did not Mr. Baker, the Clerk of the Court, omit to bind him over to appear?—Yes, that was it.

949. Was any report made to you, or did you make any report to the Government, or did you hear of any report, to the effect that that slip was intentional?—No.

950. Did you make any complaint in consequence of the witness not being bound over?—No. As soon as I found out that he had not been bound over I had a subpoena issued, but he had gone.

951. Did it not strike you as a suspicious circumstance that the witness was not bound over?—No; it frequently happens in the Court. It did not strike me as suspicious.

952. *The Chairman.*] It frequently happens?—Yes; almost every session we find it occurs. I have remonstrated with Mr. Baker personally about it.

953. *Mr. Barton.*] Do you happen to know whether Mace and Arkell were paid their insurance?—I do not. Inspector Atchison certainly did his best—I am quite certain of that—in getting up the case. He was very energetic and took a great deal of trouble about it. He came to me several times personally and went over the evidence, and was very anxious indeed that the thing should proceed. The slip that took place I do not think was in any degree due to him. It was a slip of Mr. Baker's.

954. *Mr. Swanson.*] What was the consequence of that slip? Did the criminal escape?—He got away.

955. Did the insurance company have to pay?—I am not aware.

956. We hear a good deal about responsibility of Government officers. What happened to this gentleman?—I am not aware whether he was reprimanded or not.

Sergeant FRASER, being duly sworn, was examined.

Sergeant Fraser.

957. *The Chairman.*] You are in charge of the station at Lambton Quay?—I am in charge of the office work.

1st Oct., 1878.

958. What books and papers are kept at the office?—A register of all cases tried, a diary, an occurrence-book, a cash-book, and several other small books.

959. The book which is a record of the persons locked up from day to day, with an account of their property?—That is called the watchhouse-book.

960. That is kept in your office?—No, in the watchhouse.

961. When those books become full what is done with them?—They ought to be returned to the office.

962. And are they returned?—Generally they are returned.

963. Is that book inspected regularly?—Not hitherto. All charges are entered in that book, and are then copied into what is called the registry-book.

964. There is a book kept in the lockup, in which the property found on prisoners is recorded?—Yes.

965. Witnesses sign that?—Yes.

966. That is the only record that there is of the property found on prisoners?—Yes.

967. What are the means for taking care of that book?—The book is left open in the watchhouse, and is there day and night.

968. When the book is completed and a new one is served out, what is then done with it?—It ought to be returned to the Inspector's office.

969. Is it returned?—Well, I have found that one book is missing.

970. Yes, and that happens to be exactly the one we want?—At the time of that book we did not have books with printed headings. It was simply a book which I made up for convenience sake, and was made of half-quires of foolscap—loose sheets of paper. It was not kept in a proper manner.

971. That was the Te Aro book?—Yes.

972. Who is responsible for that book?—The man in charge of the station. If it had been deposited in my office I should have been responsible.

973. Who has the custody of papers?—I have.

974. There is a report by Detective Farrell which cannot be found?—No.

975. How is that?—I cannot make it out. I have searched everywhere, and cannot find it.

976. I suppose the Inspector has had this paper in his possession?—Oh, yes; he has had it in his hands, and so have I had it in my hands.

977. Do you know anything, of your own knowledge, of the circumstances under which that report was written?—No. Farrell discovered the fire, and it is usual in such a case for the officer discovering it to furnish a report to the Inspector.

978. Do you know what investigation took place as to that fire after Farrell's report?—I do not know of anything more being done.

979. Nothing more passed through the office?—We were asked by the Commissioner, Colonel Moule, whether certain things had been done, and Mr. Atchison answered these questions.

980. What is this book you have brought up (produced)?—I was asked to produce books in the case of Richard Jones. Here is the entry.

981. Oh, yes; Mr. Baker showed us this. It is the Resident Magistrate's book?—Yes.

982. It is not your book?—Yes, it is.

983. Has the Court no record of its own, apart from this book?—No.

984. Does this same book pass from place to place—from the police to the Magistrate, and back again?—Yes; I enter all the charges in it from the watchhouse-book, and then lay it before the Magistrate.

985. Then the book partly belongs to the police and partly to the Magistrate?—Yes; it passes between our offices and the Resident Magistrate's Court. I enter the charges in the book, and the sergeant lays it before the Magistrate.

986. I understand there is a book in the watchhouse which is not very closely looked after, and which is left with the constable in charge for the time-being?—Yes.

987. This is a copy of some of the matters entered in that book, and it passes into the Resident Magistrate's Court, and is the only record. Having done duty there it is sent back again?—Yes.

988. *Major Atkinson.*] Do you keep any index of your records, or registry of your records?—No; I have a letter-book, that is all.

989. If you wanted to turn up a report, then, you have no record to refer to?—No; we receive a large number of these reports every week.

990. Are they not recorded?—Not in any book.

991. You have no means, then, of tracing a paper?—No.

992. Do you keep no record of what documents go out of the office? Suppose a document was sent to the Crown Prosecutor's office, would you have no record of where it had gone to, except your memory?—No.

993. *Mr. Barton.*] I understood you to say that this Te Aro book was merely half a quire of loose paper—that there were no printed headings, and it was only for some temporary use?—Yes; it was not a proper watchhouse-book.

994. It only contained a few entries, extending perhaps over a couple of months?—It would have contained more than that. I said half-quire to indicate the character of the book, not its size. It was pretty large, but was not a bound book.

995. Over what length of time do you think it extended?—I have no idea.

996. How long have you been clerk?—Thirteen years.

997. Is that the only book that is missing?—Yes.

998. If you looked at the last entry of the previous book and the first of the following book it would tell you what period this book covered?—Yes; I should think it covered a year.

Sergeant Fraser.
1st Oct., 1878.

999. Is it not usual for this book to contain a record of remarks as to the prisoner, and is it not signed by the prisoner also?—No; not up to this time.
1000. What time?—The abolition of the provinces.
1001. Are they now asked to sign the charge-sheet?—They are asked to sign a paper; I do not remember the name of it. It is a form in which is named all the prisoner's property; and then, when he is discharged in the morning, he signs it, or is invited to sign it.
1002. *The Chairman.*] How long has that been in vogue?—About a year.
1003. Since Mr. Shearman took charge?—No, before; I think it was done at Colonel Moule's request.
1004. *Mr. Barton.*] Was not the watchhouse-book the one in which they used to enter these articles at that time?—Yes.
1005. And was it not in that book that the accused person, if he was in a condition to do so, used to sign his name for the articles when it was submitted to him?—I do not think so.
1006. Will you undertake to say there were no such entries?—There were no columns for the signature; I know that.
1007. There are columns for the articles found on the prisoner in the book produced from the central office?—Yes; but there are no headings. I never saw a proper book till a few years ago.
1008. The book produced here had proper headings. That was the book having reference to 1874?—I do not think so.
1009. Is there any book kept by Inspector Atchison in his own handwriting in the office?—I do not know of any.
1010. Is it a fact that he never makes an entry in his own handwriting, and that he makes no entry in a diary?—He always gives me verbal directions how to answer memoranda or minutes. I write the letters, and he then signs them.
1011. There is no book in his handwriting?—I think not, unless it is a small private cash-book.
1012. I am speaking of police books kept in the Inspector's office?—I do not think so.
1013. Has there ever been any since you have been in the service?—No.
1014. For the thirteen years you have been in the service Inspector Atchison has kept no book whatever?—I have kept all the books.
1015. *The Chairman.*] You state he gives you verbal instructions to answer letters?—Yes.
1016. Does he never draft letters for you?—No; I do not remember that he does. He has always given me verbal instructions as to what he wishes said.
1017. You have no draft-book to go upon?—No.
1018. *Mr. Barton.*] Do you know the Pier Hotel?—I do.
1019. Have you ever gone there to get orders from Mr. Atchison?—I have often gone in there and asked him things.
1020. He goes there frequently, then?—No; I have not gone very often. I have gone at times.
1021. When he is not in office, is that usually the place you go to find him?—No; I go to Ames's, because that is the place where he takes his lunch.
1022. Have you ever gone into the Pier Hotel at night, to get orders from him?—Yes.
1023. What have you found him doing?—I found him sometimes drinking.
1024. Who else?—I do not remember anybody else.
1025. Playing cards?—I do not think so.
1026. On your oath?—I do not think so.
1027. Not with Mr. Marchant, the City Engineer, and others?—I do not think so.
1028. *Hon. Mr. Fox.*] Playing billiards?—No.
1029. *Mr. Barton.*] Were you present at a quarrel there between Mr. Atchison and Mr. Marchant?—No.
1030. Did you ever hear a quarrel had taken place?—No.
1031. Not that Mr. Marchant's eyes were blacked?—No.
1032. *Hon. Mr. Fox.*] You mentioned that Mr. Atchison is in the habit of going to Ames's Hotel for his luncheon?—Yes.
1033. Is he connected with the proprietor of that house?—I think he is related by marriage, but how I do not quite recollect.
1034. Does he spend much of his time with his relations at this house?—No.
1035. Does he stay there long when he goes?—He goes there about 1 o'clock, and comes back about a quarter to 2 o'clock.
1036. *Mr. Barton.*] Who is the watchhouse keeper of Central Station?—John Doran. He is on duty from 9 o'clock at night, and stays there till 5 o'clock next morning.
1037. Is the book kept by him?—He cannot write very well.
1038. Can he write at all?—Yes. I think he signs his name as a witness.
1039. Does he make any other entries?—I think not.
1040. The entries are made by whatever constable happens to come in?—They are made by the arresting constables generally, and the watchhouse keeper signs it.
1041. *The Chairman.*] How long has he been there?—Six years. He has been here eighteen or nineteen years altogether.
1042. Why was he appointed?—He is not a strong man.
1043. Is it a custom to appoint men who cannot write?—I have had no experience elsewhere.
1044. Can he read?—He can.
1045. *Mr. Barton.*] Is he also the poundkeeper?—Yes.
1046. Is he the sole person who gets the profits?—No; I get some of it.
1047. Does Mr. Atchison get any part of it?—Not so far as I know.
1048. *The Chairman.*] He acts as poundkeeper during the day?—Yes.
1049. And he is up at night?—Yes; he has held that post for some time past.
1050. Yet you say he is in weak health?—Yes; he has been for a long time.

1051. Is it not stiffish work for him to be up all night, and then all day attending to the pound? *Sergeant Fraser*
He has warm quarters at the police station; and his wife attends to the pound a good deal. They
live near the pound, and she runs across, if there is anything to be done. 1st Oct., 1878.

Detective FARRELL recalled, and further examined on oath.

Detective Farrell.

1052. *The Chairman.*] We understand you wish to give some further evidence?—Yes; but
Inspector Atchison is not here, and I think it would be more manly to say what I have to say when
he is present. 1st Oct., 1878.

1053. He has sent us word that he cannot come here to-day, in consequence of being engaged
in Court in some cases. You had better proceed?—The last day I was here I was rather nervous, but
I then told you they were down on me; and I feel it very much. I wish to say this: Now, the other
day I spoke to a constable on Lambton Quay about some matter of business after I left the Com-
mittee. I saw the man again next day, and spoke to him, and he said, "Don't speak to me. I have
been reprimanded this morning for speaking to you yesterday." I said, "What, you have been reprimanded?"
He said, "Yes, for speaking to you yesterday. Sergeant Smith reprimanded me in
front of the other men." I at once came here to complain, not for my own protection, but for the pro-
tection of the men. This man was absolutely reprimanded for speaking to me on a matter of public
duty. I would respectfully beg to hand in the Police Regulations, to show I have a perfect right
to question the man as I did. [Extract read.] That is the regulation, and this man has been fined
10s., or something of that sort, by Atchison, for some supposed offence.

1054. What did you speak to the man about?—I was speaking about a man named Clarke,
from Sydney, whom I wanted to find. This is his photograph (produced). The constable said he did
not know him. Sergeant Smith saw us speaking, and the next morning this man was charged with
gossiping on his beat. He said, "I only spoke to Farrell;" and Smith said, "Yes, you speak too
much to Farrell." It seems any man who speaks to me is to be put down.

1055. Who is the constable?—Timothy Carroll.

1056. *Hon. Mr. Gisborne.*] Did you say the man was punished?—Since then he has been brought
up for something, and fined 5s. or 10s.

1057. *Hon. Mr. Fox.*] What for?—For some crime, and a charge of having spoken to me in
the street was added. Smith saw him speaking to me, and the man was reprimanded on parade next
day for speaking to me.

1058. Supposing you had not had business with him, was it any offence for him to speak to you if
you said anything to him, or passed a remark about the weather, or anything of that sort?—Certainly
not, I should think. But if I took the man off his beat, or gave him drink, or anything of that sort,
it might be wrong.

1059. Surely it is not contrary to the rules to say "Good-day, John," to a constable?—No.
There is another point. It was said that Atchison pointed out Heggarty to me. To show that that
is not correct, I may say that, in order to make sure of the thing, I looked up the records and I found
that upon the 5th of February, 1877, I arrested a man named Gordon on a charge of stealing Heggarty's
horses. Gordon was prosecuted at the Court the following sessions, and convicted; so that I must
have known Heggarty then, because I worked up the case, and appeared in Court at the same time as
Heggarty did, to give evidence. I knew Heggarty before date of Gordon's arrest. I knew him
personally before that, so that it was not necessary for Inspector Atchison to point him out to me.
I also wish to state that Heggarty was not arrested on the jetty at all, but was arrested near Mr. Allan's
office, near the Oddfellow's Hall. I saw him and his brother in Mr. Allan's office, and waited till they
came out, when I arrested him. Inspector Atchison was not present. Atchison did not know he was
in town till I told him, near the Empire Hotel, that Heggarty had come to town, and that I believed
he had come down so as to get away in one or other of the Melbourne or Sydney steamers, in order
to evade justice. He then told me to arrest him, and I did so. I would respectfully submit the
Regulations, to show what is the rule as to rewards. You will see by this rule (rule 50 read) that
Inspector Atchison had no right to retain a penny of the £40. Although I may have had no claim,
still Atchison had no claim, and had no right to keep one farthing.

1060. *Mr. Swanson.*] Whoever gets the money, you say Atchison should get none?—Exactly
Mr. Wallace told me he sent the money to Atchison, with a letter of instructions what to do with it.
He never gave me any, but kept it himself, contrary to all rules and regulations. As I said before, I
have been injured in my character and reputation, and in my profession, because it was supposed I
gave information to Mr. Barton, which I never did. I wish to make a further statement in connection
with Quin's case. I made a full statement of that case, and Mr. Atchison promised both Boardman and
myself that he would view the place and the scene of the fire. On one occasion, however, I went with
Mr. Boardman to the Empire Hotel, where we saw Mr. Atchison. Mr. Boardman then asked if he
would go and look at the scene of the fire. Some high words ensued, and Mr. Atchison absolutely
refused to go. Boardman said, "You will not go?" Atchison said, "No." Boardman said, "Then
I will report you to the Government." I simply say that to show that Boardman's report to the
Government commenced then, and yet, after I had been laid by for four months by illness, I am blamed
as being the cause of it.

1061. *Mr. Barton.*] Who had the key of Quin's place?—I bought a lock and key and chain, and
fastened the place up, and I gave the key to Mr. Boardman, he being the agent for the insurance com-
pany interested.

1062. How long was the place locked up?—Possibly for a fortnight. The Foresters and Odd
Fellows wanted their books, and, after they got permission from the Inspector, I gave them up.

1063. *Mr. Swanson.*] Were the Foresters all right—as to their cash?—No. The cash balance
was not right; but they would not give any information to prosecute on. Since then Quin has again
failed for £300.

1064. Failed?—Well, embezzled £300.

Detective Farrell.

1st Oct., 1878.

1065. The accounts were not right then and are not right even now?—No; they could never find out how much, because a lot of the papers were destroyed by the fire. I made inquiries of the delegates and district officers as to the accounts, and gave what information I got to Mr. Atchison.
1066. *Mr. Barton.*] Was any portion of the building destroyed or injured?—No, I think not. There was no portion of the building injured.
1067. *Hon. Mr. Fox.*] Was not the floor on fire?—No; it had not time to get on fire.
1068. *Mr. Swanson.*] Was not the paper on the walls burned?—No; the table, chairs, and floor were all wet with kerosene. In five minutes the place would have been all on fire.
1069. *Mr. Barton.*] Who is the watchhouse-keeper at the central station?—John Doran.
1070. Does he make any entries in the charge-sheet?—I do not think he makes any entries at all.
1071. Do you know whether he reads or writes?—I believe he cannot take a charge.
1072. Do you know the Pier Hotel?—I do.
1073. Have you ever gone there to see Atchison at that hotel, to get orders from him?—No; I do not think I have. I have gone there to get orders from Sergeant Monaghan.
1074. You have seen Monaghan there often?—Yes.
1075. Was Atchison there at the same time?—Yes.
1076. How long ago is that?—I could not tell the date. It was before Monaghan left the force. Up to his leaving, Monaghan and the Inspector were at the hotel, I might say, nightly—scarcely ever out of it.
1077. You have gone there yourself for orders?—Yes. I have gone to see Monaghan. I did not ask for the Inspector, because Monaghan was then my superior officer in rank.
1078. Can you say how Monaghan and Atchison were engaged on any of these occasions on which you went for orders? What were they doing?—I could only speak as to what common report said.
1079. Were you never present in the room?—No; when I went there I sent into the room.
1080. Do you know whether more persons than these two went there?—All the public knows there was what was called “the Pier-Hotel mob,” or “the Pier-Hotel gang.” They all used to frequent there.
- 1080A. *Hon. Mr. Fox.*] What were they doing there?—Gambling and drinking.
1081. And do you say that Atchison and Monaghan were part of the “Pier gang”?—Yes; it consisted of a man named Perrier, at that time editor of the *Times*; McCarthy, of the telegraph; Atchison, Monaghan, and some others.
1082. *Mr. Barton.*] Was Mr. Marchant, the late City Engineer, one of them?—Yes.
1083. These people used to frequent this place?—Yes.
1084. *Hon. Mr. Gisborne.*] You say McCarthy of the telegraph. Who is that?—It is McCarthy, the partner of Captain Holt.
1085. Of the Press Agency?—Yes.
1086. Did you see these others?—Oh, yes; I know they went there. More than that: if constables came down from the country they would go there to see the Inspector. I have heard Sergeant Purcell, of Foxton, Constable Byrne, and Constable Donnelly, when they have been in town, say they would go down to see the “old man,” meaning Atchison, and they would go down to the Pier, and drink and gamble. About the same time, when the publichouses were closed on Sunday night, these people would come to the station and drink brandy. I have seen the Inspector, and Monaghan, and Perrier, and Fife. This used to take place in Monaghan’s room.
1087. Did you ever hear of a quarrel taking place at the Pier Hotel on one of these occasions, in which Mr. Marchant got a black eye?—I do. It was a matter of public notoriety how he got it. He called Atchison a liar, or something of that sort. Atchison told him to put up his hands, and then gave him a black eye. I was not present; but I saw the black eye, and it was generally reported that Atchison gave it him.
1088. Was this a report amongst the police?—It was reported all over the town, and of course the men got to know of it.
1089. Were you present when the men were paraded and asked respecting my speech?—I was.
1090. Who paraded them?—Sergeant Smith. Mr. Atchison was present.
1091. Can you state what he asked them?—There was a general question about ill-usage of prisoners by any of the men: if anybody knew anything about it. I did not hear anybody reply. I did not reply.
1092. Were you present at any other parade?—No; that is the only parade I was at. I was instructed to attend, and did so.
1093. That was the only question asked?—Yes; and there was no reply.
1094. *Hon. Mr. Gisborne.*] Has there been any ill-feeling between you and Atchison?—No; he has been an exceedingly good friend to me. I was ill for four months, and during my illness it was put about that I was Mr. Barton’s informant, and now, hearing that my subordinates are punished for speaking to me, I am bound to come forward and protect them. If they are to be punished for speaking to me, then I am worse than a felon. I have been four months sick, and on the 19th of this month I resumed duty. I soon saw there was something wrong, for I got sixty summonses put into my hands to serve. I looked at Sergeant Smith when he gave them to me, and said, “Surely you are not going to send me serving jury summonses.” He said, “I have been ordered to do so by Mr. Atchison.” I saw Atchison, and he confirmed the order; and I said no more, but did the duty. At the same time, there are most important matters being left unattended to. These documents [holding up a bundle of papers], which I have this morning taken from the sergeant’s table, in the presence of the clerk, will show that. There is a case of suspected infanticide, which is not being looked after, and the result will be that, when I am sent to look after it, the woman will be up and well, and it will be impossible almost for me to discover anything.
1095. The infanticide case was lying on the table on the same day as you were sent serving summonses?—Yes; the dates will show that. These documents are all minuted by Mr. Shearman;

but they have not found their way to me. The Inspector, as soon as he got them, should have turned the corners down, put minutes on them, and then handed them to me; but, instead of that, they are sent to a junior, and I shall have to take my orders from him. There are no memoranda at all by Inspector Atchison. You will see that matters are not going as they should. I am degraded for no purpose whatever. I was put on the duty of serving summonses, when these matters were lying by.

1096. *Hon. Mr. Gisborne.*] Has this occurred since you gave evidence?—No; previously to that: since I returned to duty.

1097. Would it be since this Committee was appointed?—Yes.

1098. What is the cause of this assumed degradation, then?—It was because I was supposed to have supplied Mr. Barton with information. When I came down to the office, on the 19th of this month, I reported myself as returned to duty. Before I went away I was in the habit of going to Inspector Atchison's office of a morning for instructions. I went in the first morning, and was told by the clerk that he had nothing in the office, and that I was to go to Sergeant Smith for instructions. I thought it was strange that I should be sent to a junior; but next morning I again went to the Inspector's office, and again the clerk said there were no instructions, and referred me to Sergeant Smith. Since then every morning I have made it my business to ask at the Inspector's office for instructions, but have always been referred to Smith.

1099. Has the Inspector told you to go to Smith?—No; I generally see the clerk, and that is the same.

1100. Has the Inspector given you no reason for doing this?—No.

1101. Did you, as a matter of fact, give any information to Mr. Barton?—No; I have before sworn I neither gave Mr. Barton information, nor have I given it to any one who would be likely to give it to him.

WEDNESDAY, 2ND OCTOBER, 1878.

WILLIAM HENRI PASCOE, being duly sworn, was examined.

William Henri Pascoe.

1102. *The Chairman.*] You are a brewer carrying on business in Wellington?—Yes, in company with a partner, as Pascoe and Co. 2nd Oct., 1878.

1103. The Committee understand you have some complaint to make against the police with regard to licensing publichouses?—I have, inasmuch as I have large interests involved, and I have been a considerable loser by the conduct of the police.

1104. Will you state any circumstances or cases on which you base your complaint?—I will take the case of the Albion Hotel.

1105. *Hon. Mr. Fox.*] Does that belong to you?—Yes; we purchased that property for £1,550, and succeeded in getting a tenant named George Budge. We received from him £600 in cash out of £1,550, and the rest of the purchase-money was taken in bills. This occurred about three years ago, in April. He made application for the usual temporary transfer, and it was refused. Inspector Atchison was at this time in Wanganui; but I believe telegrams passed between him and the officer in charge at Wellington with reference to the matter. However, the transfer was granted to William Donald, and at the annual meeting Budge made application for a license in his own name. It was strenuously opposed by the police, on the ground that he was not a fit and proper person to keep an hotel. Inspector Atchison told the Bench that Budge had a wife in England; that he had also married a young girl in the colony, and was living with her, and treating her very badly, although he had a large family by her.

1106. The objection was that he was a bigamist?—Yes.

1107. *The Chairman.*] Was that really the case?—I believe it was, but he was not maltreating the woman that I know of. The license was therefore refused, and the house thrown upon my hands. I had to refund Budge this £600, and had to lose the rent in the meantime—that was £60, ten weeks at £6 a week. We lost the beer account, about £140, and wines and spirits in the store to the value of about £250, besides paying a spirits' account to Mr. Krull; and, more than that, we had to pay Budge £40 for his loss of time. That closed our connection with Budge. We then got another tenant, Mr. Charles Martin, who made application for a license; and it was granted.

1108. No objection was raised against Martin?—No. Some months after that Budge made up his mind to go into the hotel business again. He said he was going to Blenheim, and, as it happened, we travelled to Blenheim in the same steamer. I asked him how he was going to get a license after what had occurred. He replied he had seen Inspector Atchison, and there would be no objection. He said, "I have squared the whole matter." He went to Blenheim, got his license, and has remained in possession of a license ever since.

1109. Did he say how he had "squared" the matter?

1109A. *Hon. Mr. Fox.*] What did "squaring" mean?—I supposed he had talked Atchison over.

1110. Does not the word "squared" imply something more than mere talking over. Does it not imply that there was some "solid" argument used?—I think so.

1111. *The Chairman.*] He is still living with this woman?—Yes.

1112. And that was the objection raised against his getting a license here?—Yes.

1113. Had Atchison anything to do with the licenses at Blenheim?—No; but he must have abstained from using his influence in the matter, because, in the case of one Edwards, who was refused a license here, he followed him to Wanganui, and prevented his getting a license there.

1114. But Wanganui is in the Wellington police district?—Yes.

1115. *Mr. Barton.*] Will you tell the Committee about the Army and Navy case?—That hotel was situate on Lambton Quay, and for about thirty-seven years had been licensed. About three years ago Mr. Bailey, the occupier, made application for a renewal of his license, and it was refused, because of the dilapidated condition in which the house was.

1116. Was it in a dilapidated condition?—Not in comparison with others to which licenses were, at the same meeting, granted. Just previous to the Bench refusing the application in respect to this

William Henri
Pascoe.
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house, they had renewed the license of a house about a hundred yards distant therefrom, called the European Hotel. That house was kept by a man named Hausmann, an habitual drunkard. It had been erected for about as long as the Army and Navy, and was in a similarly dilapidated condition. Bailey, I may say, was a steady man.

1117. Was the license for the European Hotel recommended by the police?—A mild objection was made that the House required rebuilding; but the license was granted, and an opportunity given the proprietor to rebuild before the next annual licensing day, the licensing being meanwhile continued. When an objection was made to the Army and Navy Hotel on the same ground, I stepped into the box and asked the Bench to give me the same latitude that had been granted in the case of the European Hotel. The Bench, however, said they had given their decision, and they would not alter it. The license was refused.

1118. Did the police object to your getting an extension of the license?—They said the house was not fit to have a license.

1119. Did they object to your getting twelve months in which to rebuild?—I asked that term from the Bench, and I think one of the gentlemen spoke to Atchison and then to Monaghan. Monaghan said the house was rotten: that it was full of bugs, and that it was not fit to live in, and not fit to be licensed.

1120. *Mr. Toke.*] The objection was only to the house, not to the character of the applicant? No.

1121. *Mr. Barton.*] The ground-lease of this place was yours, and that of the other place was Staples's?—Yes.

1122. *Mr. Swanson.*] I understand there was a good man in your house, and he was refused the license; there was a bad man in the other house, and it was granted; and both houses were equally bad in respect of buildings?—Yes.

1123. *The Chairman.*] The police did not object to this other man that he was a drunkard?—No.

1124. Was he notoriously a drunkard?—Yes, notoriously. However, the license was granted; and he kept the old house going on till within two or three months of the next annual licensing day. I omitted to say that, when we made application, we presented a petition from seventeen lodgers in favour of the license being continued.

1125. *Mr. Swanson.*] Do you think, if the police had stated what was the character of this man Hausmann, the license would have been refused?—Yes, I think so. He had been a great drunkard for four or five years.

1126. *Hon. Mr. Fox.*] Had he ever been in custody?—I do not know; but I know the police had frequently been called in by his wife. I frequently heard rumours of disturbances in the house.

1127. What has become of the Army and Navy Hotel?—It was rebuilt by us at a cost of £2,800. I lost £280 by the license having been refused.

1128. Who is the present licensee?—Mr. Robertson.

1129. Was any objection taken to it by the police after the hotel was rebuilt?—No.

1130. Has the same thing been done in the case of this other hotel?—Yes; but they were allowed a license while they were rebuilding; we were not.

1131. *Mr. Barton.*] Were there any other cases at that meeting in which Staples's houses, in a similar condition, were granted licenses?—There was the Te Aro Hotel. That house was in a much more dilapidated condition than the Army and Navy. That property belonged to a Mrs. Kennedy. Inspector Atchison, I think, was a trustee in the estate: at any rate, he always took a great interest in the old woman and the family; and I believe there was partiality shown on that account.

1132. Who was the brewer interested in the house?—Staples. The trustees were allowed to rebuild, and since then a large and commodious place has been built.

1133. Do you recollect the case of the Royal Tiger Hotel?—Yes; that house had been licensed for many years, and three years ago last licensing day Mr. Fenton was the licensee. It was what was called a "free house:" that is, Mr. Fenton bought beer from whom he pleased, and he had beer from all three brewers. Just before licensing day Fenton, whose lease had only two and a half years to run, made an effort to buy the property. He entered into negotiations for it, and Staples, having heard of this, went in and bought the property over Fenton's head. Fenton became annoyed at this, and refused to have any more beer from Staples. When Fenton applied for a renewal of the license there was an objection raised by the police that he was not a fit person to keep an hotel, because he encouraged drunken people about the place; and also that the place required rebuilding. Staples was in the Court at the time, and he produced a plan of a new building, which satisfied the Bench, and the license was granted conditionally that, before next licensing day, the house was erected in accordance with that plan. Of course Fenton could not afford to rebuild when he had only two and a half years to run, and he had to make terms with Staples.

1134. Was the place rebuilt?—No. About three years have since elapsed, nothing has been done to the place, and it is still licensed. There has been no objection to the house by the police since then. Fenton went out five or six weeks after this occurred.

1135. Was Fenton unfit to keep a house?—No; it was one of the best conducted houses in the city.

1136. Did he encourage drunkenness?—No; if he was not a fit person to keep that hotel why has he since been granted a license for the New Zealander Hotel without any objection. He held that license for two years, and then sold out to Frank Mountain.

1137. *Mr. Swanson.*] Then you mean to say that since Staples got this house, the Royal Tiger, it is all right, and the place does very well?—Yes.

1138. *The Chairman.*] Is it now a bound house?—Yes.

1139. *Mr. Barton.*] Since that time, have they dealt with you from that house?—No.

1140. Now, about the White Swan Hotel and the City Hotel, will you tell the Committee what you know about them?—The White Swan Hotel does belong to Staples, and the City is in the interest of another brewery firm, Mace and Arkell. Mr. Murphy held a license for many years of the White

Swan, and then he bought the lease of the City Hotel, situate about half a mile from the White Swan. Mrs. Murphy has a son of the name of Andrews, about seventeen years of age, and, to allow of Murphy going to the City, a license was granted to this young man for the White Swan.

1141. What was Andrews doing at this time?—He was serving an apprenticeship at Mr. E. W. Mills's foundry at the time.

1142. Did the boy conduct the business, or did he still remain [as apprentice at the foundry?—He still went to work, and Murphy and his wife kept both hotels on by passing from one place to the other.

1143. When the application was made, were the Bench informed of the age of this boy?—I do not know.

1144. Is it not necessary for the police to certify?—It is not necessary that the applicant should appear before the Bench unless some objection is made.

1145. Do not the Magistrates refer to the police to know if the applicant is a suitable person?—Yes.

1146. Then the license could not have been granted without a certificate from the police?—No; and it would not have been granted if the applicant had appeared before the Bench.

1147. *The Chairman.*] Was any question raised as to the age of this young man at the time?—No, I think not.

1148. How long has he held the license?—He held it for two years. The house has since been sold, simply because I created a little disturbance, and spoke of the matter publicly. They then got a tenant for it.

1149. *Hon. Mr. Fox.*] When did this transaction take place?—About three years ago.

1150. *The Chairman.*] I understand that your complaints are that Staples's houses have been exceptionally favoured?—Yes.

1151. Can you allege any reason for such favouritism?—I cannot.

1152. You consider you are the reverse of favoured?—Yes.

1153. Can you allege any reason or motive for their being "down" upon you, as the phrase is?—Well, in a conversation with a brewer here, Mr. Mace—Mace's interests have been affected considerably by the police, but he is out of the business now—I said these matters ought to be exposed. I mentioned the cases, or some of the cases, I have mentioned here to-day, and said they ought to be exposed; and he agreed with me. I said I would write a letter to the papers about it. Atchison frequently goes up to the City—two or three times a week, say.

1154. How long ago was that?—About two and a half years ago.

1155. But I understand you were then complaining of this treatment?—Yes.

1156. Well, can you allege any reason for your treatment before that?—No.

1157. *Mr. Swanson.*] You do not know the motive?—I do not know beyond that my interests have been greatly affected. It is a mystery to me why he should have gone against me.

1158. *Mr. Barton.*] Will you state what you know about the case of Edwards, late of Kaiwarra?—The license was opposed by the police, because of the alleged bad conduct of the house. It was said that fast girls used to call at the house.

1159. *Hon. Mr. Fox.*] The prostitutes, you mean?—Yes.

1160. *Mr. Barton.*] Did he conduct the house properly or improperly?—Properly, so far as I saw. I did not go there often, but my partner stayed there for some time. He distinctly told me there were no cards or gambling ever allowed. He was a steady, sober man.

1160A. *Mr. Swanson.*] I suppose your partner would not have lived there if it had been a badly-conducted house?—No.

WILLIAM THORNBOROUGH, being duly sworn, was examined.

1161. *The Chairman.*] What are you?—I am doing nothing at present. Formerly I was messenger in the House for five years.

1162. *Mr. Barton.*] You were messenger to Sir George Bowen?—I was in the service of Sir George Bowen for three years; then I was messenger to Sir Dillon Bell, to Sir Julius Vogel, and, for one session, to Sir William Fitzherbert.

1163. You have been eight years in the service of these high people altogether?—Yes.

1164. Did you buy the Victoria Hotel?—Yes; from Macfarlane.

1165. Who were the landlords of the hotel over Macfarlane?—Mr. Staples was, I understand.

1166. Who was your lawyer in the matter?—Mr. Henry Fitzherbert.

1167. What was your bargain with Macfarlane?—£2,500 for the hotel; £500 was to be in cash, and my agent had paid £100, as a deposit, in the National Bank.

1168. Do you recollect an application being made for a transfer to you of the license?—Yes.

1169. Was any objection made by Mr. Atchison?—Mr. Atchison said there had been quarrels between myself and my wife, and that I had attempted to cut her throat.

1170. Did you ever attempt to cut her throat?—No; it was a joke. There was no malice whatever between us.

1171. Did he make any other objection?—No.

1172. Did he say you were a drunkard?—No.

1173. Were you in Court at the time?—No; Mr. Fitzherbert was there.

1174. *Mr. Swanson.*] Did your wife ever make any complaint about you?—Yes; she complained to Mr. Atchison. She went and made this complaint when I was away from home: that was, that I had tried to cut her throat.

1175. *The Chairman.*] How long before Mr. Atchison made this objection in Court was it that your wife had complained?—Five years.

1176. Was there anything after that?—No; there was never any complaint; and I was never brought up to a Court in New Zealand in my life, and I have held some most responsible positions.

William Henri Pascoe.

2nd Oct., 1878.

William Thornborough.

2nd Oct., 1878.

William
Thornborough.
2nd Oct., 1878.

1177. *Mr. Swanson.*] Have you been living with your wife ever since?—Yes; and very comfortably, too.

1178. *The Chairman.*] Why did you leave Sir George Bowen's service?—On account of sickness.

1179. Why did you leave the service of the House of Representatives?—To go into the Government Buildings on the beach, because I thought it would be permanent; but, when the end of the session came, two messengers were discharged, and I was one of them. It was for no fault of ours whatever.

1180. You got the transfer eventually?—Yes.

1181. Why did you give up the house?—I was ejected. Macfarlane would not have the license indorsed in my favour.

1182. Was that on account of non-payment of the money?—There was no dispute about the payment.

1183. Then why did you not get the license?—Because Macfarlane refused to allow the license to be indorsed.

1184. It was a matter of private arrangement, then?—Yes; it rested between Atchison and Staples; they seem to be in company: at any rate, that is the rumour about town.

1185. Do you know anything of your own knowledge in reference to the matter?—No; no more than the rumours about town.

Henry S.
Fitzherbert.
2nd Oct., 1878.

HENRY S. FITZHERBERT, Barrister and Solicitor of the Supreme Court, being duly sworn, was examined.

1186. *Mr. Barton.*] Were you acting for Thornborough in respect to the purchase by him, from Macfarlane, of the Victoria Hotel?—I was.

1187. Will you state to the Committee about that transaction?—Thornborough came to me to get prepared a deed of assignment of lease from Macfarlane of an hotel and license, &c., and I had to see Staples about it. Staples, I may say, is a brewer here, and this man Macfarlane was in his hands. Staples did not seem very anxious to complete the transaction: in fact, I had been told that, as soon as this bargain had been made, Staples and Macfarlane had been offered £500 for the place. He did not seem very anxious about completing the transaction; and he said he did not think Thornborough would get his license, as Inspector Atchison would not grant it; but that, if Thornborough could get the license, he would complete the matter. I said I thought that rather a queer thing, and asked the reason. He said he did not know, but he felt sure Inspector Atchison would not grant it.

1188. *The Chairman.*] "Grant" it?—Yes; I am giving you the words used. There seems to be an impression that Atchison grants the licenses. I said I should have to make application, at any rate. When the matter came before the Bench, Mr. Atchison said Thornborough was a drunkard, that he had tried to cut his wife's throat, and that he was not in any way a proper person to have a license. I remarked to the Bench that we only had Inspector Atchison's word for that, and it would be best to adjourn the case, so that he might bring his witnesses to prove his case, and that we might have an opportunity of giving refuting evidence. The case was adjourned. In the meantime, before it came on again, I saw Staples; and he then said he thought it would be all right—he thought Thornborough would get his license. When the day fixed came round Thornborough was not present but Atchison was, and there was not a word of objection. He had no evidence to bring, and the license was granted without Thornborough being present.

1189. Do you know why all objections were waived?—No; I was anxious to know. It seemed very strange to me that there should be such objections in the first instance, and that, on the second occasion, he had nothing at all to say against the man.

1190. Do you know whether there had been any change in the consideration given for the house?—I do not know.

1191. It went through your hands?—It has never been completed.

1192. How is that?—Thornborough was not able to find the money; and he has been trying to get it ever since, so far as I know. Macfarlane refused to give up the license, or to have the transfer indorsed.

1193. He has not been in possession?—Yes; he was in possession, but was turned out.

1194. Why?—For not having paid the money.

1195. I understand that Inspector Atchison objected first that Thornborough was a drunkard, and that he had tried to cut his wife's throat; the case was then adjourned that the matter might be gone into; and then, when the day came, all objections were withdrawn?—Yes; he told me he had objected for the man's own sake—that he was not a business man, and would be sure to lose money.

1196. Do you know anything of Thornborough apart from his having been your client?—I know he was Sir George Bowen's valet, and that he was messenger in the House for a long time.

1197. *Mr. Tole.*] Did you gather inferentially what were Inspector Atchison's reasons for this course of conduct?—I knew that Atchison was a great friend of Staples's, and I always understood Staples and Atchison had lots of little speculations together. Therefore I was not surprised that Staples could tell me what was going to be done: in fact, I think I asked him to make it all right with Atchison. I said, "You can do it, and you are the only one who can," or something to that effect.

1198. What did Staples say?—I think he said he would see.

1199. *Mr. Swanson.*] They understood one another very well?—Yes. So far as my experience goes Staples is quite able to predict what will happen.

1200. *Hon. Mr. Fox.*] To what speculation did you allude just now—speculations in publichouses?—Yes; I have always understood so.

1201. Do you mean to say that Atchison, the Inspector of Police, speculates in publichouses?—I believe Atchison had an interest in an hotel at the Upper Hutt, which Ames kept, and that Staples

was also in it. I know it was reported Atchison had an interest in that hotel at the Upper Hutt, but I would not be positive about Staples, although I have a strong impression he was mixed up in it.

1201A. *Mr. Toke.*] Is there any evidence that Atchison had an interest in the house, and did his name appear?—No.

1202. Do you know whether the Inspector has an interest in any other house in the province?—No; but I have often heard so.

1203. Do you know anything about a house at Johnsonville. There is an Ames there?—No.

1204. *Mr. Barton.*] The Karori Hotel matter: that was in your hands?—Yes.

1205. Will you state what occurred?—Mrs. Hindge, the owner of the property, had as tenants Messrs. Mace and Arkell, a firm of brewers, and they sublet to a man named Thomas Carter. He gave a bill to Thomas Mills—who was mixed up with Mace and Arkell in the Karori Hotel—and failed to pay his debts. Mills seized his goods, but they could not get hold of his license. At this time an action was pending between Mrs. Hindge and Mace and Arkell, and she wanted to put in possession of the license a man named Henry Carter, who was supposed to be her husband, but who was merely living with her. It seemed that Mace and Arkell had broken their covenants to her, and she had taken possession. Mace and Arkell had brought an action of ejectment to eject her and Carter, and it was at this time that it was sought to transfer the license from Thomas Carter to Henry Carter. Thomas Carter then said, "I don't think you will get a transfer, because Mace is a great friend of Atchison." I applied for a transfer, and, sure enough, it was refused. Oh, I think I am making a mistake. In the first instance, Carter wanted to have the license transferred to Mrs. Hindge. I applied, and then Atchison came forward and said the house bore a bad character, and that she misconducted it when she had it before, and that she was now living with this man Henry Carter. He therefore urged that the license should not be granted. Mr. Crawford, instead of adjourning the case, as I asked, refused, saying that, as Atchison had objected, he would not grant the transfer. I made some subsequent application; but it was refused. He then applied to have it transferred to Henry Carter, but that was also refused. We then found, in the suit with Mace and Arkell, that we had no defence, and we allowed judgment to go by default. The matter was subsequently settled by Mrs. Hindge purchasing Mace and Arkell's interest. Then Thomas Carter, who originally was going to transfer to Mrs. Hindge, came in to me and said there was some misunderstanding between him and Mrs. Hindge, and he was not going to allow the transfer. The Sheriff seized the license, after an ineffectual application by Mr. Ollivier to have the license transferred; and, notwithstanding all Mr. Atchison's previous objections to Mrs. Hindge, she was put in possession, and commenced to sell immediately she had settled with Mace and Arkell.

1206. Was she licensed?—I do not know. I could not find out. I was told by Carter she was selling without a license. He attempted to lay an information; but it was not taken, so far as I know.

1207. Has a license been granted to the house?—I do not know.

1208. The house is still open?—Yes; Mrs. Hindge is behind the counter, selling.

1209. Do you remember the statement made by a witness who was to be called to prove what Mace said Atchison would do in the application to be made in respect to this hotel?—Yes; I was told that Mace told one of the Carters that he would get Atchison to refuse the license. I do not remember the exact words, but that was the impression left on my mind.

1210. You employed me in the matter after our dissolution of partnership?—Yes; the impression left on my mind by the statement was that Mace had threatened one of the Carters that he would make it all right with Atchison, so that the license would not be transferred. I cannot recollect the exact words.

1211. Do you remember Carter being called as a witness to prove that?—I did not attend the Court, and therefore did not hear what he said in Court.

1212. *The Chairman.*] I understood you just now to say something about a threatened prosecution of Mrs. Hindge for selling liquor without a license?—Yes; Thomas Carter told me he had attempted to lay an information against this Mrs. Hindge, but every obstacle was thrown in his way, and he could not do it.

1213. In what way?—By the Clerk of the Court, he told me.

1214. Do you mean that the Clerk of the Court would not draw the information out?—I do not exactly know what the obstacles were. The man came to me about it—in fact, he was rather a nuisance to me than otherwise—and I think I told him to go to the Magistrate.

1215. And you heard no more about it?—No.

WILLIAM HENRY SWAIN, being duly sworn, was examined.

1216. *The Chairman.*] You are an hotelkeeper?—Yes.

1217. What hotel do you keep?—The Union Hotel.

1218. *Mr. Barton.*] Will you relate to the Committee the circumstances attending the proposed sale of the house by you?—I gave the house into the hands of Mr. Joseph Nathan to sell for me.

1219. How long ago is that?—Nine or ten months. Mr. Nathan brought forward Mr. Frank Valentine as a purchaser of the hotel. I went down to see Mr. Nathan about it, and told him I thought Valentine would not get a license. He said, "Oh, we will go over and see Atchison; I shall be able to make it all right with him; shall I give him £5 or £10?"

1220. *The Chairman.*] Who said that?—Mr. Joseph Nathan. I said I thought £5 quite sufficient. He asked me for the money. I said, "I have not got it with me; I will make it all right afterwards." I did not go with him over to Atchison, so I do not know what occurred between them.

1221. *The Chairman.*] Is it the custom to make payments to the police in cases of this sort?—I did not think it was.

1222. Have you ever heard of payments being made before?—I have heard of it, but it is only a matter of hearsay.

1223. Do you know of your own knowledge whether money has been paid?—No.

1224. Mr. Nathan acted as your agent?—Yes.

6.—I. 4A.

Mr. H. S. Fitz-herbert.

2nd Oct., 1878.

Mr. W. H. Swain.

2nd Oct., 1878.

Mr. W. H. Swain.

2nd Oct., 1878.

1225. I suppose you had accounts from him in reference to the matter?—Well, afterwards, the whole thing fell through. I backed out of it, and gave Mr. Nathan £100 bill.

1226. For what?—To drop back again into the house. I do not know whether he ever paid Atchison that money.

1227. Do you know of any instance in which the police have been paid for their services in such matters as these? You say it is matter of general rumour: Do you know anything, of your own knowledge?—No.

1228. *Mr. Barton.*] Except that your agent asked you what sum he should pay Atchison—£5 or £10?—Yes.

THURSDAY, 3RD OCTOBER, 1878.

Mr. W. Hutchison.

3rd Oct., 1878.

Mr. WILLIAM HUTCHISON, being duly sworn, was examined.

1229. *The Chairman.*] You were lately Mayor of this city?—Yes.

1230. You had, in your official capacity, cause to communicate with the police on various occasions, I presume?—I do not know that officially I had, but it is very likely I may have communicated with them. I have no recollection, after this lapse of time, of what I may have said. Most likely I sent a memorandum to them once or twice.

1231. Have you had any reason to notice particularly their mode of conducting business and of doing their duty?—Yes, I had an impression then—I do not know that it is so strong now—that the police of Wellington required very strict looking after—that they were inclined rather to go beyond their duty; but I am not now prepared to give special instances. It was an impression I had that they were inclined to go beyond their duty, not only in arresting prisoners, but also in the rough way in which they subsequently treated them.

1232. Do you know of your own knowledge of anything of the kind?—Not in the way of detail, but, from sitting on the Bench pretty frequently, I had an opportunity of seeing how they conducted themselves towards prisoners generally; and I have had statements made to me, by persons in whom I had perfect confidence, which went to show that that was a characteristic of them; and I did, when I was Mayor, deem it my duty to look into the matter somewhat particularly, with good effect, I think.

1233. There was one case here in which your name was mentioned: that was the case of a man who was alleged to have been maltreated by Constable Buchanan at the Manners Street lock-up. He himself referred to you as knowing something of him, and Mr. Pilmer, who made the charge, said he had informed you of the circumstance, and that you wrote to the police, I think, about the matter. Will you state what you know of Buchanan?—Yes; that is why I am here, I understand. I have said that my impression, generally, has been that the police as a body were inclined to go beyond their duty not only in arresting prisoners—because my idea, rightly or wrongly, is that, even if a man is drunk, there is no call for the police to arrest him so long as he is going home quietly—but in their mode of treating them subsequently; although I am bound to say that, from what I have observed, this man Buchanan was one of the most careful and considerate men of the whole force.

1234. Have you any recollection of Mr. Pilmer having made any complaint to you about the matter I have referred to?—No; I have no recollection. I recollect that he has spoken to me generally about the police on several occasions, but not particularly about this matter, so far as I recollect.

1235. *Hon. Mr. Fox.*] Mr. Pilmer tells us he could never get sufficient aid from the police, and referred to you in support of that statement?—The police did not think it was part of their duty to go with Pilmer to hunt up nuisances, and it may be that on one or two occasions I have sent a memorandum to the Inspector saying I thought he should give more assistance. But that is a different thing. I should be surprised if there was any document from me in reference to Buchanan's case.

1236. No, there is no document; but Buchanan referred to you, and so did Pilmer. Pilmer says he spoke to you about it, and that you communicated with the police. Buchanan says he never did such a thing, and referred to you for a character?—I am perfectly satisfied that, if Pilmer had informed me of any such assault as Buchanan says he is charged with, I should not only have represented it to the Inspector of Police, but also to the Minister of Justice. I am inclined to think Pilmer must be mistaken so far as Buchanan is concerned, because he appears to me to be one of the most considerate men in the force. He came to me himself about the matter, and asked me to say what I knew of him; and, believing my estimate of his character to be quite true—because I have had a good many opportunities of judging—I said I had not the least objection to give it.

1237. Is Pilmer an excitable man?—That would depend upon circumstances.

1238. Do you think he would recollect clearly and distinctly anything that occurred? Is he a reliable man as to evidence?—Oh, I think so; but I think he must have been mistaken in this case. It must have been some other man.

1239. I believe Buchanan has always borne a good character in the force?—Yes; from what I have seen of him I have always regarded him as a rather better class of man.

Mr. Wallace.

3rd Oct., 1878.

Mr. WALLACE, being duly sworn, was examined.

1240. *The Chairman.*] You wrote the other day to say you wished to give evidence as to some further payment you had remembered?—Yes; I said, in examination the other day, that there was no other money paid to the police except £40 in the case of Heggarty and £10 in Parker's case. On hunting some papers, I have found that £10 was paid to Farrell in Pestrige's case. I had entirely forgotten it.

1241. Was it paid to Farrell for himself?—Yes, as far as I recollect—and the only record I have is the butt of the cheque. Farrell explained to me that he was money out of pocket by the case in hunting up witnesses and getting evidence. I spoke to the agent of the New Zealand Insurance

Company, and we thought we ought to give him £10, and I paid him that sum on behalf of the two offices. This money did not go through the Inspector, but was paid direct to Farrell; and I presume the Inspector never knew anything about it. Farrell did not ask for the money, and it was only through his explaining casually that he was money out of pocket: it came out in conversation. There was also another point. Since I was last here I have recollected that Mr. Boardman did show me some report or evidence in Quin's case.

1242. *Mr. Barton.*] Have you a copy of Farrell's report in Pestridge's case?—I had some sort of a report, I think, but I cannot find it. I destroyed all the papers in connection with that case.

Mr. R. J. DUNCAN, being duly sworn, was examined.

Mr. Wallace.
3rd Oct., 1878.

Mr. R. J. Duncan.
3rd Oct., 1878.

1243. *The Chairman.*] We wish to ask you one or two questions about a matter which has been alleged. Do you remember your store or office having been left open one night by mistake?—Yes, I do.

1244. How long ago was it?—I suppose about four months, as far as I remember. In consequence of what a policeman told me, I went down, and found the place in charge of a man; and I offered him 5s.—all the money I had in my pocket at the time—and he said he could not take it.

1245. Have you made any payment to the police on account of that?—Not that I remember.

1246. You have not paid Inspector Atchison anything?—No.

1247. The allegation is that there had been one or two cases in which offices had been left open, and that payments had been made to the Inspector on that account, and that he had not given the money to the police. It was said that yours was a case of that kind?—Speaking from recollection, I do not remember anything of the sort, and I think I should have remembered it had there been such a payment made. I thought it nothing but right to offer the man something, and he said he could not take it.

1248. *Hon. Mr. Fox.*] If you had given a £5-note you would have remembered it?—Yes.

1249. *Mr. Barton.*] Do you remember who the policeman was?—No; I can only say he was a tall man. I do not say, positively, that I did not send a pound to the police; but I cannot remember it, and if I had done so, I think I should have remembered it.

1250. Did the man suggest you should send the money to the office?—No; I do not think so.

1251. Are you aware that the police may get such rewards through their officers for diligence?—Yes; but he simply refused it, and I heard nothing more of the matter. I think I told Atchison and Smith that the man had refused anything, and I was surprised.

1252. *Hon. Mr. Fox.*] It did not strike you that he refused because he did not think it enough? No; it was not refused in that way. I said I was sorry I had not more to offer, and he said that did not matter, he could not take it.

Mr. SIMPSON, being duly sworn, was examined.

Mr. Simpson.
3rd Oct., 1878.

1253. *The Chairman.*] You are Manager of the New Zealand Insurance Company?—Yes.

1254. Have you been in communication with agents of other insurance companies as to investigations into fires which have occurred?—Yes, in one case I was interested—that of Pestridge.

1255. In any other?—No.

1256. Had you any reason, in that case, to complain of the police?—In the first steps that were taken they were very vigorous, and I am not sure that they were to be blamed for any part of it; but there is no doubt that the chief witness in the case was absent when he was wanted.

1257. How was that?—I do not know.

1258. Did you think there was a case against Pestridge?—I did. I had looked the matter up, and thought there was a case; and I thought the police had a strong case, as the man was arrested so quickly. I thought they had a strong case, and probably had evidence with which I was unacquainted.

1259. Have you any idea at all how it was that that witness was allowed to get out of the way?—I really do not know. I heard that subpoena was not issued, or not served, till the man was out of the way. I think there must have been negligence; but I do not know whose fault it was.

1260. Was any reward paid on that occasion, or anything given to the police?—Yes; I gave £5 to the agent of the National Insurance Company, my half of the reward to be paid to Detective Farrell.

1261. Have you transacted business here for any length of time?—For about eighteen months.

1262. Do you know of any other occasion on which money was paid to the police?—Not of my personal knowledge; but I know that £40 was paid in the case of Heggarty.

1263. From your experience, do you consider it advisable to offer payment to the police in cases of supposed incendiarism?—That is a course I have strongly advocated myself.

1264. Why?—Well, not particularly to the police; but I think the offer of a reward expedites matters, and causes the police to take some interest in the thing.

1265. Do you think the police are remiss in such inquiries?—No; from my personal knowledge I think they are not. In this case of Pestridge's I think they showed considerable energy, and they appeared confident they had a good case.

1266. Have you had experience in matters of this kind in any other place?—No.

1267. *Mr. Barton.*] There was an insurance on these premises at the time they were burned down?—Yes.

1268. There was one in your office?—Yes.

1269. Who were the insurers?—Mace and Arkell.

1270. If Pestridge had been convicted, would that have had any effect upon the insurance company's action in paying Mace and Arkell the money without question; or would it have caused them to resist payment?—No; they could not possibly have resisted payment, because it was Mace and Arkell's interest, and not Pestridge's, that was insured.

1271. Let me suppose this for a moment. I do not for a moment wish to cast an imputation upon rich and respectable people, but let me put this: The place was not likely to pay, because a license had been refused for it several times, and the building was practically of no value for business purposes. Suppose Pestridge had burned it down to get out of his lease, and got some understanding

Mr. Simpson. that he would be let out of his liability to Mace and Arkell, do you think that would have had any effect upon the insurance companies? Suppose Pestridge had a lease for fourteen years, and could not get out of it, and he got a hint from anybody that the best way to get out of the lease was to burn the place down—you see, I am assuming Pestridge to be guilty—Pestridge got a hint that the best way to get out of the difficulty would be to get the place out of that. Supposing that Pestridge, for his own purposes, let the insurance companies know that, would that have had any effect on them paying the money over without further investigation. Suppose there had been an improper transaction, and Pestridge “peached,” as the saying is?—Do you mean to say, suppose there was collusion to which Mace and Arkell were parties?

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1272. Yes; in that case, would the insurance companies at all events have tried to have the matter investigated before they paid the insurance?—Certainly, if there was a strong case.

1273. How much did the insurance amount to in all the offices?—To £900.

1274. Had you ever inspected the premises yourself?—Yes.

1275. Was it a mere shell of a place, or was it a well-built place?—It was not a strongly built place.

1276. Do you remember evidence being given at the Licensing Court, and that the ground on which the license was refused was that it was merely a big box, and hardly capable of resisting the wind?—Yes; but I do not think that was the fact. It was rather too strong a term to use. It was not a strongly-built place, still it did not deserve such comment as that.

1277. You say the insurance amounted to £900?—Yes; there was £650 on the building, and £250 on the furniture.

1278. And it was all Mace and Arkell's?—There was one policy for £500 in the name of Moeller, and Mace and Arkell—Moeller was trustee for Mrs. Egan—and the other £150 was in the name of Mace and Arkell alone.

1279. The money has been paid? Whom has it been paid to?—Mace and Arkell, I know, have been paid theirs, and Moeller's and Mace and Arkell's is liable to be paid. I do not know whether it has been, or not.

1280. *The Chairman.*] Was there a rumour that the witness had been got out of the way?—Yes, it amounted to a rumour; there were strong suspicions.

1281. Had you reason to believe it?—I had no particular reason to believe it, except, as a fact, he was not at the trial.

1282. Practically, did you believe it?—I did.

1283. Who was this witness?—A man named Ferguson.

1284. You have never heard of him since?—No; I have not endeavoured to.

Sergeant Fraser.

Sergeant FRASER, being duly sworn, was re-examined.

3rd Oct., 1878.

1285. *The Chairman.*] Would you turn up your letter-book, and refer to the letter sent to O'Connor on 25th January, covering a Post Office Order?—[Letter produced.]

1286. That is the only entry?—Yes.

1287. You know the evidence is that £40 was given to Inspector Atchison with which to make certain payments, and to retain a certain amount. Is there any book in which the receipt of that £40 is entered?—No.

1288. It was dealt with as a matter of account?—No.

1289. This £10 is a payment out of it?—Yes.

1290. Five pounds were paid to you?—Yes.

1291. What had you to do with Heggarty's case?—I was in the office and took down the statements of witnesses sent by Inspector Atchison to me; and I had several interviews with a man named Gordon, who, we thought, would be a good witness. I did not do a great deal in the matter.

1292. Of your own knowledge, do you know if Farrell had anything to do with the matter?—I cannot say, of my own knowledge. I believe he was on the wharf in company with Sergeant Smith, and there arrested Heggarty.

1293. *Mr. Barton.*] There is not a letter-press copy of this letter?—No; we have no press in the office.

1294. Are all letters copied *verbatim* into this letter-book by the clerk?—Yes; I copy them. There are some documents which leave the office which are not copied, because they are so unimportant—various memoranda, &c. Anything which is considered of importance is entered up in this book.

1295. Could you find in this book any entries of a similar description to that of the letter to O'Connor?—No.

1296. How long a period do the entries extend over?—From 3rd January, 1875, to the present date.

1297. I suppose there are three or four hundred letters a year entered?—No; there were 276 during 1875. They are all numbered, as you can see.

1298. *Mr. Swanson.*] What is the principle on which the reward money is dealt out?—It is generally dealt as the Inspector thinks fit.

1299. You are a regularly-organized body, with rules and regulations?—Yes.

1300. Well, in a matter of that sort, what is the rule?—I think the present rule is that no one is allowed to receive any money without the sanction of the head of the establishment, which, I presume would be the Commissioner.

1301. Is the Inspector himself entitled to receive any?—I do not know.

1302. Is it not part of your duty to know these things, and, indeed, of every policeman when he joins the service?—I do not know. I presume that if the Inspector did anything unusual he would be entitled to receive portion of a reward, as well as any other member of the force.

1303. *The Chairman.*] But who would be the judge as to whether he deserved it?—The Commissioner, I should say.

1304. In this case, was the matter referred to the Commissioner?—No.

1305. You say generally so-and-so is done. Are there many cases in which rewards are distributed?—No; I remember rewards given for the arrest of men-of-wars' men. *Sergeant Fraser.*

1306. But those are regularly-advertised rewards?—Yes.

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1307. What I want to know is: Do you know of any cases in which private individuals have made payments on account of convictions?—I cannot remember any instances just now.

1308. There is one question I want to ask you, and I want you to try and remember, and then answer me carefully. You are always in the office: Do you know of any payment having been made to the Inspector of Police by applicants for publichouse licenses?—No; I never remember having heard of such a thing. If such a thing has happened, it has not been within my knowledge.

1309. *Mr. Swanson.*] If a reward is paid for anything, does it go into the general fund, properly speaking?—No, it does not.

1310. How are the rewards accounted for?—It is left to the Inspector to give them to whom he thinks best entitled.

1311. Is that a rule of the service?—I do not know. I have not one of the manuals.

1312. Are you aware of the rules of the service?—I am, generally.

1313. Then what is the rule of the service about this money?—Speaking from memory, I think, when a reward is sent, a report of the services of the various men interested is to be sent to the Commissioner, and he is to judge on that.

1314. Who are the persons entitled?—Those who look up the case.

1315. Whether privates, sergeants, officers, or others?—Yes.

1316. Well, listen to this [reads clause 50 of rules]?—I did not remember that passage. I must plead ignorance of that.

1317. If that is the law, then the regulations have been broken?—Yes, evidently so. Is that a late issue?

1318. It was printed in 1869, by "George Didsbury, Government Printer."—We were not under the General Government at that time. In 1869 we were under the Provincial Government, and there was no law on the subject, I think, with us.

1319. *Mr. Barton.*] You have seen the Otago Police Regulations?—Yes.

1320. Are those not the rules under which you have been working here?—No.

1321. I do not mean the Armed Constabulary, but the ordinary police?—No; we were under the old Munster Ordinance. I think that was passed in 1846, but subsequently amended.

1322. I am speaking of since the amalgamation?—Since then we have been working under a manual compiled in the Armed Constabulary Office.

1323. Is not that the Otago manual?—I do not know.

1324. Do I understand that you, an old police officer, do not know what the exact regulations are under which you are working?—Really, I never give them much attention.

1325. Have you, since you were here last, looked for the report of Farrell in Pestridge's case?—No; I did not know it was wanted.

1326. You say you took the evidence of some witnesses in Heggarty's case. Have you kept a copy of that?—No; it is not kept. It is simply written down for the use of the officer conducting the case in Court. The evidence is preserved in the depositions.

1327. But is it not a fact that a great deal of matter becomes known to the police that they cannot make use of, which never appears in the depositions, but which ought to be preserved for future use: for instance, there are the detectives' reports?—Yes; up to a few years ago, we never got any reports of the kind.

1328. Did you receive any orders respecting the service of these summonses by Farrell?—No.

1329. Are you aware how it was he came to be ordered to serve them?—It was the first occasion of Mr. Atchison getting the jury summonses, and this was the first time Farrell returned to duty after a hundred days' illness. He saw Atchison in the next office, and they were talking about the summonses in a very friendly way, the result being that Farrell went out to serve the summonses.

1330. Is it any portion of your duty to receive these police reports [produced] when they come in?—Yes.

1331. And do you lay them before the Inspector?—Yes.

1332. Is it not the duty of the Inspector to read these reports, minute them, and give orders as to what is to be done?—Sometimes he does, and sometimes not.

1333. Well, here are five or six reports. I will take this one first: It is dated 18th September, and in it Constable McGrath reports circumstances which seem to indicate child-murder. Is there any minute by Inspector Atchison upon it?—No.

1334. Did you lay it before him?—It was laid before him either by Sergeant Smith or by myself. It is Smith's duty, in fact.

1335. It was laid before him?—I think so, and Farrell was informed about it.

1336. Is it not the duty of the Inspector to put some minute upon it referring it to some officer?—Hitherto it has not been done.

1337. Well, what does Mr. Atchison do? You say you write all the letters, and that he merely signs them?—Yes.

1338. Not one of these documents are minuted with instructions?—No.

1339. Officers are allowed to take the papers or leave them, as they think fit?—An officer is put in charge of the case.

1340. But there is no minute made whatever?—No.

1341. This document has lain in the office since 18th September, and in the interval Farrell has been serving summonses?—He has been serving summonses; but I am not certain of the date on which he returned to duty. I know he was asked to serve the summonses.

1342. On the 19th Dr. Hector minuted the document, and says it is a case of child-birth, at any rate?—Yes.

Sergeant Fraser.
—
3rd Oct., 1878.

1343. *The Chairman.*] What was done with the case when this document came down from Dr. Hector?—The document was laid on Atchison's table. He has seen it.

1344. What did he do about it?—He gave verbal orders to Smith to inform Farrell of it. I am almost sure Farrell was informed of it.

1345. Is it customary, when these documents come in, to give them into the officer's hands, without the Inspector first putting a minute on them?—Yes.

1346. Now, in this document is a case from Christchurch: a warrant is forwarded for execution. What has been done in that?—It was given to Farrell and Constable Smart. I may explain that some time previously to our receiving this we received a telegram from Mr. Broham, asking us if we could find out the whereabouts of this man. Constable Smart, who was acting in Farrell's place, succeeded in finding the whereabouts of the man. Information was sent to Mr. Broham, and then this warrant came up; but in the meantime the man had gone. He was working at the gas works, but seemed to suspect something, for he went away. Search was made, and this morning Smart reports that the man is at present in Blenheim. We will forward this document on to Blenheim as soon as we can get it into our possession again.

1347. There is nothing of all that on these papers?—No.

1348. Do the documents pass through different officers' hands without there being any record of their having been through their hands?—Yes.

1349. *Mr. Barton.*] Now, here is a matter from the police at Sydney. It passes through Colonel Reader's hands on 20th September, through Mr. Sherman's on 21st, when it is sent to the officer in charge of the Wellington District. Is there any memorandum on that to show that it has received any attention from Mr. Atchison?—No; but it has been inquired into, and is entered up in the occurrence book at the station.

1350. Who keeps that. You?—No; a man named Ellison.

1351. Then you are speaking of an entry you have not seen?—Yes.

1352. You suppose the entry must have been made by somebody?—Yes.

1353. How does it happen that these papers still remain on the Superintendent's table when done with, as you say?—All papers always remain on the table.

1354. Whether done with or not?—Till we know the inquiries are complete, and then the papers are returned to the person who sent them.

1355. This case from Sydney which was sent on to you by Colonel Reader: Of course a report ought to be made to him?—Yes.

1356. Was a report made to him?—No; the papers are generally kept until inquiries are made. I may add that, as a rule, we have always been successful in being able to get evidence. Very few offenders escape, and most inquiries referred to us are satisfied, even if our system is not so very good.

1357. Are matters improved by a detective being engaged in serving summonses when these important matters are laid aside?—We got on very well even before Farrell came here.

1358. *Mr. Swanson.*] I think you stated that sometimes you went to the Pier Hotel to see the Inspector?—Yes.

1359. Do you know what the rules of the service are with reference to Inspectors going to public-houses?—I believe it is a rule that no member of the police force should frequent publichouses. But that is a rule more honored in the breach than in the observance. I have gone to publichouses myself, and, while I remain in the force, I shall please myself upon that matter.

1360. You do not pay any attention to that rule?—No.

1361. You do not think the Inspector should obey the rules?—He must answer for himself.

1362. The Inspector ought to set a good example to those under him?—I think he does.

1363. Rule 176 says that the Inspector must not himself frequent publichouses, nor allow his subordinates to do so: in fact, he will best consult his character and self-respect by never even entering them, except it becomes necessary in the performance of his duty. What do you say to that—that it is more honored in the breach than in the observance?—Yes.

1364. Do you think so still?—Yes; it is the case all over the colony.

Mr. A. L. Sutton.
—
4th Oct., 1878.

FRIDAY, 4TH OCTOBER, 1878.

ALFRED LLEWELYN SUTTON, being duly sworn, was examined.

1365. You have something to do with the Foresters?—I am Secretary to Court Robin Hood No. 4428.

1366. Did you succeed a Secretary named Quinn?—Yes.

1367. Do you remember the circumstances under which he ceased to be Secretary?—He did not give satisfaction to the Court.

1368. How is it he did not give satisfaction to the Court?—I should like to be satisfied whether I am entitled to divulge anything that takes place in the Court. The obligation one takes on joining is that he will not divulge anything in connection with the affairs of the Lodge.

1369. *Mr. Swanson.*] That is, the secrets of the Order and the business of the Court.

1370. *The Chairman.*] Supposing there would be embezzlement of the funds, do you mean to say you would object to give information in order that the person embezzling the funds might be prosecuted?—Well, that is a question. I should like Mr. Fox to tell me what I ought to do. He is a member of a similar society.

1371. Well, we must get at the truth, and I will put the question point blank to you; then you will see whether you can answer it. Were the accounts of Morton Quinn correct or incorrect?—They appeared to be correct, until I went into them. But then we found that they were anything but correct.

1372. Was there a deficit?—Yes.

1373. Why did the Society not prosecute him?—It proceeded against him as far as the laws of the Order went. We expelled him the Order; but, before it is settled definitively, he may, within three months, appeal against the expulsion. That three months has not yet expired, but nearly so. *Mr. A. L. Sutton.*
4th Oct., 1878.

1374. Has he appealed, so far?—No; he has given no notice of appeal whatever.

1375. Was anything said in the Lodge or out of the Lodge about the burning of documents?—That was in connection with the district. I got one balance-sheet half burned, and I have it now in my possession.

1376. How did you get possession of it?—I got it out of the office where the fire had occurred. It was the balance-sheet of last quarter, and I wanted it in order to bring over the balance of last quarter into the next quarter. One side of the paper was almost burned away, but I just managed to see what the balances were.

1377. How did you get possession of it?—I went to him and demanded it of him in my capacity as Secretary. I wrote to him, as well, about the matter. I had very great difficulty in getting documents from him: indeed, I have not got them all now. He would give me one or two things at a time, and promised to turn up others that I have wanted; but he has not yet turned all up that are wanting.

1378. Did he ever say anything to you about the fire?—No; I never asked him about that because it was well known all over the place.

1379. What was well known all over the place?—The circumstances of the fire in his place.

1380. What were the circumstances?—Well, it looked very suspicious in the mind of a great many people.

1381. Do you know why he was not prosecuted in connection with the fire?—No. To my mind he ought to have been prosecuted; but it was hushed up.

1382. Who hushed it up?—I cannot say; the affair was got over somehow.

1383. Have you any idea who hushed it up?—I cannot say; it evidently was worked. To my mind he ought to have been prosecuted.

1384. *Mr. Swanson.*] Did you make any report to the Police that the cash was correct?—No. I did not know how far the cash was wrong. It takes a long time to find out these sort of things. We have not found out all yet, and very likely we shall find more. He has always paid the money when deficiencies have been discovered.

1385. Did you ever state to the Police that they need not trouble about it, because the money was all right?—No.

1386. Did the Inspector ever ask you any question about the money?—No; nobody in the police ever came to me, that I recollect.

1387. Do you know whether they asked any other officer?—I do not. They would come to me; all information should come through me, as secretary of the lodge.

1388. The police never communicated with you on the subject?—No; the police never came to me. Quinn was also district secretary; and I may say that, at the very time that this place was burned down, there was a district meeting, and he had to find a large cheque to make up deficiencies in the district funds. The police may have gone afterwards to the district secretary—a man named Knapp.

1389. *Hon. Mr. Fox.*] Is it not the case that the very night on which this fire occurred Quinn was to have been at a meeting, and to have rendered certain accounts as district secretary?—Well, the meeting was close on. I do not know whether it was that night; but there was a district meeting about that time, and the delegates had assembled, and he did not meet them. He ought to have been there, but he would not meet them, because he was tipsy. I believe he had no balance-sheet prepared for the district, and that they had to adjourn the meeting for about a month, so as to look into the district accounts; and a temporary secretary was appointed for that purpose.

1390. Did you ever hear that a sum of £300 was short?—I did not hear that the precise sum of £300 was short.

THOMAS CHARLES COLEMAN, Nightwatchman at the Club, being duly sworn, was examined.

Mr. T. C. Coleman.

1391. Do you remember a man named Vitey being arrested by the police?—Yes; I was present when he was arrested, but not when the offence for which he was arrested took place.

1392. What was he arrested for?—It was said that he had used insulting language to some females in the street.

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1393. Who was Vitey?—He was a tall Frenchman.

1394. Can you state the date on which this occurred?—No, I cannot; but remember that it was on a Sunday evening about half-past 10—it was on the 23rd April.

1395. Well, what occurred?—I was passing down near Mr. Moss's shop on Lambton Quay one Sunday evening, after I had done in the kitchen (I was at that time cook in the police lock-up). I heard a row and looked round and saw one or two men running along Grey Street. I ran also. When I got to the Pier I found these men—Vitey was on the ground, and that McWilliams was over him, endeavouring to get him to the station. He called me to give him some help. Vitey was trying to get up, and said it was cowardly to hit a man when he was down.

1396. Was not McWilliams hitting him?—He did not hit him in my presence. We took him along as far as the New Zealand Shipping Company's Office, and tried to put the handcuffs on, but we could not. McWilliams called me a bloody fool, and said I must go and get more help: that I had better go to the station for help. There were a number around now, and they began to hiss us.

1397. Why?—I suppose it was because of the manner in which McWilliams was treating the man.

1398. Was he unnecessarily rough?—He was a big man, and Vitey said if he was allowed to stand he would go anywhere he was wanted to go. The constable said no; he knew him of old, and he was not going to let him up.

1399. What did McWilliams endeavour to do then with the man?—He was dragging him along by the back of the neck.

1400. What did you do?—Well, I helped McWilliams as much as possible; but I did not wish to

Mr. T. C. Coleman. be rough, and I suppose that is why he quarrelled with me. I never wore a uniform, and I did not want to get a bad word amongst the people.

4th Oct., 1878. 1401. Did you think the man was being ill-treated?—I certainly should not have treated him so myself.

1402. Well, was he taken to the station?—I left him, and went to the station to get some more help. There were two men in the station, one of them went to McWilliams' help, but McWilliams seemed to think that he was worse than I was.

1403. Why?—He did not seem to lend so much assistance as I did. At any rate, the three of us, and a civilian, took the man to the station, where he was searched, and locked up for the night.

1404. Was the man injured at all?—I heard afterwards that he spat blood, and that he was not allowed to go out to work at the gaol because he was so bad. But I do not know that of my own knowledge.

1405. Was that in consequence of the treatment he had received?—I suppose so. An action was brought to recover the value of the clothes belonging to McWilliams which had been destroyed, but it was held by the Bench that the clothes had been paid for by the sentence which Vitey underwent.

1406. Was any complaint made that he had been ill-treated?—I do not know; everything was kept quiet from me.

1407. Was McWilliams hurt at all?—Not that I know of.

1408. *Mr. Barton.*] Did any policemen remain in the cell after you left?—Several.

1409. Was Buchanan there?—I cannot say.

1410. Was Monaghan there?—I saw Monaghan amongst the crowd, but I do not think he was in the cell.

1411. Was the man handcuffed?—When he came in.

1412. Did you see the handcuffs taken off?—No.

1413. Was he in the cell with the handcuffs on?—Yes, he was.

1414. Was he on the ground?—Yes, he was on his back.

1415. Was he tied?—I do not know. I left as soon as he was put in the cell.

1416. Did you hear that he was maltreated in the cell?—I heard so, but one cannot take notice of what one hears.

Mr. J. E. Nathan.

Mr. J. E. NATHAN, being duly sworn, was examined.

4th Oct., 1878. 1417. *The Chairman.*] Would you be good enough to tell the Committee if you recollect a conversation with Swain, of the Union Hotel, about an application for a publichouse license. Swain had some negotiation with you about one?—I believe Mr. Swain went into the business before I came out. When I was in England my managing clerk, Mr. Roxburgh, bought the right to purchasing the freehold of which Swain was tenant; but that all transpired when I was away, and I knew nothing of the matter. I did not like the publichouse business at all. It commenced after I went away, and on my return I put a stop to it.

1417A. Is Mr. Roxburgh still in your employ?—No; he misconducted himself in my absence, and is not now in my service.

1418. The allegation made to the Committee and supported by the statement of Swain is something to this effect: That he wanted some application made about the license, and went with you to see about it, and you asked him what you should give the police (by way of a bribe, of course) £5 or £10; and that he said £5 was enough?—Nothing of the kind. It may have taken place with Roxburgh, as Swain had his license before I knew him; it could not have taken place since.

Inspector Atchison.

Inspector ATCHISON, being duly sworn, was re-examined.

4th Oct., 1878. 1419. *The Chairman.*] We have called you here to-day because there is a complaint on the part of Detective Farrell: that, in consequence of evidence he has given before the Committee, he has been intimidated by yourself and other officers?—I should like to know in what way. It has not been the case, so far as I am aware.

1420. Well, we will swear Farrell; and then you will hear what he has to say?—Yes.

Detective Farrell.

JAMES FARRELL, being duly sworn, was re-examined.

4th Oct., 1878. 1421. *The Chairman.*] Now, what is your complaint, Farrell?—I received intimation from you to produce certain papers before the Committee yesterday. On Wednesday, when I left here, therefore I went to the Police Station to get them. I saw Ellison, the second clerk, and I asked him if there was any one in the office up-stairs. He said, "No." "Well," I said, "will you kindly come up-stairs with me, because I want to take possession of some papers in your presence, to show I am not stealing them." He came up-stairs, and I put the documents in my pocket. When I went on duty yesterday morning Sergeant Smith, in a most insolent manner, asked me what right I had to remove papers. I said I had done so by order of the Chairman of the Gaols Committee. He replied, "I want a receipt for them;" and I gave him a receipt. Inspector Atchison and Sergeant Fraser were there, and the Inspector accused me of removing documents from his office without his authority, and said I had no right to do so. I said, "I did not do so; I took them from the Sergeant's office." Smith then said I had taken them without any authority. I replied, "If I have done wrong, report me; but do not abuse me." Fraser then said it was most dastardly and damnable conduct on my part. It was the first time he had ever known such conduct. It was most dastardly and damnable conduct, and amounted to stealing. I said, "Don't accuse me of stealing; what I did, I did by the order of the Committee. If I have done wrong, report me."

1422. *Inspector Atchison.*] What did I say to you yesterday morning about the documents?—You said I had no business to take them; that you did not think an old policeman would do such a thing;

and that my little game was well-known to everybody—meaning, no doubt, I was Mr. Barton's informant. *Detective Farrell.*

4th Oct., 1878.

1423. What did I tell you about the documents?—You told me the documents were at my disposal when I liked; but such is not the fact.

1424. Did I not say I was in the next room, and you might have asked me for the documents?—Yes; but you were talking to some one.

1425. Did I not say you could have any papers or documents, or copies, on proper application being made?—Yes.

1426. And then you said, "Mr. Bowen told me to take them;" and I said, "I don't believe he asked you to bring them away in that manner?"—Yes.

1427. *The Chairman.*] Who gave you the papers?—Ellison. He took me upstairs, and I then took the documents in his presence, and sat down on a chair and counted them.

1428. *Inspector Atchison.*] Did you not know I was in the next room?—Yes; but you were talking to some one.

1429. *The Chairman.*] Is there any other evidence you wish to give?—I would point out to the Committee that Sergeant Smith has only had fourteen or fifteen months' experience, and yet I, with my thirty-three years' experience, have to take my orders from him. I do not get instructions from the Inspector, but from Smith. In fact, I am afraid to go into the Inspector's office; because they were, I am sure, endeavouring to get something out of me which would enable them to report me for disobedience. If I had done wrong it was the duty of the Inspector to report me to Mr. Shearman, and not to have abused me before these other two men.

1430. *Inspector Atchison.*] You are accustomed to make these charges against your officers, are you not?—No.

1431. *The Chairman.*] There was a further complaint that a man was reprimanded for speaking to you. Just state what it is again?—I was going home from here on Thursday last, when I saw Constable Timothy Carroll. I spoke to him, and he said, "Oh, don't speak to me." I said, "Why?" He replied, "Because I have been reprimanded on parade this morning, in the presence of the men, by Sergeant Smith for speaking to you yesterday." That was on the Wednesday. I said, "Is that possible?" He said, "Yes;" and I passed on. I determined to come straight back to the House and make a complaint—not for my own sake, but for the sake of the men, because it is quite in accord with the Regulations that I should ask questions of constables. In this case I was speaking about a man named Clarke, who was "wanted" from Sydney; and I simply asked if he knew such a man, or had seen a man agreeing with the photograph I showed him. Smith saw us, and this was the result.

1432. *Hon. Mr. Fox.*] I think you said the man was fined?—He was fined for something; but it was added to the offence with which he was charged that he had been speaking to me in the street.

1433. You were not called?—No.

1434. Then he was condemned on that point without any inquiry?—Yes; apparently he was. If I am to be debarred from speaking to the constables I cannot do my duty properly, because, being all over the city, there are many things seen by them which should be known to me; and, if the police are not civil to me, how can I expect the public to be so. I have been put down as an informer, and it has injured me. I should like to read to the Committee a paragraph I have here from one of the papers, showing that a little while ago Sergeant Smith entered the Melbourne Hotel to quiet a disturbance one Sunday morning, between 12 and 1 o'clock. He was assaulted, and the case came before the Court. Smith swore that the place was a most disorderly house, and Mr. Mansford, the Resident Magistrate, ordered the landlord to be prosecuted. The next day I met the proprietor, and he said he was going down to Ames's Hotel to square the "old man," meaning Atchison. Now, no one has been summoned, though the Resident Magistrate ordered a prosecution, and Smith swore the house was a disorderly house. Here is another thing; Sergeant Smith is connected by marriage with the proprietor of a certain hotel in town—he has married the daughter of Thomas, of the Central Hotel, just opposite the station. Now, I should like to know whether it is likely that any constable will do his duty with respect to that hotel while Smith is standing at the door in plain clothes, or looking at the house from the police-station gate. Why, it is more than a man's position is worth to complain of that hotel. Mr. Atchison asked me just now if I was not in the habit of making charges against police officers. I wish to answer that question. I have never made charges against a police officer, and I wish to lay before the Committee my testimonials, to prove where I have served, and how I left the service. This (produced) is my certificate of discharge from the Otago Police; here (produced) is Mr. Weldon's opinion of me; and here (produced) is what Mr. Carew, the Resident Magistrate at Balclutha, has to say about me.

Sergeant SMITH, being duly sworn, was re-examined.

1435. *The Chairman.*] There has been a complaint made by Detective Farrell that he has been intimidated in the execution of his duty in consequence of the evidence he has given before this Committee; and he says, further, that yesterday morning he was spoken roughly to by the Inspector, yourself, and Sergeant Fraser, in consequence of his having brought documents to this Committee. Would you state what occurred?—The day before yesterday, in the evening, Ellison, the second clerk, reported to me that Detective Farrell had been there, and had taken certain papers away. I asked him by whose authority that had been done, and Ellison told me that Farrell had said by orders of the Committee. I saw Inspector Atchison, and told him exactly what had occurred; and he told me to see Farrell and get a receipt from him for the papers. The following morning I spoke to Farrell, and asked him whether he had taken the papers away. He said "Yes," and that Mr. Bowen had ordered him to do so. I asked what Mr. Bowen had to do with the office. I followed that up by saying that Farrell had no right to take papers out of the office without the permission of his superior officers. He said nothing; and I told him I had reported the matter to the Inspector, and that he had ordered me to get a receipt for the papers. Farrell left the room then, saying he would not give any receipt. The Inspector came in about half-past 9 or 10 o'clock,

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Sergeant Smith.

4th Oct., 1878.

Sergeant Smith.
4th Oct., 1878.

and I reported to him that I had seen Farrell, and that he refused to give any receipt. While I was speaking, the detective came in with the papers in his hand, and handed the Inspector a receipt for the papers. The Inspector then spoke to him, and said he had no right to take papers without authority, and that Mr. Bowen never intended he should come into the office and take the papers as he had done. The Inspector certainly seemed annoyed about it, but I do not recollect anything else.

1436. It is further alleged that a constable was reprimanded on parade for having gossiped with Farrell, and was also fined.—I presume you mean Carroll?

1437. Yes. What was he fined for?—For disobedience of orders.

1438. What was that?—It was simply this: I had orders from the Inspector to put so many men on at the Club ball on Thursday night, and I told Carroll, with others, that there was extra duty. He went on duty there, and was supposed to be on duty again at 9 o'clock next morning; but he failed to appear. I sent up one of the constables to the Te Aro Station, where he was sleeping, to tell him to be on duty as soon as he possibly could. The constable returned and said he had given the order to Carroll, but that he said he would not come. That was disobedience of orders, and I reported him to the Inspector.

1439. What constable did you send?—Constable Aynsley.

1440. Was the man reprimanded for talking to Farrell when he was fined?—No; that was before this—about two days. I had noticed this man Carroll talking and gossiping to Farrell several times, and on the last occasion I said to him, "Do you not know it is directly against the rules to gossip in the street;" and I told him he had been gossiping to Farrell. He said, "I was speaking to the detective about a man named Clarke." I said, "Yes; but you have been speaking to him frequently." I said, "Do not talk to him when you are on your beat."

1441. Do you know of any reason to make you suppose he was not talking to Farrell on duty or police business?—It had occurred several times before. On one occasion I saw he and Farrell walking up and down the beat gossiping. That is directly against orders. If Farrell wished to speak to him, he had plenty of other opportunities.

1442. *Mr. Barton.*] Where is the beat on which you saw Farrell and Carroll walking up and down?—Lambton Quay and Willis Street.

1443. What was the hour when it occurred?—I cannot tell.

1444. Why?—I forget.

1445. I want to know so that I may hunt the matter up?—So I suppose. I would tell you if I remembered.

1446. You do not remember whether it was after or before dinner?—No.

1447. How far did they walk up and down—where did they start from, and at what point did they turn?—I cannot say exactly. They were walking together when I first saw them.

1448. *The Chairman.*] Where was it?—On one occasion from Mr. Moss's shop to the Theatre Royal.

1449. *Mr. Barton.*] Of course you are now speaking of the occasion on which you complained of the gossiping?—No; it was on another occasion.

1450. Oh; will you thought it necessary to reprimand him on parade?—No, not on parade.

1451. Then it was between Mr. Moss's shop and the Theatre Royal?—Yes, on one occasion.

1452. Well, I want to know as to the date on which the complaint was made?—On that occasion I saw Farrell walking with Carroll from the corner opposite the Edinburgh Hotel to the Melbourne Hotel.

1453. Now, will you please state the time of day?—I cannot tell.

1454. Did you, about that time, meet any one you recognized that you remember?—No.

1455. Surely you knew some of the passers by?—Yes; but I do not remember.

1456. You cannot tell the time, whether it was before or after dinner?—No, I cannot remember, and I will tell you why. The times of duty for the men are changed every other day. They go on one day at from 5 a.m. to 9 a.m. and from 1 p.m. to 5 p.m., and on the other day from 9 a.m. to 1 p.m. and 5 p.m. to 9 p.m.

1457. Then you can tell by referring to the books?—No; because I do not know the exact day on which it occurred. It occurred on several days.

1458. But you never complained till the other day?—We do not always come down on a constable at once.

1459. *Hon. Mr. Fox.*] Are we to understand that your recollection of periods at which events happen depends upon the place at which a constable was at a particular time? Can you not recollect whether it was before or after dinner?—No.

1460. *Mr. Barton.*] The whole thing has occurred within a week?—Yes.

1461. What was the man fined for?—For disobedience of orders.

1462. For not going down at 9 o'clock when you sent for him?—Yes.

1463. What time did he come off duty at the ball?—At 3 o'clock.

1464. Was Carroll there as long as Buchanan?—Yes.

1465. Will you swear he left at 3 o'clock?—No; but he reported so himself.

1466. That he came off at 3 o'clock?—No; I think now it was half-past 3.

1467. Now, do you think it was a reasonable thing, or a right thing, to fine this man for disobedience of orders because, having been on duty until half-past 3, he did not turn up punctually at 9?—It is not my duty to fine, I only report to the Inspector.

1468. You thought there had been a breach of discipline—in fact, that the man declined to come, not from fatigue, but from a desire to get out of his duty?—It was a breach of discipline. He ought to have been there; and if he wanted leave, he could have got it.

1469. Now, suppose the club had taken fire, and he had had to stay there till 8 o'clock in the morning, would you still have expected him at 9 o'clock?—I should have expected him to have been there, or to have sent down word.

1470. Now, what about McWilliams, who is at present at the Hot Springs, was it ever reported to you that he broke a stick over another constable named Wm. J. Phair?—No. *Sergeant Smith.*
1471. Was that not reported to you in writing?—No. *4th Oct., 1878.*
1472. On your oath?—On my oath—no.
1473. Did you ever hear of such a report?—No; I heard something said about the matter, that is all.
1474. Did you consider it necessary to report him?—If I was to report everything I heard of men, I should have nothing else to do.
1475. You reported this man for not being on duty at 9 o'clock after having been at work till half-past 3 the same morning, yet you thought nothing of a constable breaking a stick over the back of another in a public hotel?—I do not know that it was true.
1476. *The Chairman.*] Was this reported to have taken place in an hotel?—It was never reported to me.
1477. Did you ever hear it said that this broil had taken place?—This constable was on duty one day in the street, I heard, and had some trouble with McWilliams, and McWilliams struck him and the stick he used broke. That is what I heard.
1478. *Mr. Barton.*] Do you not know there was a written report sent in either by this constable or by some one else?—I am certain no such report ever was sent in.
1479. Nevertheless you heard of the occurrence?—It was rumoured.
1480. That these conservators of the peace had broken the peace, and yet you did not think it right to take any steps in the matter?—No.
1481. Do you consider it was wrong for Carroll to speak to Farrell when on his beat?—Yes; when there was a repetition of it.
1482. Although Carroll explained that he had been speaking about duty?—That was on this one occasion.
1483. Farrell was asking about a man whose photograph he had?—I do not know.
1484. A man for whom there was a warrant out?—I do not know.
1485. You are second in command to Atchison?—Yes.
1486. Did you never see that photograph (produced) before?—I did.
1487. Is it not a photograph of a man named Clarke?—I believe it is.
1488. Was it not that man of whom Farrell was speaking to Carroll?—I do not know. I may explain that some two months ago there was a warrant issued by the Bench for the arrest of a man named Clarke for disobeying an order of the Court, and I really thought the conversation was about that man.
1489. I will read you a paragraph from the regulations. You are working under the Otago regulations?—No.
1490. Well something pretty close to them. Now here is a regulation I want to read to you:—
“As the detection of offences depends very much upon the support and assistance which the detectives receive from the constables on duty, every endeavour must be made by the constables to assist the detectives by promptly affording them all the information in their power respecting offences committed within the limits of their beats.”
1491. There being no separate detective police Farrell is, as it were, the whole and sole department in himself. Do you not know it was the duty of Farrell to keep constantly asking the policemen on the various beats whether they had seen this man or that man, and so on?—There was no objection to it.
1492. Then if he was speaking to Farrell about a man wanted he was right?—Undoubtedly.
1493. *The Chairman.*] Did you ever give evidence to the effect that the Melbourne Hotel was a disorderly house?—Yes.
1494. Is it a disorderly house?—It has been till lately.
1495. Has an information been laid against the house?—No.
1496. Why not?—For the simple reason that we have nothing to complain of.
1497. You said the house was conducted in a disorderly manner?—Yes.
1498. You had something to go upon in making that statement?—Yes; upon what I heard.
1499. Then why did you not lay an information?—I should have done if I could, but I found there was nothing to go upon.
1500. Did you inform the Inspector?—Yes.
1501. What instructions were given?—That the constable on duty on that beat was to visit the house at five minutes past 12 every night, and to see that it was cleared. There was a disturbance at the house on this occasion; but I did not see any liquor sold, and I could not lay an information.
1502. What did you say before Mr. Mansford?—That was a case brought by me against a young fellow named Thomas Friend. There was a row at half-past 12 or 1 o'clock on a Sunday morning, and I went in and was struck. I arrested this man for assault.
1503. Were there any people in the house besides lodgers?—Yes.
1504. Well, why did you not lay an information against the proprietor on those facts?—I did not see how I could proceed.
1505. Why? I understood you to say it was a disorderly house, and that on this occasion there was a disturbance between 12 and 1 o'clock on Sunday morning?—Yes.
1506. Did not Mr. Mansford tell you to lay an information?—He said it was a case in which to take action.
1507. Then, why did you not take action?—Because I found there was nothing to go upon.
1508. But Mr. Mansford ordered a prosecution? You say you reported the matter to the Inspector?—Yes.
1509. What orders did you get?—I believe I said to the Inspector that I did not know what grounds to go upon, and he said, “Well, for the future, you had better visit the place at 12 o'clock, and see that it is cleared.”

Sergeant Smith.

4th Oct., 1878.

1510. *Mr. Swanson.*] Nothing was said about the past, but simply that you were to keep a good look-out in the future?—Yes.

1511. *Inspector Atchison.*] Did I not ask you whether an information had been laid against the house?—Yes, and I told you I had nothing to go upon.

1512. *Mr. Swanson.*] Nothing to go upon, when it was a disorderly house at half-past 12 or 1 o'clock on Sunday morning?—Well, on several occasions I have taken cases into Court and they have been thrown out, and that is very unpleasant for one. There was really nothing to go upon in this case.

1513. You do not like to be beaten?—I like to be careful in bringing cases into Court.

1514. *Hon. Mr. Fox.*] Well, your answer amounts to this: You think you do not get that support in Court to which you are entitled as a policeman?—That is the case.

1515. *The Chairman.*] But in this case the Magistrate instructed you to inform?—Yes; but I assumed he meant if the police thought there was a case.

1516. *Hon. Mr. Fox.*] Did you not consider that Mansford threw out the hint because he thought there was a sufficient case to come before the Court?—No.

1517. You thought he did not consider there was a case?—Yes; I thought he was mistaken. He thought we went in and saw drink being served out, or something of that sort.

1518. Did you say in Court that drink was being served out?—No.

1519. Then, what would have made him think so?—I do not know. I said in Court that the men were drinking, but not that I saw they were drinking.

1520. *The Chairman.*] Well, there was evidence of a broil having taken place in the house?—Yes; we generally take a note of these things, and bring it before the Licensing Bench. I did not take it as a direct order from the Magistrate that we were to prosecute.

1521. *Hon. Mr. Fox.*] Could he have given a more direct order?—Yes; he could have said, "Lay an information."

1522. You threw the responsibility upon the Inspector: You told him what had taken place, and, with that knowledge, he did not direct you to go any further? Was that not the case?—To a certain extent. I told the Inspector.

1523. *Mr. Swanson.*] This man Carroll: He was reprimanded on parade?—No; he was not reprimanded on parade in my presence for that. I merely spoke to him privately, and I think it is very hard I should be brought before the Committee for that.

1524. *Mr. Barton.*] I notice you say, "He was not reprimanded on parade in my presence for that." Was he reprimanded on parade for anything, and fined?—He was not reprimanded on parade and fined that I know of.

1525. Was he fined at all?—Yes.

1526. Where?—In the Inspector's office.

1527. How much?—Ten shillings. There were two crimes made out on the charge sheet. The first was for being absent at 9 o'clock without leave, and the second was for disobedience of orders.

1528. That was in not coming down when you sent for him?—Yes; he explained the first satisfactorily to the Inspector—that he had been on night duty at the Club, and I did not press the charge; but the Inspector told him he ought to have come down when sent for, and for that he was fined 10s.

1529. Oh, the meaning of that was, then, that the Inspector thought it reasonable that he should not turn out at 9 o'clock, but, notwithstanding that, it was unreasonable that he did not turn out five minutes after 9 o'clock, in order to explain why he had not come at 9?—It was an hour and a half afterwards before he came. I sent a man for him at 9, and he returned no excuse, simply an answer that he would not come.

1530. Where did he sleep?—At the Te Aro Station.

1531. Who is the constable in charge of that station?—Sergeant O'Connor.

1532. The constable you sent would have reported that to O'Connor?—No; O'Connor was out on duty then.

1533. Did Carroll admit he had said he would not come, or did he deny it?—He admitted the charge, and was fined.

1534. He paid his money and there was an end to it?—The money was stopped out of his pay.

1535. Was there a written report of these circumstances?—No, because he pleaded guilty.

1536. Did he sign anything?—No.

1537. Was the policeman you sent up put on oath?—No.

1538. *Detective Farrell.*] Who is in charge of Lambton Quay Station in the absence of the Inspector?—I am.

1539. Who is in charge at night time? Is it not the case that the station is left to take care of itself a great part of the time?—At 9 o'clock every night the men are paraded and sent out for night duty. Sometimes at 11, 12, or 1 o'clock I call in at the station to see all is right, see to the condition of the prisoners, &c., and hand over charge to Doran, who is on duty till 5 next morning; I then go home. The place is never left without a man in charge, and there are strict instructions that if anything particular should occur I am to be sent for at once. There has never been an instance in which the place has been left.

1540. Did you ask me yesterday morning if I took any documents?—Yes.

1541. Did I not tell you I had, in the presence of Ellison?—Yes.

1542. Did I not tell you I had done so by order of Mr. Bowen?—Yes.

1543. And you said that Mr. Bowen had no right to give me instructions?—No. I asked you what Mr. Bowen had to do with the office, and said you had no right to take the documents without the Inspector's leave.

1544. You said I refused to give you a receipt. Did I not, as soon as you asked me for a receipt, walk straight to the Grand Jury-room, write out a receipt, and bring it back and give it to Atchison?—You did, after you had said you would give no receipt.

1545. Are you connected with any hotel in town?—I am. I married the daughter of an hotel-keeper. Sergeant Smith.

4th Oct., 1878.

1546. The hotel is just opposite the Police Station?—Yes.

1547. Do you consider constables are in a position to do their duty in regard to that hotel, when they are intimidated for speaking to me?—That is an irregular question, I think.

1548. *The Chairman.*] Does your relationship with the proprietor of that hotel in any way interfere with your duty?—No; not in any way.

1549. Would it interfere with the men?—Certainly not.

1550. *Detective Farrell.*] If constables are liable to be reprimanded by you for speaking to me, how much more likely are they to be reprimanded if they interfere with that hotel?—They are not reprimanded by me. It is not my duty to reprimand them.

1551. Do you know Mr. Frank, Clerk to the Police Court?—Yes.

1552. Have you ever played yankee-grab with him in the sergeant's office?—Yes; many a time.

1553. Is gambling carried on in those rooms continually?—No; I will explain. Frequently during lunch time, which occupies three-quarters of an hour, Mr. Frank has come up stairs, and, in the absence of the Inspector, we have played 6d. or 1s. points. That has been done, but we have always avoided the presence of this man Farrell, because I have been afraid of trouble arising out of it.

1554. *The Chairman.*] You knew these things were wrong?—I did.

1555. *Detective Farrell.*] Do you know Mr. Downie, the reporter?—Yes.

1556. Have you engaged in playing with him and Mr. Frank?—Yes.

1557. Do you call that part of police duty? How long have you been in the police?—About fourteen months. I have left the Armed Constabulary fifteen months, and I have been here ever since.

1558. Did you make an arrest in Wingfield Street the other day?—Yes.

1559. Did you not swear that you searched two females?—Yes. I know what you are driving at, and I will explain. By "searching," I meant passing my hands over the outside of their clothes. I did not put my hands inside of their linen, but I saw some bank notes sticking out of one woman's bosom, and I pulled them out. If I had searched the women it would not have been necessary for me to send for the female searcher, which I did.

1560. *Mr. Barton.*] Have you ever played cards and dice with Inspector Atchison himself?—Never. I never let Inspector Atchison see me playing dice. I do not play cards.

1561. *The Chairman.*] You are a Sergeant?—Yes; a first-class sergeant.

1562. How does Farrell rank?—He is a first-class detective, and ranks as a first-class sergeant.

1563. Who is the senior?—I am.

1564. From whom do orders go in the absence of the Inspector?—From me. I open all official letters, and if anything requires attention I hand it over to Farrell. I have always done this courteously. I have paid him every attention.

1565. *Mr. Swanson.*] These (produced) are your rules and regulations?—Yes.

1566. You are aware that gambling is strictly prohibited?—Yes.

1567. You have been in the habit of breaking the law?—Yes; that is so.

1568. *Mr. Barton.*] Is not the room in which you have played these games next to the men's room?—It is not; but I think I have gambled in the Inspector's office, also in a cell, with the door shut.

TIMOTHY CARROLL, Constable in the Wellington Police Force, being duly sworn, was examined.

*Constable
T. Carroll.*

4th Oct., 1878.

1569. *The Chairman.*] You have been lately fined by the Inspector?—Yes.

1570. What for?—For disobedience of orders, and also for talking to Detective Farrell.

1571. Was that what you were fined for?—Yes.

1572. What was the disobedience of orders?—It was this: I went on duty one day at 1 o'clock, and came off at 5. I met Sergeant Smith, and he told me that I should have to attend the Club ball, which took place that night, and that I was set down for duty at half-past 8, and to remain there until all was over. I did so, and got away from the ball at half-past 3. I thought that, as I had gone on at 1 o'clock in the day (that was Thursday), and had remained on duty all those hours, I should be exempt from going on at 9 o'clock on the Friday morning. I did not turn out when the rest of the men went down for duty. Smith made inquiries as to where I was, and they told him I was in bed, and that it was half-past 3 o'clock in the morning when I went off my beat. He sent up for me about a quarter or twenty minutes past 9. I told the constable who came for me that I did not feel very well, and did not feel fit for duty, and that he was to tell Sergeant Smith that. No more passed until I was going down to my dinner between 12 and 1 on Friday. I met Smith coming up Willis Street, and he asked me why I did not turn out for duty at 9 o'clock. I told him I was up all night, and he said, "Did I not send for you?" I said, "Yes; but I did not feel quite well, and was not fit for duty, and therefore it was no use my coming down." He said, "Well, consider yourself exempt from duty, and confined to barracks until I have brought you before the Inspector." I said, "All right;" and I went down to the station and had my dinner. I went back to the Te Aro Station, and remained there until between 10 and 11 o'clock on Saturday morning, and Smith came up and asked me why I had not been down for duty. I told him he had exempted me from duty, and confined me to barracks. I then went down to the station, and was brought before the Inspector. Smith made a statement against me; but the charge was never even read to me. The Inspector said, "There is a charge here from Sergeant Smith," and asked me what I had to say? I replied would he allow me to make a statement, and he said "Yes." I then told him what I had done: that I had gone on duty from 1 to 5, and then again from half-past 8 until half-past 3, and was not fit to come down in the morning. Smith said, "Didn't Buchanan do the same duty?" I said, "Buchanan was not on duty from 1 to 5." I was also accused of having gossiped to Detective Farrell, and I answered that I did not gossip, but that I answered a necessary question on a matter of duty. Smith said he did not want me to gossip to any one. There was something else passed, but I forget the exact words.

Constable
T. Carroll.
4th Oct., 1878.

1573. Had your punishment anything to do with talking to Farrell?—That was the statement made before the Inspector.
1574. *Major Atkinson.*] The charge was not read over to you?—No.
1575. Do you know how it was entered?—No; but I was fined 10s.
1576. Ten shillings was stopped out of your pay?—Yes.
1577. *Mr. Barton.*] Where was it, and how long were you speaking to Farrell, and on what day did it occur? You say you were fined 10s. for having gossiped with Farrell. Will you relate what was the time and place at which this occurred?—The only time that I saw Farrell was when he asked me something about duty—if I new of such-and-such a person? Sometimes we used to walk down the street together. He would ask me several times about these matters. I think it was on Thursday that he was speaking to me when Smith saw us. Smith accused me of gossiping in the street. He said he was sorry he had to talk to me about gossiping in the streets. I said that I only spoke to Farrell on matters of duty, and he said I was to speak to nobody.
1578. Was Thursday mentioned as the day?—It was Thursday I went to the Club ball, and it was that afternoon that Farrell saw me coming down Willis Street, and asked me some question. I said to him, "Go on; you have got me into trouble." He said, "How? what for?" and I said, "For speaking to you."
1579. *Major Atkinson.*] Did you understand that the fine was inflicted on two charges?—I understood the charge to be disobedience of orders, and gossiping on the streets; but I have not seen the charge-sheet.
1580. *Mr. Swanson.*] Is it generally understood that this Committee of inquiry is sitting here?—Oh, yes.
1581. And what is the impression amongst the police?—Is it considered the correct thing to give information, or is a person giving information likely to be "sat upon" in the force?—That I cannot say. When I am here I will speak the truth, and care for nobody.
1582. *Major Atkinson.*] Has the matter been talked about amongst the constables?—It has.
1583. *The Chairman.*] How long have you been in the force here?—About fourteen or fifteen months this last time. I was in twice, and resigned; and now I have joined a third time under the Armed Constabulary rules.
1584. Do you know anything of the maltreatment of prisoners in the cells?—No.
1585. Have you ever heard of prisoners being maltreated in the cells?—No.
1586. Do you know anything of the Melbourne Hotel?—Yes.
1587. Were you in Court when Sergeant Smith informed the Bench that it was a badly-conducted house?—No; I saw it in the paper.
1588. Is it a badly-conducted house?—It has not been well conducted.
1589. No information has been laid against it?—No: it is better conducted since that row.
1590. You were not one of the constables present when the row took place?—No.
1591. *Hon. Mr. Fox.*] Have you ever known men to be ill-treated at the station? Have you ever known men to be fastened down to those rings?—I have known them to be handcuffed and ring-barred to keep them from kicking the door out.
1592. How is that done?—We put handcuffs on a man either in front or behind, and another pair on the ring-bar, and so fasten the man.
1593. And then lay him on his side?—Yes.
1594. Sometimes on his back, I suppose?—Yes.
1595. Are the women so treated?—No.
1596. Do you know the Pier Hotel?—Yes.
1597. Did you ever hear of the "Pier Hotel gang"?—Yes.
1598. Who are they?—There was Sergeant Monaghan; Saunders, the contractor; Perrier, who was once editor of the *Times*; Fife, the chemist, of Willis Street; Nicholas Marchant; Davy Rankin, and people like that.
1599. Did you ever hear the name of Inspector Atchison associated with the Pier gang?—I did.
1600. Have you ever had to go there to him for orders?—I have seen Sergeant Monaghan go there for orders. That is, when anything would take place at the station.
1601. Was Inspector Atchison often there?—I cannot say how often he was there. I was never in the house.
1602. Was he looked upon as belonging to the gang?—Yes.
1603. What did the Pier gang do?—Played cards.
1604. Did they ever drink?—I do not know.
1605. Play yankee grab?—Yes.
1606. In fact, they went there to drink and gamble?—Yes.
1607. *Hon. Mr. Gisborne.*] How do you know Monaghan ever went there for orders?—I have seen him go there.
1608. Have you ever known a man to be fastened to these rings unless he was violent?—No.
1609. Have you ever known a man to be tied down without necessity?—It is never done unless a man is kicking out the door almost.
1610. *Hon. Mr. Fox.*] Have you ever known troublesome customers treated in a way that is known to the police as "quieting" a man?—No; I have never heard that expression used before.
1611. *Inspector Atchison.*] Are you sure I did not tell you you were charged with so-and-so?—I understood that I was up for disobedience of orders, and for speaking to Detective Farrell.
1612. Did I not ask you your reason for being absent from duty?—Yes.
1613. You gave your reason?—Yes.
1614. Then I read the next charge, disobedience of orders—in not coming down when Sergeant Smith sent for you?—No; you did not, that I am aware of.
1615. Do you remember I said I thought there was sufficient excuse for not coming down at 9 o'clock, but not sufficient excuse for disobeying orders?—Yes; and then Smith said it was not so much for disobedience of orders, as for gossiping on the street.

1616. You are certain I did not read the second charge over to you?—No. I understood I was fined for disobedience of orders, and gossiping on the street.

1617. *The Chairman.*] Was Farrell's name mentioned?—Yes.

1618. By whom?—By Smith.

1619. *Inspector Atchison.*] Could I not also have heard it, if a remark had been made?—Yes; and I think you also made some remark about Farrell.

*Constable
T. Carroll.*

4th Oct., 1878.

TUESDAY, 8TH OCTOBER, 1878.

HENRY MACE, being duly sworn, was examined.

Mr. H. Mace.

8th Oct., 1878.

1620. *Mr. Barton.*] You were a member of a firm of brewers in this city, Mace and Arkell?—Yes; I sold out.

1621. Can you say whether there was any partiality respecting the performance of police duties in regard to publichouses with which you were connected as a brewer?—Yes.

1622. In what way?—By the police in reporting upon houses, or the character of applicants.

1623. Will you state to the Committee any instances that you may remember?—There was supposed to be one: that was the case of Fenton and the Royal Tiger Hotel. Mr. Staples, I think, bought the property; and, after he bought it, Fenton would not deal with him.

1624. *The Chairman.*] Who was Fenton?—The landlord. When the licensing day came, the police objected to the license being granted, as the house was not a fit place to be licensed, not being sufficiently good for business to be carried on in it. I believe it was Mr. Monaghan who made the objection.

1625. Was the objection sustained?—He was ordered to rebuild.

1626. *Mr. Barton.*] Before the next licensing day?—Yes; but there has been nothing done since; and it is a couple of years ago since that decision was given, and the house is still licensed.

1627. *The Chairman.*] Did the police ever again object to the place not being rebuilt?—I have not heard a word about it since.

1628. *Hon. Mr. Gisborne.*] When you say rebuilt, do you mean that the whole house was to be rebuilt, or that it was to be repaired, or what?—I understood there was to be another storey erected, or else a new house altogether.

1629. *The Chairman.*] Have you any complaint to make against the police?—I thought, at one time, that the conduct of the police was very hard.

1630. Did you think they were unfair?—I thought so at one time; but, when you come to look at the thing, you see the brewers are all interested, and they feel hurt when they do not get their own way. When one is out of the business he sees that many things the police do were right, although there were complaints. The only case I remember in which the police did wrong was the case of Fenton.

1631. Do I understand you that Fenton was ordered to rebuild, but that, afterwards, when Staples bought the property, and put a new tenant in, he was not obliged to rebuild?—Yes; Fenton had some two years to run; then Staples bought the property, and, in the meantime, Fenton would not deal with him. Fenton only got his license conditionally he would rebuild, but, as his lease had only this short time to run, it would not pay him to build, and Staples would not do it; so Fenton thought the best thing he could do would be to sell out. He did so; but the man who succeeded him has had a license for two years, and has not been compelled to rebuild.

1632. *Hon. Mr. Gisborne.*] The Licensing Bench ordered him to rebuild?—Yes; the police recommended it, and the Bench ordered it.

1633. *Mr. Barton.*] They would only grant the license on that condition?—Yes.

1634. *Hon. Mr. Gisborne.*] Yet the Bench have since granted the license without the rebuilding having taken place?—Yes.

1635. Is it an old building. Has the place been licensed for a long time?—It has been licensed for twenty years, I dare say.

1636. *The Chairman.*] Is it in very bad repair?—I do not think so.

1637. Do you think it is now a fit place to hold a license?—I think it is plenty good enough for the locality. They are all of the working class. If a publichouse suits a neighbourhood, that is all that is required. Of course, that is only my opinion.

J. N. OWEN, being duly sworn, was examined.

Mr. J. N. Owen.

1638. *The Chairman.*] You are landlord of the Melbourne Hotel in Willis-street?—Yes.

1639. *Mr. Barton.*] There was lately a case against you in the Resident Magistrate's Court, before Mr. Mansford?—Yes.

1640. And a recommendation was made that further proceedings should be taken against you. You remember that: it was published in the newspapers?—I was not aware of that.

1641. You did not see it in the papers?—No; I was away from home at the time. I was at Dunedin.

1642. Well, when you came back did you go and see Mr. Atchison?—I do not think I did. I am sure I did not speak to him on the subject. I saw Sergeant Smith.

1643. What did you say to him?—I simply said I was in Dunedin when this affair had occurred: that I believed the girl had let somebody in by mistake; and that I hoped he would take no more cognizance of the matter, because it should not occur again.

1644. Did you pay any money to any of the police?—Never in my life.

1645. You swear that?—I do.

1646. Now, on your oath: did you not lately send any cases of brandy or other liquors to Atchison's house?—I think I sent up one case from Mr. Young's (my spirit merchant). That was about three years ago.

8th Oct., 1878.

Mr. H. Mace.

8th Oct., 1878.

1647. Will you swear it was not more than one case?—I will.
1648. *Hon. Mr. Gisborne.*] Who is Mr. Young?—My wine and spirit merchant.
1649. It was not a present from Mr. Young?—No, it was from me.
1650. *Mr. Barton.*] It was one case only?—It was about two or three years ago. Mr. Atchison was kind in procuring me a house when I first came. He did his best to get me a house.
1651. Are you sure you did not at that time give Atchison any money to get you your license?—No, I never did.
1652. Not £20?—No.
1653. You know Mr. Swain?—Yes.
1654. Did you tell him you had?—No; I never did in my life.
1655. Did you tell him you had sent up the brandy?—No.
1656. Did you tell anybody of it?—No.
1657. If Swain swears you told him?—He swears a lie.
1658. You have not been prosecuted on account of Mr. Mansford's recommendation?—No.
1659. Can you account for that in any way, except by that conversation you had with Sergeant Smith?—I asked him if he would kindly allow it to stand this time, and he said he would, in the hope that it would not occur again. I never offered him or gave him money. I should not insult him by offering him money, for I consider it would be an insult.
1660. You did not tell Swain you had given money?—No.
1661. Nor anybody else?—No. Swain told me he would chase Atchison to the grave if he could.
1662. Was there a conversation between you to this effect: that he had given evidence before this Committee?—No.
1663. To the effect that Nathan had given the police £5?—No; I do not think he told me that.
1664. "Think?"—I am sure he did not.
1665. Did he not tell you he had given evidence before this Committee?—No; he said he was summoned to give evidence.
1666. And did you not say, in reply, "I could prove nearer than that?"—No; he tells a lie.
1667. *Hon. Mr. Gisborne.*] When you said Atchison got you "a house," did you mean a public-house?—Yes, a hotel. When I came here I showed him four certificates, and asked him if he knew of a house. He said he was going up country, and if he saw one would let me know. When he came back he told me where there was a house.

Mr. F. Valentine.

8th Oct., 1878.

- FRANKLAND VALENTINE, publican, on being introduced into the room, objected to be sworn, for the reason that he was afraid that any evidence he might give would injure him in his business. The Committee insisted on Mr. Valentine being sworn, and he was sworn accordingly.
1668. *The Chairman.*] Do I understand you to say that you are afraid that any evidence you may give before this Committee would affect your treatment by the police in the future—that is, as to your licensed house?—Yes, for this reason: that they are prejudiced against the publicans.
1669. The police are?—Generally.
1670. Against publicans generally, or against particular individuals, do you mean?—Well, the Inspector has made some objection every time I have applied, I have a family to support, and it would do me a great injury to lose my license, because I am not fit for any other sort of work.
1672. Do you mean he is stricter with some than others?—Yes, on certain ones; I can give you an instance. One night my daughter was in the bar—my eldest daughter—when the washerwoman brought home the linen. She put the clothes down and went into the kitchen, and immediately in came a certain party and said, "Here, it is five minutes past 10, and you are keeping your house open." I said, "I am not; it is not five minutes past 10." He said, "Yes, it is; and you are serving in the bar. I saw your girl serving there." I said, "Don't call her a girl; she is my daughter." That cost me £6.
1673. Did they lay an information, then?—Yes; the Sergeant and Atchison said I was not a fit person to keep a house.
1674. Was not evidence taken on the charge laid?—No evidence at all, and I was fined. When I tried to get a license they objected to it. I was in Court at the time and heard them. At one time I was in the police, and was Acting-Inspector, and I think Atchison has been jealous of me ever since. For the last ten or twelve years he has been down upon me, for what reason I do not know. That is all I am going to say.
1675. *Major Atkinson.*] Which is your house?—The Criterion. You know I do not want this which I am saying published in the papers.
1676. *The Chairman.*] Then your evidence, so far, is merely that you were fined for keeping your house open after hours?—But I did not. I was fined for it, though. I will give no more evidence.
1677. *Mr. Swanson.*] What I understand you to drive at, then, is this, that there is partiality; that, although certain persons would be prosecuted for a certain set of circumstances, others placed in a similar position would not be prosecuted?—It is currently reported amongst the publicans that this is the case; but I should not like to mention these matters, because one does not like running his head against a brick wall. Keeping a publichouse has become my business now. It is not like being in the Civil Service, you know. I have got a lot of money to lose. You gentlemen need not laugh, because I know something about it. My father got a pension of £280 a year, and I was bred and brought up to it.
1678. *Mr. Barton.*] Well, never mind that. When you went into the house in which you are now did you find any difficulty in getting a license?—Atchison told the Bench there was no objection if I would take in boarders.
1679. When you first took the house, was there any objection to your getting a license?—All I know is, that I had to pay £200 more than I ought to have had to pay.
1680. To whom?—To Burrett, the bookbinder.

1681. Did you find that until you paid that £200 you could not get any license?—Yes.
1682. *The Chairman.*] Who is Burrett, and what has he to do with it?—He is the owner of the property, and I am the proprietor.
1683. *Mr. Barton.*] Burrett is the landlord?—Yes.
1684. You bought from Hausmann?—Yes; I was nearly a week negotiating for it, and it then required £200 to get the license.
1685. *The Chairman.*] How could Burrett prevent you getting a license?—I only know it was done. I cannot swear anything; I only go by hearsay.
1686. In what shape did you pay this £200?—I only know I agreed to pay £1,500, and then I had to pay another £200 to Burrett.
1687. You merely mean that Burrett raised the price?—But it was Hausmann that I bought of.
1688. *Mr. Barton.*] You say you purchased from Hausmann?—Yes.
1689. As lessee you took over the promises from Hausmann?—Yes.
1690. What was your bargain with Hausmann?—£1,500; but then I found I was kept out of the premises for a week, and I had to pay this other £200, and during this time realized on my stock.
1691. *The Chairman.*] To whom did you pay this money?—Through Krull.
1692. But I mean whom did you pay the money to?—Through Krull.
1693. For whom?—Ah!
1694. Does Mr. Krull know all about it?—He may. I do not want to mention anything. The thing is done, and I have been there nine or ten months now.

Mr. F. Valentine.
8th Oct., 1878.

Sergeant FRASER, being duly sworn, was re-examined.

Sergeant Fraser.
8th Oct., 1878.

1696. *The Chairman.*] We want to ask you a few questions about one particular thing. Do you remember Sergeant Farrell going to the office to get some papers which he brought up here?—No, I do not.

1697. Well, do you know anything of what occurred afterwards?—Yes.

1698. What occurred?—On the morning of Friday, I think, Sergeant Smith called Farrell, who was passing by the office door, and asked him if he had removed any papers from the office table. Farrell replied he had, and Sergeant Smith wanted to know by what authority. He replied he was directed to do so by Mr. Bowen. Sergeant Smith made answer that he had no right to do so without asking permission of the Inspector, and further, Smith said, he did not think Mr. Bowen had anything to do with the office. He then told Farrell he had reported the matter to the Inspector, and that the Inspector had directed him to ask for a receipt. Farrell replied, "I won't give any receipt. I have been ordered by Mr. Bowen to get the papers, and I refuse to give any receipt." With that he walked out of the office, and was talking to himself all the way out of the office. I think a quarter of an hour elapsed, I am not certain, but at any rate in about that time he returned. At that time Inspector Atchison, Sergeant Smith, and myself were in the office. Smith reported to the Inspector that we had asked Farrell for a receipt, and that he had declined to give him one, and almost immediately afterwards Farrell came into the room. He heard what Smith had said, and then he handed me a paper, which was a receipt for the papers, and, I think addressing me, said, "Here is the receipt for these papers." I said, "All right." He replied, "Will you give me a receipt for this." I made no remark, because I did not think it necessary to give a receipt for a receipt. Inspector Atchison then, addressing Farrell, said, "How was it you removed those papers without asking me. If you had asked me I should have given you every paper in the place." Farrell said Mr. Bowen had ordered him to do so. Atchison replied that he did not believe Mr. Bowen had ever intended him to act in that way. The Inspector then went on to speak of a paper which was missing, and which I could not find. I then said (I had a bad headache at the time, and it is the first paper ever asked for which I have not been able to find, so that I was greatly annoyed), "Yes, and if anybody has removed that paper it is a most dastardly act." Immediately after that I came up here, and what happened after that I do not know.

1699. Was Farrell threatened in consequence of the evidence he gave here?—Not in the slightest degree. I never threatened him, nor did I hear any one else threaten him.

1700. *Hon. Mr. Gisborne.*] How long have you been in the force?—Thirteen years.

1701. Have you ever before known of an instance of papers being removed from the table of an officer without that officer being asked his permission, or without his ever knowing that it was done?—No, I never did. If any paper was wanted, on proper application there would be no difficulty in getting it, unless there were extraordinary circumstances to prevent Mr. Atchison giving it up; but there were no such circumstances in this case.

1702. In whose charge were the papers?—In my charge.

1703. They did not belong to Farrell?—Certainly not. All papers are addressed to Mr. Atchison, and then they are put in my charge.

1704. From your experience, could any officer in charge of documents be responsible for them if they are liable to be removed from his charge without his cognizance or authority by somebody else?—No. I understand that, on the previous evening, Farrell went into the second clerk's room—a man who has not been there very long—and said he wanted these papers for Mr. Bowen. I do not think the clerk made any remark to him; but Farrell took the papers. The clerk, Ellison, reported the matter to Sergeant Smith.

1705. It was in the presence of the junior clerk, then, that he took the papers?—Yes.

1706. Was any one else there?—Mr. Atchison was in the next room.

1707. *Major Atkinson.*] Did the junior clerk raise any objection to his taking the documents?—No.

1708. Before this disagreement occurred among the officers was Farrell accustomed to take papers in this way?—It was customary for him to come into my office, and when he came in I handed any documents over to him.

1709. *The Chairman.*] How long had these papers been on the table?—Some were from 18th or 20th August.

Sergeant Fraser.

1710. They were reports?—Yes.

8th Oct., 1878.

1711. What had been done about them?—A good many had been inquired into, and I think Farrell was acquainted with the contents of most of them at the time.

1712. They had not been minuted?—No; but they had been entered in what I described when I was before the Committee previously as an occurrence book.

1713. Is it not customary to give these reports over to a detective officer?—Yes it is.

1714. How is it that these were not given to him?—I think they were given to him.

1715. *Mr. Barton.*] Then he was the proper person to have charge of the papers?—He generally takes extracts from the papers. I have the charge of them, and he takes extracts for his own use. For instance, if there is a warrant issued, and a description of the man wanted given, he takes an extract of the description.*Mr. Fitzherbert.*

8th Oct., 1878.

Mr. H. S. FITZHERBERT appeared and made a statement with reference to a portion of evidence previously given by him.

I said in my evidence that Staples said it would be all right, alluding to a transfer of the license of the Victoria Hotel to Thornborough. I may have been mistaken as to who said it. It might have been Staples, Macfarlane, or McIntyre. They were all three engaged in this matter.

Mrs. Howe.

9th Oct., 1878.

WEDNESDAY, 9TH OCTOBER, 1878.

Mrs. HOWE, being duly sworn, was examined.

1716. *The Chairman.*] We understand, Mrs. Howe, that you have had some reason to complain of the police's mode of conducting their duty with regard to publichouses, and we want to know whether you have anything to say in the matter. You keep a licensed house?—My son keeps an hotel.

1717. Where at?—At Foxton.

1718. Do you complain, or have you had reason to complain, of the conduct of the police with regard to your house?—Yes, we have had great reason to complain; but do not want to say anything now. My husband said the other day to me that, as things were now quiet, and he is civil to us, we ought not to interfere.

1719. Who is "he"?—Constable Purcell. My husband said he did not now want to make himself obnoxious to the constable, which he would be sure to do if we gave evidence. He has been very unfair with us, stating things in Court which had nothing to do with the case, in order to get our license refused. We were respectable people, and he should not have said the things against us that he did. We lost over £1,500 in connection with the matter. It was arranged that one of my sons should take the house, and when the license was applied for, and Purcell was asked if he knew anything of the applicants, he said, first of all, that he had been in the Government service for ten years, and was too delicate to have a place of that kind. When he found that it was not that son, he then said the applicant was too young. The Magistrate, however, refused to entertain further objections; but the application was postponed for three or four months. It cost us, in all, about £1,500, and eventually the license was granted. I might say a good deal as to our treatment, but it is not worth while.

1720. What does he complain of?—Oh, it is supposed he has an interest in the other house, and, knowing we would keep the house respectable, he endeavours to annoy us.

1721. Has he an interest in the other house?—I do not know, but it is said so. He is a man worth some money—some thousands of pounds, I should say.

1722. How has he made his money?—By buying and selling cattle and horses. I believe he has a butcher's shop there. I know he supplies meat, and the ground on which the shop stands belongs to him. He is too big to be up there, and ought to have been removed years ago, but has been allowed to remain owing to favouritism.

1723. How long has he been there?—Ten years.

1724. Had he any money when he went there?—I do not think he was worth a pound, but he was not long there before he had a farm. He seems to rule the whole place. I should say more, but I am afraid that he would be doing more harm to us. He could easily do us harm if we were to speak against him.

1725. In what way?—In saying that the house is not properly conducted. Mr. Wakeford could give better evidence than I can.

1726. Is yours the new house or the old house?—It is the old house, but it has been greatly improved. We bought it as a matter of speculation, and put a son in it; and the opposition arises from jealousy. I told Inspector Atchison about the opposition we had encountered, and he said he could not understand it, but would see about it when he went up. There was no opposition after the three or four months, and we got the license. Then my son had to go to Wanganui to pay the license fee, because they would not take it at Foxton, and that cost a lot of money.

1727. Why did they refuse to take the money?—I suppose they wanted to give us as much trouble as possible. There was no one there to receive it, they said. The Foxton folk want sifting out. They seem to rule the Government just as they like up there.

1728. Whom do you mean?—The big people, such as the Justices of the Peace.

1729. You have nothing else to say about the police?—No. It was quite time Purcell was removed. Mr. Wakeford could give better information than I could. He was in Court, and said he never heard of a more disgraceful thing. So did Dr. Buller. Of course it does not do for us to say anything.

1730. In what way are you afraid of Purcell?—We could do a good deal more business in the house, but we must be very careful.

1731. You mean he keeps the house strict?—Yes.

1732. But he is not so strict with other houses?—No; the other house has been left open till 11 o'clock, although it should not be kept open after 10 o'clock; and Purcell has been told about it, yet has taken no action.

Mr. HENRY CARTER, being duly sworn, was examined.

Mr. H. Carter.

9th Oct., 1878.

1733. *The Chairman.*] You are interested in a publichouse at Karori?—Yes; the Karori Hotel.

1734. You have a brother named Thomas Carter?—No; Thomas Carter is no relative of mine whatever.

1735. He had something to do with the house?—Yes, he was a tenant.

1736. Will you state under what circumstances he got out of the house?—The house was sub-leased by Mrs. Hindge to Mace and Arkell, brewers, and by them sub-leased to Hatch, and by him to Carter, who became the tenant of Mace and Arkell. He failed to pay his rent, and to carry out the conditions of his lease with Mace and Arkell, and they took certain steps in connection with that. Mace and Arkell themselves failed to pay Mrs. Hindge her rent, and the bailiffs were put in on her account. It is a complicated business. However, the result was that Carter was ejected by an action at law in the Supreme Court.

1737. By whom?—By Mace and Arkell. Mrs. Hindge then took possession, having purchased Mace and Arkell's interest.

1738. Did she get a license?—Yes.

1739. Was she objected to?—Yes, in the first instance, by the Inspector of Police.

1740. Why?—He alleged that when the license had been formerly held by the Hindge's the house was improperly conducted, although no objection was ever previously made by the police. Not the slightest question had been raised while they were the licensees.

1741. Was the license granted afterwards?—Yes; it was sold by the Sheriff, purchased by Mrs. Hindge, and she got the license transferred.

1742. Is she the licensee now?—Yes.

1743. What have you to do with the license?—Nothing at all.

1744. What had you to do with it?—Nothing at all. I am a mere outsider.

1745. It was alleged you had some interest in the matter?—Perhaps I have.

1746. What is your interest?—I do not think it is a fair question to ask me.

1747. Have you taken any steps in the matter?—None at all. I have no reason to complain of the police.

1748. Did you consider there was any ground of complaint against Mrs. Hindge?—From what I know of her, there was no ground of complaint.

1749. Then why was complaint made?—It was supposed the thing was in the hands of Mace and Arkell. There was an action pending between her and Mace and Arkell, and it was supposed that Mace and Arkell were using their influence to prevent her obtaining a license.

1750. But what had Mace and Arkell to do with the police and their objections?—That I could not say; but Mace said he had the Inspector on his side, and so long as he had it was quite impossible for Mrs. Hindge to get a license.

1751. Mace said that?—Yes.

1752. To whom?—To me, in the presence of Mrs. Hindge.

1753. That was before the license was granted?—Yes.

1754. When the license was granted had Mace anything to do with the house?—No; Mrs. Hindge had bought his interest.

1755. *Mr. Swanson.*] So long as Mace had anything to do with the house she could not get a license?—No.

1756. Until he was "squared," she could not get a license?—No; of course it must be said at the same time that this action was pending.

Mr. WILLIAM JACQUEBAY, being duly sworn, was examined.

Mr. Jacquabay.

9th Oct., 1878.

1757. *The Chairman.*] You are warder in the gaol here?—Yes.

1758. Do you remember anything of a prisoner who was brought into the gaol with evidences of maltreatment on him?—I remember something of the kind from the circumstance that Mr. Barton came up to the gaol and made some inquiries on the subject.

1759. Who was the man?—John Vitey.

1760. Did you take charge of him when he was brought to the gaol?—I have no doubt I did. I may say I take in four-fifths of the prisoners who are brought there.

1761. Do you remember anything of the condition in which the man was.—Yes; I know he was black and blue from head to foot in a manner of speaking, and his face was greatly knocked about: in fact, he could not go out to work, and we really thought the man would die. His chest was very bad, and he was for a long time spitting blood. He was put under medical treatment.

1762. Did Dr. Johnston attend him?—Yes, here (produced) is the prescription book.

1763. You say he received this treatment in consequence of the injuries he had sustained?—Yes.

1764. Had he any ribs broken?—That I could not positively assert.

1765. Did he state how he came by these injuries?—He complained that he had received them from the police.

1766. Did you hear anything from any one else on the matter?—No.

1767. Was any complaint or report made by the Gaoler on the subject?—That I do not know.

1768. Was the Gaoler's attention drawn to the state of the prisoner?—It was.

1769. Was any report made to the Inspector of Police?—None that I know of.

1770. Was no notice taken of the matter?—None that I know of.

1771. *Hon. Mr. Gisborne.*] What was the man brought into the gaol for?—Obscene language, seven days; assault on the police, one month. Sentences to be cumulative.

1772. He had been in Court in the state in which you describe, then?—Yes.

1773. Was he taken directly from the Court to the gaol?—Yes.

1774. Did the wounds seem as if they were very recent?—Yes; he was, as I said, spitting blood for days and days.

Mr. Jaqueray.
9th Oct., 1878.

1775. Do you know if any representation was made on the subject either to the police or to the Government?—I do not know; but this I know: that, since Mr. Barton came to make inquiries about two men, this man and another named Edward Hughes, I have received orders, when a prisoner volunteers any statement as to his treatment by the police, to take a note of his statement in a book, so that if any inquiry is made we shall have some record to go upon.

1776. What was the date on which he was brought into the gaol?—24th April, 1876.

1777. *Major Atkinson.*] Was he a Wellington man?—He was cook and steward on board one of the vessels. In the previous January he had been in on a charge of drunkenness and assaulting the police. He was then sentenced to fourteen days.

1778. *The Chairman.*] Have you noticed on other occasions recent injuries on prisoners?—There was a case lately. I submit this paper to you. It is a copy of the report I made to the Gaoler. That is since the new regulation came into force. That man was submitted to medical treatment, and could not go out of the gaol for a day or two, he was so bad. I do not know if any further action has been taken.

1779. Was there any other case?—There was a case of a man named William Henderson. He got two months and four months, cumulative sentences. His wrists were very bad, owing to the police having handcuffed him, he said. He is now in gaol.

Mr. G. Roxburgh.
9th Oct., 1878.

Mr. GEORGE ROXBURGH, being duly sworn, was examined.

1780. *The Chairman.*] Do you remember, when you were connected with Messrs. Joseph Nathan and Co., having any negotiation with Swain about a publichouse?—No; I had negotiations with Mr. Duff.

1781. Did he negotiate with Swain?—Yes; Swain is a tenant of Duff.

1782. Do you know anything of any discussion having taken place with regard to a license?—Not the slightest.

1783. Did you have any conversation with Swain about the matter?—No; I never knew Swain in the matter. I did not even know he was to have the house till he was in possession of the house. All our transactions were with Duff.

1784. Swain did not speak to you in the matter?—No.

1785. Did he never say anything to you to this effect, or, rather, did you say to him in respect to getting a license: "Shall we give the police £10 or £5"?—Certainly not. The transaction was this: Duff purchased the interest of Tolly and Lewer in the hotel (the Union Hotel), and I understood he was going into the house, and I did not know till Swain was in the house that he had anything to do with the matter.

1786. Did Swain make any payment to the firm of Nathan and Co. on account of that arrangement?—No.

1787. Did he owe the firm anything?—I do not think he did.

1788. Did Swain at any time have any transaction with Nathan's firm with regard to a publichouse?—I do not think he did, except in the way of purchasing spirits or wines. Had we known Swain was going into the hotel we should have asked a higher price.

1789. Well I will tell you what was alleged. It was alleged by Swain that, when this transaction was going on, he saw Mr. Joseph Nathan: Nathan said, "What shall I give the police, £10 or £5," and Swain replied that he thought £5 would be enough. We asked if anything was paid, and he said he did not know. We asked Mr. Nathan about the matter, and he said he was not in the colony at the time?—That is correct.

1790. And that it must have been Mr. Roxburgh?—There was not the slightest word ever passed between us in relation to such a thing.

1791. Was any money paid to the police?—Not that I know of.

1792. *Major Atkinson.*] In the transfer of licenses of publichouses with which your firm has been connected has anything ever been paid to the police?—Most decidedly not.

1793. Neither directly nor indirectly?—No. I used to make it an invariable practice to ask Inspector Atchison if he knew anything against the character of the tenants in our houses, and if we found they bore a bad character we got rid of them, in order to prevent any trouble on licensing days.

1794. Did you ever know an instance in which Inspector Atchison changed his opinion in regard to licenses? I remember one instance. I recollect there was a man named Bould, who was keeping the Clarendon Hotel, and I spoke to Atchison about him. Atchison said he had not a good character, and while we were speaking one of the police came down the street. Atchison said, "Wait a minute; I will call this man, and you will see how he will confirm what I say." He called the man, and asked him what sort of a character Bould bore. The constable said the house had been badly conducted, but he had given Bould a good frightening, and since then he had conducted it much better. That is the only case I remember. I may say we had no transaction with Bould buying into the house. I have had a great deal to do with the publichouses in Wellington in that way, and I never found there was any difficulty when the tenant was a good man.

1795. *Mr. Tole*] Have you ever intimated to Atchison the name of any applicant whom he promised to support in his application?—The only person I can remember was Joseph Harding, who took the Post Office Hotel. He is dead now. When Harding bought the Post Office Hotel I asked Atchison his opinion of him, and he told me what he thought, and I reported that to Mr. Levin or Mr. Walter Johnston, I am not sure which, because they were interested in the lease of the place. That is the only case that I can call to recollection.

1796. *Major Atkinson.*] Do you know of any case in which presents, either in kind or money, have been made to the police?—I do not,

FRIDAY, 11TH OCTOBER, 1878.

Mr. J. G. Allan.

Mr. J. GORDON ALLAN, solicitor, being duly sworn, was examined.

11th Oct., 1878.

1797. *The Chairman.*] I understand, Mr. Allan, that, in the case of Richard Jones who has been before the Committee, you cannot recollect that he made any complaint to you as to his having been maltreated by the police; and that, so far as you have seen lately, the police have conducted themselves well with regard to prisoners whom you have defended, and that in some cases you know Sergeant Smith has adduced evidence in favour of prisoners which you as counsel were unaware of?—Yes, I may mention one case particularly, in which a man was brought up for assaulting another man near the theatre. In that case it was done.

Inspector ATCHISON, being duly sworn, was re-examined.

*Inspector Atchi-**son.*

11th Oct., 1878.

1798. *The Chairman.*] We told the clerk to send you a copy of the evidence given by Sergeant Farrell, and we named to-day as the time to hear your evidence on the subject. Will you state anything you wish to the Committee?—In the case of Pestridge, of the Railway Hotel, which was burned down, I wish to say this: After the fire I saw Bruce Wallace and Mr. Simpson, Insurance Agents, about it once or twice, and then got together the persons who, I thought, knew something of the matter, took them to my office, and there took down the statements they had to make. The Insurance Agents and Messrs. Simpson and Wallace, I think, waited upon me soon after, and I showed them what evidence I had collected. They read it over and said, "Well, what do you think?" I replied I thought there was sufficient to get a committal and a conviction afterwards, and they agreed with me. I there and then sent for Mr. Baker, the Clerk of the Resident Magistrate's Court, to come up-stairs to my office, and I laid an information. A warrant was issued a quarter of an hour afterwards, and it was placed in Detective Farrell's hands. He executed it at once, arresting the man in town. Pestridge was committed to take his trial, but when the sessions arrived a man named Ferguson could not be brought forward. He had cleared out as soon as he heard of the arrest of Pestridge, and his evidence was not taken even at the Resident Magistrate's Court. I did my best, as my books will show, to get hold of this man. I sent to Manawatu, and Rangitikei, and Wanganui to find him and get the subpoena served; but all in vain—he had got out of the way, and he kept out of the way.

1799. Do you say he was never in the Resident Magistrate's Court?—His evidence was not taken before the Magistrate's Court. As soon as Pestridge was arrested Ferguson was not to be found. I did my utmost to try and find him, but could not get hold of him. The insurance companies seemed satisfied that I did what I could. Now, in reference to Farrell's part of the business, I have brought up and handed in a copy of the evidence, to show how far he was concerned. The next case I wish to speak on is Heggarty's. There were two fires at Heggarty's place—one in May, and one later on. When the first occurred I investigated it, and had strong suspicions, but had not sufficient evidence to proceed. I was up there six days, I think. I had not returned to town many weeks when another fire broke out at Heggarty's; and I had telegrams from all the principal Carterton people, asking me to come up, because, after what had occurred, they did not feel safe in their beds. The sittings of the Supreme Court were on about that time, and I could not leave town just then, but as soon as I could I went up. In the meantime Heggarty had been arrested, but was not committed—out on bail. He was, when I went up, committed for trial, but allowed bail, and, knowing the man so well, I feared he would be off. I mentioned my fears to Sergeant Fraser, telling him to let me know anything he heard of Heggarty's movements. One Friday morning—I think it was the 29th June, 1877—Sergeant Price came up to my place about half-past 2 o'clock, and told me Heggarty was in town. I asked him if any vessels were going out, and he said "No." I replied, "Oh, very well; let him slide till the morning." In the morning I went down town, and, finding the "Arawata" was going away, I went on to the wharf, and there saw Heggarty. I did not know what to do, because, so long as he was merely knocking about town, I had no power to arrest him; but, about half-past 1 or 2, I saw Sergeants Smith and Farrell, and asked them if they knew Heggarty. Both said they did not; and I said, "Well, if you will go down on to the wharf, I will point him out to you. I will also go on board the 'Arawata' and see Captain Underwood, and get him, if Heggarty goes on board, to heave-to till I can take Heggarty off in a boat." They went down, and I think I sent a constable with them. When I got down, Heggarty was crouching down at the end of the wharf, having his son on one side of him and his son-in-law on the other. I said to Farrell and Smith, "Now, take a good look at him, so as you will be sure to know him;" and then I went on board the steamer, and Captain Underwood agreed to do as I wished in case Heggarty went on board. We watched him till the steamer had gone, and I, finding he had not attempted to go away, was in a fix as to what I should do. I went back to the Police Office, and on the landing of the stairs met Mr. Bell, Mr. Izard's partner, the Crown Prosecutor. I related the circumstances to him, and my suspicions. He said, "Oh, don't you think you can strain a point?" I said, "What do you mean?" He said, "In reference to Gordon's case." I said, "What, arrest him on a charge of perjury in connection with Gordon's case." He replied, "Yes." I said, "Well, the case would not be very clear, I am afraid." He said, "You have nerve enough to do that, surely. He would not dare to bring an action." I replied, "Very well, I will do it." It was then past Court hours, but I said to Farrell and Smith, I think, "Go and arrest Heggarty on a charge of perjury. I will take the necessary steps in reference to an information and a warrant in the morning." They then went down the street, and arrested him somewhere near the Oddfellows' Hall. He was, on the Saturday, charged with perjury, and remanded to Featherston; and next day I took him up. Mr. Allan, in Court, I may say, had remonstrated against the proceedings I had taken. I had to take charge of this man Gordon, too, for he did not bear a very good character, and was given to drinking, and I had to keep him straight. Heggarty was charged with arson before Mr. Wardell. He was defended by Mr. Bunny, jun., and I prosecuted. The case lasted one or two days, I think, the result being that he was committed for trial. Bail was applied for. I opposed it, but it was granted, although I told Mr. Wardell I was quite satisfied the man would escape, if possible. However, he could not get any one to go bail for him, and he was brought down to Wellington. He had no less than three trials at the next

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sittings of the Supreme Court. It was said that on the first occasion there were eleven to one in favour of an acquittal, then eleven to one in favour of a conviction; but in the end he was convicted of arson, and was sentenced to six years.

1800. *Major Atkinson.*] Was that for perjury?—No; for arson. The perjury charge, having served its purpose of keeping him here, was abandoned. That occurred in October, I think, and immediately afterwards I had to go to Wanganui, and did not return till November. I never expected anything from the insurance companies, and should have been just as well satisfied if they had given nothing; but in five or six weeks I distributed the money as I thought fit, according to the services rendered by the various persons.

1801. *The Chairman.*] In your opinion, Farrell was not entitled to anything?—He had nothing to do with the matter beyond what I stated. I have two witnesses here, Price and Smith, who will prove that what I have said is correct. I gave money to men who most assisted me. Connor assisted me in every way. When Quinn's case happened, I was away at Wanganui; but as soon as I came back Farrell presented me with a report about it. I read it at once, and studied it. Mr. Boardman says I told him I had not had time to read it. That is quite correct, but I had a reason for telling him so. I did not want to tell him what I thought. When I read the report, I said to Farrell, "This is all very well; but we have no evidence to go upon yet. So far as what the sister told you goes, it is of very little value, because, if we put her in the witness-box, she would immediately say she had never told you what you alleged; her word would be as good as yours, and we have nothing to support you. I have had Quinn up before, and I know his shuffling way." He accounted for papers being burned by saying he believed there were defalcations in the Foresters' accounts, and I said, at once, "If we can get evidence of that then we shall have something to go upon." A correspondence took place between Colonel Moule and myself on the subject, and I kept worrying Farrell to know when he was going to bring the case to a close. I continually told him to find out if there was any embezzlement, because it was only on that assumption that we could take proceedings. Colonel Moule became anxious on the subject, and I went down and explained everything to him, and told him, if he thought it advisable to take steps on so weak a case, I would do it; but he did not say anything. Then I went to Mr. Izard on the matter, and he told me it was a very weak case, but that, if we could get evidence about the embezzlement, we could get a committal if nothing else, yet it was risky. I explained all this to Farrell, but could never get anything more from him. Now, as to Mr. Boardman. Mr. Boardman had got the key of the place and would not give it to me unless he went up to the place with me at the same time. This I objected to, because, necessarily, private conversation must pass between Farrell and myself which I did not care for Boardman to hear. One day I was making some inquiries at the Empire Hotel, and Boardman came to me and said, "Will you go up and see this place." I said, "Yes, give me the key; surely you can trust Farrell, if not me." He said he would not, and I replied I should not go up, to which he retorted, "Then I shall report you to the Government." I told him he could take proceedings if he fancied there was a case, because there was nothing to prevent him. That is all I have to say about the case. I over and over again urged Farrell to find out if there was any embezzlement. Some weeks ago I asked one of the Forester's if there was any embezzlement, and he said not a sixpence had been taken.

1802. *The Chairman.*] Who told you that. Evidence has been given us by the secretary, Mr. Sutton, that there were large defalcations?—I was not aware of that. I think I asked Mr. Valentine, who said there was nothing wrong, so far as he knew, and that, if there had been, he would have heard of it.

1803. Was the secretary not asked about it?—I left it entirely in Farrell's hands. I do not like to interfere with an officer who has a case in hand. It is unsafe to do so, because, if anything goes wrong, it is at once said, "Oh, if you had not interfered it would have been all right." Sergeant Smith several times heard me ask Farrell to find out if there had been any embezzlement, and tell him I could not go on until there was some information. Mr. Boardman mentioned another case in which, he said, a boy had been arrested on a charge of arson, and then had been discharged without having first been brought before a Magistrate. That is not the case. There was some suspicion attaching to some old hags who had been near the place, and, as the boy had some information in his possession, he was sent down to me. He was never in custody, but merely came down to see me and give me information on the subject. Now, Farrell, in his evidence, says something about the "Pier gang," and says there is such a body, and that I belong to it. I distinctly deny that. It is a false statement. The fact is that a man named Fisher, who is in the Council, had some dispute with a contractor named Saunders, another named McKirdy, and a gentleman named Perrier, and, in spite, he designated them as the Pier Hotel gang. Afterwards I saw Fisher and told him I thought it was an improper remark to make, and he seemed sorry for it. The Pier Hotel is one of the most respectable houses in town, and is a good deal frequented by mercantile men. In the evening one room is a kind of private club, where a few respectable persons meet for social purposes. There is Mr. Fife, chemist; Mr. McCarthy, of the Press Agency; Mr. Crease, merchant; Mr. Stewart, of Greenfield and Stewart, and others; but I never saw any gambling. I have seen games of cribbage and euchre played, but have never seen any money passed. A sixpence or a shilling a game may have been played for, but I have never seen it. As for me, it is very lately that I have known how to play; nor do I play billiards or anything else. My usual time of going there was about half-past 10. I had then gone my rounds, and generally called in to talk over the events of the day, or to see if anything was moving, just as any other person would do; but I never saw anything wrong in the house, nor do I believe Mr. Downes would allow anything of the sort. Then a charge was made against Purcell, Donnelly, and Byrne. Donnelly is a teetotaler, and I never saw him gamble. Purcell is pretty much the same; and Byrne, I think, never played cards in his life. I may explain that the reason of these men stopping at that house is this: There is no accommodation at the station for up-country constables coming down, and, as they have to leave town early in the morning, they go to this house, because it is handy to the post office, where the coach stops. In conclusion, I may add I have always had a friendly feeling towards Farrell. I should like to state this: It was by the recommendation of Sergeant Monaghan and Mr. Perrier. He

had left the Otago force, and said they would not take him on in Canterbury, and he asked me if I would put him on as a common constable on the beach. I said I did not want to degrade him so far as that—that I should put him on as constable, but that he need not wear uniform; and that, as soon as possible, I should get the Provincial Government to put him on a better footing. I spoke to Mr. Bunny on the subject the first opportunity I had, and he said, "Oh, yes; put your application in writing." I did so; and Farrell was put on in his present position.

1804. *The Chairman.*] Has he done his duty since he has been in the force?—I have had no reason to complain, except once or twice—once when he entrapped a man, very unfairly, to sign a paper. It was this way: A man named Hillsden, who was custodian of the Theatre Royal, had been accused of peculation and robbery, and one of the employés of the theatre wrote an anonymous letter to Dr. Johnston, chairman of the Theatre Royal Company, on the subject. Hillsden filed a criminal information for libel against the person, and Farrell, to try and get his signature, went to him with his right hand bound up, saying he had injured it, and asked him to write a letter for him. I told Farrell that it was not right, and that, as he had got into trouble down South by going crooked, I hoped he would run straight here. Most of the people are anxious to assist the police; but they would not assist a man unless he ran straight. One day in Court—it was on a licensing day—Mr. Barton said his evidence would not be taken in Dunedin unless it was supported by other evidence; and therefore I said to him, "For goodness' sake, whatever you do here, run straight;" but in two or three things he did not run so straight as I could wish: otherwise I have no fault to find with him. As to the serving of summonses, there was no intention to degrade him at all. The police had never served these summonses before, except in the out-districts, generally having been done by the Sheriff's officer; but, owing to the change—the amalgamation of the Sheriff's office with that of the Registrar's—these summonses were sent in to us to be served. There they were, sent without instructions from any one. When I saw them I said we ought to have had authority to do this work, but still they must be served immediately by some one. Farrell came in directly after, and I said, "Farrell, I should be obliged if you would serve these summonses for me." He said, "All right;" and I never heard a word of complaint till Farrell complained to the Committee. I have served summonses myself. Very often one man knows persons whom other men do not know, and there is nothing degrading in the work.

1805. *Mr. Tole.*] I think it is not so much a question of degrading the man as of bringing a detective into notoriety?—The detectives ought really to be a kind of secret police?—That cannot be done in a small community like this.

1806. You have no other complaint to make against Farrell?—No; but I remember there was a case in which he acted the part of a sort of "go-between." A man named Tyler was suspected of stealing some articles from another man named Cohen, a pawnbroker, and was arrested. It came out before the Court, and the Judge made some remarks about it, that Farrell had been to Cohen and asked him to compromise the matter if he got his goods back. I think Cohen stated that, and then Farrell went to Cohen afterwards and wanted him to put a letter in the paper contradicting what he had said in Court. Cohen showed me the letter, and I advised Cohen not to do anything of the sort; but, if Farrell wanted a letter to go in the paper, let him put his own name to it.

1807. *Major Atkinson.*] Farrell is not allowed to take money for any transaction?—He has never asked me; but I know he has taken money.

1808. *The Chairman.*] In detective duties?—I think so.

1809. Can you name any instance?—If you would like me to do so, I can; but I do not wish to do it.

1810. Oh, yes. Certain statements have been made, and we must get the evidence?—Well, I know he took a pound from a prostitute for the recovery of a dog. He admitted to me that he took it, and I told him I did not like such transactions. Now, there is another thing. I have heard it stated that I have been in the habit of receiving money for getting people publichouse licenses. I have never done so, and I have a witness out here, Mr. James Brown, a man of independent means, who, some eighteen months ago, did offer me £50, and he will tell you the whole of the conversation that passed between us. On another occasion I had a suite of furniture sent up to my house. I was away from home at the time, and my daughter took it in from the express-man. When I got home I was greatly surprised to see the furniture, and immediately I sent it back, as I knew pretty well where it came from. It came from a cabinetmaker on the beach, named Duff, who was applying for a license, and whom I was opposing.

1811. *The Chairman.*] There is a constable stationed at Foxton named Purcell?—Yes; he has been there some time.

1812. We gather he has been there rather too long? He is a man of means?—He has been a saving man; I know he has a little property.

1813. Do you change the police about from one place to another?—I have not done so.

1814. Is it not advisable for that to be done?—I think not. When a man has been in a place for some time he gets acquainted with everybody, and knows the ins and outs of things; and therefore is always able to get the earliest information.

1815. But does it not also lead to tyrannical conduct on the part of the police?—No; I hear from the Magistrate, Mr. Ward, that Purcell bears an extraordinarily good character. I must say this: A more persevering, efficient officer I never have had.

1816. I am not speaking so much of the character of this particular man as of the advisability or inadvisability of keeping the men in one place?—Well, I see no objection. When a district is free from crime I think it is a good criterion that the man in charge is doing his duty; and there are very few crimes allowed to go undetected there. Donnelly has been with me eleven years, and McAnulty ten or twelve years. That is the man who showed such great pluck in the arrest of a Native in the presence of Messrs. Fox and Buller. He went into the pa, and, after a great struggle, secured the man, and took him away to Wanganui. He was also one of the men who went up to the Awahuri station, and arrested McDonald over the horse-shooting case. The Rangitikei people were so afraid that the

Inspector Atchison. Natives would fight on McDonald's behalf that the Volunteers were about being called out, but this arrest was effected without leading to any trouble. Sergeant Fraser has also been with me nearly fourteen years.
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Mr. J. R. Brown.
11th Oct., 1878.

JAMES R. BROWN, being duly sworn, was examined.

1817. *The Chairman.*] What are you?—I was a publican; but I am now living on my means.

1818. *Inspector Atchison.*] Do you remember sixteen or eighteen months ago coming to me and making me some offer?—Yes.

1819. Will you tell the Committee what occurred?—Yes. I think it was last May twelve months, when I was asked by a man who was going to apply for a license for the Railway Hotel to offer the Inspector fifty sovereigns. He said I had known him a long time and perhaps he would take it from me. I told him it was no use offering it because I knew the Inspector would not take it; but he asked me, as a favour, if I would make the offer. I agreed to do so, but said I knew it was useless. I met the Inspector soon afterwards, and, after apologizing to him for the question I was about to put, I asked him if he would take fifty sovereigns not to oppose the license?

1820. *The Chairman.*] That was Pestridge's license, I suppose?—No; it was a man named Lansdowne who was applying. The Inspector replied he had never done such a thing in his life, and he was greatly surprised that I should have insulted him so. I apologized to him, and said I had told Lansdowne that I knew it was no good.

1821. Did Lansdowne give you the money?—No; he was to have given it to me in gold, if it had been accepted, so that it would not be possible to trace it, as it might if it were given in notes.

1822. *The Inspector.*] Why did Lansdowne select you to do this?—Because I had known you so long.

1823. How many years have you known me?—As far back as I can recollect.

1824. We were neighbours for some years?—Yes.

1825. And your father and I were particularly good friends?—Yes.

Sergeant Price.
11th Oct., 1878.

JOHN PRICE, Sergeant of Police, stationed in Wellington, being duly sworn, was examined.

1826. *Inspector Atchison.*] Do you remember coming up to my house, during the month of June or July in 1877, in respect to Heggarty's case?—It was in September.

1827. Oh, September, was it? What time in the morning did you come?—Between 2 and 3; about half-past 2, I should think.

1828. You woke me up?—Yes.

1829. What did you tell me?—I said I had seen Heggarty and his son and son-in-law in town, knew where they were staying; and, seeing that he was under committal, I wanted to know what I should do.

1830. Do you remember, the following morning, being on the beach with Farrell?—Yes.

1831. Did he ask you to point out Heggarty to him?—He did not directly ask me, but he wanted to know what sort of a man he was. I said, "You ought to know him, but, if you don't, I will point him out to you."

1832. Did you point him out?—I did; he was standing sideways to us, near the Oddfellows' Hall, in company with his son and son-in-law.

1833. Are you on friendly terms with Farrell?—I am not, and have not been for the last two years.

1834. *The Chairman.*] Why?—I have often heard him make some nasty remarks concerning Monaghan, who was in the force. Monaghan used to conduct the mess; and once I heard Farrell say that Monaghan was robbing the mess by having his own mess free, and receiving discount from the tradespeople and keeping it. He at the same time said the Inspector was as bad. I said, "Farrell, you ought to be ashamed of yourself." We have been on speaking terms, but not on friendly terms, since then, because I could not be friendly with a man who spoke so behind his officers' backs.

1835. Were you living in the mess yourself, then?—No; not then.

1836. You had messed there before?—Yes.

1837. Had you ever reason to complain?—No; I was there three years.

1838. Did Farrell ever bring the matter up formerly?—No.

1839. You did not report this to the Inspector?—No.

1840. Did you speak strongly to Farrell?—I told him he ought to be damned well ashamed of himself.

Sergeant SMITH, being duly sworn, was re-examined.

Sergeant Smith.
11th Oct., 1878.

1841. *Inspector Atchison.*] Do you remember the arrest of Heggarty?—I was not present when he was arrested. I recollect your calling me to where you and Farrell were standing—I was a stranger in Wellington then—and saying, "Smith, will you accompany Farrell to the wharf. I shall be down there directly, and will point him out to you."

1842. Did you go down to the wharf?—Yes.

1843. With Farrell?—Yes; and you followed immediately afterwards.

1844. Did I point out Heggarty to you and Farrell?—You did.

1845. Did Farrell recognize Heggarty until I pointed him out?—Well, we had been on the wharf ten minutes looking for him, and had not found him.

1846. Heggarty was on the wharf?—Yes; the man whom you pointed out as Heggarty was there all the time.

1847. You saw me go on board the "Arawata," and enter into a conversation with the captain?—Yes.

1848. And return?—And return.

1849. And then I went back to the station?—Yes.

1850. Did I subsequently give any instructions to Farrell with regard to the arrest of Heggarty?—I was not present when you gave instructions.

1851. He was arrested?—Yes; I met Farrell on the beach, and he said, "I am going to arrest Heggarty;" or else he had Heggarty and said, "See; I have Heggarty:" I am not sure which—it is a long time ago.

Sergeant Smith.
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11th Oct., 1878.

1852. Had Farrell any idea of Heggarty until he was pointed out to him by me?—I am quite certain if Farrell had known Heggarty he would have pointed him out to me on the wharf before you came down. The same man as you pointed out had been sitting on some timber on the wharf between his son and son-in-law, and we were all the time looking for Heggarty.

1853. Do you recollect drawing my attention to a lot of summonses from the Supreme Court waiting to be served, and do you recollect what I said to Farrell about them?—I drew your attention to them, and you said, "Get Farrell to serve them." I saw Farrell, and told him you wanted him. When he went up you asked him to serve the summonses, and he did so.

1854. Did he make any complaint that it was not his duty, or anything of that sort?—No.

1855. Farrell, in his evidence, says Carroll was fined for talking to him, is that true?—It is not true; he was brought up and fined for disobedience to orders.

1856. Was Farrell's name ever mentioned?—No.

1857. Have you had any conversation with Farrell about this inquiry?—He addressed me one day as I was walking past him. I may say I have avoided him since I have heard what he has been saying. He said, "You have taken a wrong idea about this matter. I don't want to harm you." I replied, "If you had the same principles as I have you would scorn to do what you are doing. You are doing all you can to get the Inspector into trouble, and you are getting me into trouble also." He said, "I don't wish to harm you." I said, "I don't wish to speak to you." There is one matter I wish to bring before the Committee. Mr. Owen, the proprietor of the Melbourne Hotel, came to me yesterday evening and told me he had been before the Committee to give evidence, and that he told the Committee he had been to me to get me to look over some misconduct of the house, and that I had consented. I convinced him that, as he had given his evidence to the Committee, he was wrong. It was the Sunday before the occasion on which the house was reported for being disorderly that this took place. It had nothing to do with the case at the Court. Mr. Owen is willing to come up here and explain that, if the Committee wishes.

Mr. M. MONAGHAN, being duly sworn, was re-examined.

Mr. Monaghan.
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11th Oct., 1878.

1858. *The Chairman.*] Detective Farrell says you were in the habit of having men up to your room to drink of a Sunday evening when you were in the police?—I was not in the habit of doing it, but a few of my personal friends, respectable citizens of Wellington, have been up there on several occasions; and I consider I had a perfect right to invite them there: just as much right as other persons have to invite friends to their private houses. They were all respectable men—men with whom it was creditable for me to associate. It occurred several times, but I think I had a right to have them there, and I think it was impertinence on Farrell's part to make such a remark.

1859. *Inspector Atchison.*] Do you know the Pier Hotel, and the persons who are described as the "Pier-Hotel gang"—or "mob," I think they are called. How did that phrase originate?—It originated out of the spite of a Councillor in town, a person named Fisher.

1860. It is said that Byrne and others used to go there to drink and gamble?—I know Byrne does not play cards.

1861. Or Sergeant Donnoelly?—He was in the habit of going there to stay, because there was no accommodation for country police at the station.

1862. Does he drink?—Very little.

1863. What liquor does he generally drink?—Claret, and very little of that. He is a very temperate man.

1864. Have you ever seen gambling at the hotel?—I have seen cards played, but no gambling.

1865. What sort of an hotel is it?—It is used as a sort of private club, and certain rooms are kept apart. No one at all rowdy would be allowed to go into the room frequented by the persons whose names have been mentioned by Farrell. I never went there before 10 o'clock, and then, when all duty was done, I considered I had a right to an hour or two.

Mr. G. E. BARTON, M.H.R., being duly sworn, was re-examined.

Mr. Barton.
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11th Oct., 1878.

1866. *The Chairman.*] Perhaps you had better state what evidence you wish to give, Mr. Barton.—Yes; I will just mention to the Committee the circumstances attending what I consider to be the persecution by the police of Mr. Edwards, late of the Waterloo Hotel, Kaiwarra, a client of the firm of Barton and Fitzherbert. Charges of one kind and another were frequently made against him by the police. Almost every licensing day his house was objected to. It was said that the house was badly conducted, and that he himself was a person of bad character. It was stated by the police that it was a house to which persons were allowed to take bad women. I will say this: I and my son frequently of an evening, when we were too late for any train, used to walk out to and in from Petoni, where I live, and it was very usual for us to call in at Edwards's Hotel to rest and get refreshment on our road, and I can say that the house was always perfectly clean and well conducted. I and my son have been either in there or passing by at almost all hours of the night, up to the time of closing, and I always noticed that the house was quiet and orderly, the table covered with periodicals and papers, and quiet, respectable-looking working-men frequenting the house, and things generally were well conducted. A case was brought against Edwards by a farmer, who charged him with having stolen a large sum of money from his (the farmer's) wife. A mass of evidence was gone into, and the result was that it was shown that Edwards had behaved well instead of ill, and that the charge had been trumped up against him. The Magistrate dismissed the case, it being clear that Edwards was free from blame—that, so far from cheating her, he had done his best to preserve her money for her while she was in his house, and that the woman had gone to other places and there lost her money. That was clearly proved; yet, when Edwards was seeking a renewal of his license, objection was made by the police on the ground that he had robbed this woman. This was alleged,

Mr. Barton.
11th Oct., 1878.

although Edwards had entirely disproved the charge. On one occasion when his license was objected to I produced in Court a memorial, signed by nearly all the respectable people in Kaiwarra, testifying to the good conduct of the house. That memorial I now lay before the Committee that they may have an opportunity of looking at it. It includes the name of one of Mr. Forster Goring's sons, and those of other respectable persons. This will show that the house was reputed to be a well-conducted house; yet I know of my own knowledge that that man Edwards was worried out of that house by the police falsely stating that it was little better than a brothel.

1867. Do you attribute any wrong motive to the police?—I believe the objection to the house was that it was Pascoe and Co's house. My firm were solicitors for Pascoe, and we found that nearly every house in which Pascoe had an interest was constantly objected to by the police.

1868. Every house that dealt with them?—Every house that was a bound house to them.

1869. Were Pascoe's houses, as a rule, good houses?—I am not able to say, but I can testify to this house of Edwards's that it was clean, well-conducted, and orderly. After he left that house he went to Wanganui, and I believe he is now in Australia, so that I am unable to call him.

TUESDAY, 15TH OCTOBER, 1878.

Mrs. HOWE, being duly sworn, stated—

Mrs. Howe.
15th Oct., 1878.

I wish to correct my evidence given on a former day. I did not wish the Committee to understand that we lost £1,500 in consequence of Purcell. We had lost £1,500 in farming before we applied for a license for the hotel, and when we applied Purcell made allusion to our misfortune, saying we had been summoned, as a reason why we should not get a license. I also wish to say I meant Purcell was worth a thousand pounds or so, not worth thousands.

Detective FARRELL, being duly sworn, was re-examined.

Detective Farrell.
15th Oct., 1878.

1870. *The Chairman.*] We wish to question you about evidence given here during the last day or two. Have you ever received payments or rewards directly, I mean not through the Inspector?—I have, on one occasion.

1871. What was that?—After I had done making inquiries into Pestridge's case I made a full report to the Inspector. I gave it to him in the Empire Hotel, and gave a copy to Mr. Wallace. Mr. Wallace gave me a letter. I opened it, and found it contained a cheque for £10 for myself in consequence of the trouble I had taken, and to defray the expenses I had incurred. I told Mr. Wallace that it only cost me £1 altogether; that I was not allowed to take these moneys; and that, if he wished to give money, he must send it to the Inspector. He would not send it to the Inspector, and I kept the cheque.

1871. Why did you not mention that to the Committee when you were giving evidence on the subject of payment?—You did not ask me about it.

1872. There is another bit of evidence. The Inspector states that he had to reprimand you for taking £1 from a prostitute; for finding a dog?—He never reprimanded me in his life. I did take £1 from a prostitute; but the reward was advertised in the *Evening Post* for the recovery of the dog: I recovered it, took the reward, and told the Inspector about it.

1873. You got the reward?—Yes; it was an advertised reward. The Inspector spoke to me afterwards about the matter. There was a summons case about the dog afterwards, and she told the Inspector about my recovering the dog. He asked me about it, and I said, "Yes, I did get the dog, and took the pound." He merely said it would be better not to take money in such cases, because if it got into the newspapers it would look bad.

1874. Did you think you were justified in taking that reward, according to the Police Regulations?—Yes; I can point to the last *Police Gazette*, to show that rewards have been paid to policemen.

1875. But is not the consent of a superior officer required?—It would be, if the regulations were carried out, but the regulations are not carried out.

1876. Did Inspector Atchison know of that at the time, and not reprimand you?—He never reprimanded me.

1877. *Major Atkinson.*] Did he know of it at the time you took the money?—Immediately afterwards.

1878. And what did he say?—Well, at that time certain parties were writing squibs about me. Perrier, of the *Times*, was the chief one, and Inspector Atchison said, "If these fellows get hold of that, they will make it warm for you." I said I had no bad motive when I took the money. He did not reprimand me. To prove that he did not, it would be easy to refer to the monthly report, which I am sure contains any complaint against me.

1879. *Mr. Bunny.*] How long is this ago?—Very nearly twelve months.

TUESDAY, 17TH OCTOBER, 1878.

Mr. EDWARD JOHN BARNARD, being duly sworn, was examined.

Mr. E. J. Barnard.
17th Oct., 1878.

1880. *The Chairman.*] You are a clerk in the employ of the firm of Johnston and Co.?—Yes.

1881. The Committee are informed that you have some evidence to give as to what has taken place in relation to licenses?—At Foxton?

1882. Yes?—Yes.

1883. Would you state what you know about the matter?—I applied for a license for a hotel at Foxton, but the people there were afraid to speak their minds, because they were frightened of the policeman stationed there.

1884. How do you mean? Just explain what you mean?—The policeman has been there a long time, and, as he is supposed to have some interest in one of the houses, he might do some harm to people if they spoke their minds. It was well known that there was a wish that another hotel should be opened.

1885. A second hotel?—A third.

1886. How do you know a third hotel was wanted?—They said so; but still a good many objected to put their names to a petition to that effect.

1887. Why?—Because the policeman has such large interest there.

1888. Did he allege it was unnecessary to have another house?—Yes.

1889. There were two already?—Ycs.

1890. *Hon. Mr. Fox.*] In a small place of a population of about six hundred?—There was a general expression of opinion that the house should be licensed.

1891. How did they give expression to that opinion? Was any poll taken?—No. I got a petition from the people, but a good many were frightened.

1892. How many persons signed?—I could not say.

1893. How many women signed the petition?—About one hundred and fifty.

1894. Women?—No; I mean men. There were no women, that I know of.

1895. Were they asked?—No; not that I know of.

1896. You did not think it was necessary for their domestic happiness that they should be consulted?—They would have signed willingly.

1897. How do you know?—Because I lived there some time.

1898. Because you lived there some time! Does that prove that you knew the mind of all the women of the place?—I think so; I think they would have signed.

1899. *The Chairman.*] Is that all you have to say?—Yes; I may add that, when one man applied for a license, he was objected to by this man Purcell because he was ill, but it turned out it was another man altogether who was applying.

1900. *Hon. Mr. Fox.*] Who had held the license for the house before?—Wakeford.

1901. Why did he leave the house?—He got into some trouble about a barmaid, I believe.

1902. Was his license taken away from him?—It was cancelled.

1903. Did he apply again for it?—He applied for it again three or four times.

1904. But did not get it?—No.

1905. Afterwards that man came down here?—Yes.

1906. And has got a license for one of the largest houses in town?—Yes.

1907. Was his license opposed by the police?—Not that I know of.

1908. *The Chairman.*] Did the police oppose him at Foxton?—Yes.

1909. On what ground?—Something about a barmaid.

1910. *Hon. Mr. Fox.*] For general misconduct of the house?—Yes.

1911. *The Chairman.*] Do you know why they did not oppose him in Wellington?—I do not know. I spoke to one of the men up there, and he said he thought Wakeford had been punished enough. I spoke to one of the force down here on the subject, too, because I thought it was very strange.

1912. *Hon. Mr. Fox.*] You say the police have great power at Foxton? You mean Purcell, I suppose?—Yes.

1913. Well, what is his position there, or how does he come to have such power?—He has been there too long. He has been there ten or thirteen years, and is becoming wealthy by buying and selling cattle, and that sort of thing.

1914. Has he a butcher's shop?—I believe he is interested in the shop. I know he is a cattle dealer: in fact, after I got a license he came to me and wanted me to buy horses of him.

1915. You think he has been there too long?—I should think he had; but for that I should never have left the place. It is quite disheartening to be frustrated at every step.

1916. In what way can a policeman exercise his power so as to injure other people? Is not his business simply to put warrants in force, and to serve summonses against parties who break the law? How can he so injure people as to compel them to leave the district?—If he goes into your house and sees anything going on and says, "You must stop that," and at the same time allows people to play cards, &c., in another house till all hours in the morning, it is time to get away from the place.

1917. Do you know that sort of thing went on?—I know for a fact that it was done, and that he has taken part in it. I have seen him in the house at all hours.

1918. *Hon. Mr. Fox.*] And there was drinking going on?—Yes.

1919. And card-playing?—I do not play cards myself.

1920. You know he has been there, and that cards have been played?—Yes.

Mr. G. E. BARTON, M.H.R., being duly sworn, said,—

The statement I wish to make is this: Last night Mrs. Howe, a witness who has been examined before the Committee, called upon me and said that, in the evidence she had given before the Committee, she had concealed a good deal through fear, and that she is desirous of being called again.

1920A. *The Chairman.*] She has been here a second time, and rather toned down the evidence she had given on the first occasion?—Well, this occurred last evening. She said she felt so strongly about it that it was her intention to go to Sir George Grey and try to get him to interfere.

1921. *The Chairman.*] To interfere about what?—About these police matters—I presume she meant about Foxton. She said, also, that the reason why she had kept back portion of her evidence was that the police were now dealing very favourably with her son's house, and had given her to understand that for the future she would have no reason to complain in any way. I may add that other witnesses have sent to me to say that they would now give much stronger evidence if the Committee would recall them. Coleman is one.

Mr. E. J. Barnard.

17th Oct., 1878.

Mr. G. E. Barton.

17th Oct., 1878.

Mr. G. E. Barton. 1921A. *The Chairman.*] Well, we had Coleman himself here five minutes ago, and he stated distinctly he had no further evidence to give, and denied he had ever told any one so?—I have not seen Coleman myself, but I understood from my son that he had seen him.

Mr. T. C. Coleman.
17th Oct., 1878.

THOMAS CHARLES COLEMAN, recalled, being duly sworn, was examined.

1922. *The Chairman.*] Since you gave evidence here before, has anything particular occurred?—Sergeant Price came up to me one day and spoke in a very unbecoming manner.

1923. In what way: will you explain?—The day after I gave evidence here I was going down the wharf to a steamer with a parcel. I saw Sergeant Smith and Sergeant Price on the wharf, and when they saw me Price came to me and said he heard I had been up here before the Committee. I said I had. He said, in a very insulting manner, "What did you say?"

1924. What did you answer?—I did not like to answer, because I was frightened.

1925. Why were you afraid?—Because, if I had answered him as I should have done, probably he would have locked me up. I would not trust him.

1926. *Mr. Tole.*] Did you say nothing to him?—No; he walked away.

1927. Have you any other evidence to give?—No; I have no further evidence to give besides that.

1928. We understood you wished to add to your previous evidence?—No.

1929. Have you not told Mr. Barton you wished to give further evidence?—No.

1930. Or any one else?—No.

1931. You have nothing further to say?—No.

Inspector Atchison.
17th Oct., 1878.

Inspector ATCHISON, being duly sworn, was re-examined.

1932. *Hon. Mr. Fox.*] Do you remember Wakeford keeping a publichouse at Foxton?—Yes.

1933. His license was cancelled?—Yes.

1934. On a police prosecution?—Yes; at least, I am not certain. I think it was his own statements that condemned him.

1935. At any rate, the police moved in the matter?—Yes.

1936. He afterwards applied, more than once—two, or three, or four times—for a renewal of the license?—I think he did.

1937. It was refused persistently by the Licensing Bench, and he never got it?—I do not think he did.

1938. That man came down afterwards, and applied for a license for one of the largest hotels in this city, the New Zealander, and got it?—He did not get it with my sanction. I was away at the time, and Sergeant Smith, who was in charge, did not know of the man's previous character; neither was the license got in his name.

1939. But it was transferred to him afterwards was it not?—Afterwards.

1940. There was no objection ever made to him?—Yes; I was vexed, and expressed my opinion to Mr. Quick, his solicitor; but, as the thing was done, I did not care about making a fuss.

1941. Did you express your opinion to the Licensing Bench?—No; I was not in town.

1942. But on transfer day?—No.

1943. To whom does that house belong?—To Andrew Young, I think.

1944. What brewer has got it?—I do not know whether it is Mace and Arkell or McCarthy, to whom they have sold out. I am not certain.

1945. Is it a "tied" house to a particular brewer?—I am not certain of that.

1946. Is it Pascoe's house?—I am not certain.

1947. There is another case to which I wish to refer. There was a constable sent up to Marton a little over a year ago, named Warren?—Yes.

1948. That man proved very active in prosecuting offenders against the liquor laws?—Yes.

1949. Both against publicans and other offenders?—Yes.

1950. About five months ago you came up there?—Yes.

1951. And intimated to him that he was about to be removed?—That was on account of evidence given by him at Wanganui. He was the principal witness in a case of indecent assault, and was asked what sort of a character a certain woman bore, and he made the remark she bore "an excellent character." I asked Warren how it was that he said the woman bore an excellent character, when he must have known that she was a very bad character. He admitted that he did know it. I therefore concluded that the man was not fit to have charge of a station by himself, for no dependence could be placed upon him.

1952. That was the reason you removed him?—Yes.

1953. Not because publicans complained that they thought he was too hard upon them?—No; because I thought, if he could give a woman a good character in Court when he knew she was a bad character, he was not to be depended upon.

1954. Did you consult the Magistrate's Bench up there?—No; Mr. Ward wrote to me, and, as I came down, I saw him and explained the reason why I had removed the man.

1955. I have nothing more to ask you, if that is the ground on which you removed the man?—Yes; that is the ground. I did not know anything of the woman's character myself; but, after Warren had given his evidence, Sergeant Donnoelly said, "Did you hear the character Warren gave that woman?" I said, "Yes." He said, "What do you think of that?" I said, "Why, has she not an excellent character?" He replied, "No, she is a very bad character." I then asked Warren how it was that he had given her a good character, and he did not give a satisfactory answer.

1956. Will you swear you did not find fault with Warren for having been too busy in prosecuting publicans?—I will.

1957. Nor with regard to a riot on New Year's night?—No.

1958. You did not tell him he had been too busy?—I did not.

1959. If he was to swear that you did he would be swearing what was untrue?—Yes; I think

knocked off all dealings with him. At this time there were other promissory notes in circulation bearing my signature; they were renewals. There were four of them; and this had been going on for eighteen months. *Mr. C. McIntyre.*
18th Oct., 1878.

2006. Is there any other evidence you can give about the police?—No; that is all.

Mr. M. MONAGHAN, being duly sworn, was re-examined.

Mr. Monaghan.

2007. *The Chairman.*] It is complained to us that you have attended every day in the lobby, and have addressed every witness who has come in. Is that the case?—No. *18th Oct., 1878.*

2008. Have you addressed any witness who has come in here?—Not with regard to the evidence. I have said "Good day," or something of that kind.

2009. Have you not spoken to them about the question before the Committee?—No.

2010. Then, why do you attend every day?—Simply because I consider my character is at stake on account of the false charges made by Mr. Barton. I think I have as good a right here as Farrell, or Mr. Barton, or his son.

2011. I understand you to say you have spoken to no witnesses, as they come in, in regard to the evidence they are to give?—No.

2012. Is it the case that any witnesses have been intimidated by the police?—No; it is simply Mr. Barton's imagination running away with him.

2013. *Mr. Barton.*] Oh! Have you spoken to any witness?—Yes.

2014. Will you name the witnesses to whom you have spoken?—I have bid "Good morning" to three or four.

2015. Name the witnesses you have spoken to?—Who do you want me to name? I have spoken to Constable Phayre. I bid him "Good morning" when he came out of the Committee-room.

2016. Did you speak to him before he came in here?—No.

2017. Did you speak to him yesterday?—No, I did not.

2018. Did either Sergeant Smith or Atchison speak to him, with your knowledge?—No; in fact, I think Inspector Atchison was not aware of his coming here at all.

2019. Did you go for him yesterday?—No.

2020. Did you see him yesterday?—No; I told you I never spoke to him, before.

2021. What other witnesses have you spoken to, any morning?—I cannot tell who I spoke to "any" morning.

2022. See if you cannot recollect?—Smith.

2023. Oh, do not mention Smith?—Price, and Atchison, and Kells.

2024. Did you speak to Kells?—Yes.

2025. Did you speak before he was examined, or after?—I believe, before he was examined.

2026. Did you say anything to him about the evidence he was to give?—No.

2027. Did he tell you anything of the evidence he was to give?—He made some remark about it, but I did not pay any attention. I spoke to another witness, Buchanan.

2828. About the evidence?—No. About the evidence? Nothing of the kind. Your imagination is running away with you.

2029. Was there any conversation between you and Kells?—Kells addressed me. He said something about did I remember about some man who was arrested here some time ago. I said, "No; I don't remember anything of the kind." He said he had been summoned as a witness, and Constable Ryan said he must come. I cannot remember the whole of the conversation. Your son came listening around at the time.

2030. Did you speak to any other witness?—I do not remember any other.

2031. What was it you said to Phayre?—I bid him good morning.

2032. Did you say anything to him about the evidence?—No; I said, "Have you been examined?" when he left.

2033. That is all?—That is all.

2034. Do you remember a prisoner named Vitey?—Yes.

2035. Where is Vitey now?—I do not know.

2036. Were you present when he was brought into the station?—No; nor when he was arrested either.

2037. Were you at the station at any time while he was under arrest?—Very likely; I could not say; I am almost certain to have been.

2038. Did you see him?—I cannot remember. I slept at the station, and must have been in the station during the time he was there.

2039. Was he, to your knowledge, ill-treated?—I believe not. I know, on the contrary, that his conduct was violent in the extreme.

2040. I was not asking you that?—No; but I wish to explain. His conduct in the circus was most violent. Mr. Wilson, the proprietor of the circus, had to eject him, and to call on the police to arrest him; and during the whole time his conduct was violent in the extreme.

2041. Who were the constables who arrested him?—McWilliams was one; I forget who the other was.

2042. Was Coleman assisting in his arrest?—I do not know.

2043. Did you speak to him?—Yes; yesterday I said "Good day;" that is all.

2044. I am not confining myself to yesterday?—I am speaking of all times.

2045. Did you go to the Club to see him?—No, I did not; it is false.

2046. Well, I am only asking a question?—Yes, it is, like a good many of your questions, without any foundation.

2047. Did you see him at the Club?—No.

2048. Did you not see him anywhere?—Do you mean to say "see him" or "speak to him?" You seem to wish to entrap me. I never spoke to him. The first time I spoke to him was yesterday. He then said "Good morning" to me, and I said "Good morning."

Mr. Monaghan. 2049. That is all?—That is all, at any time. May I say, I think this conduct of Mr. Barton's very strange.

18th Oct., 1878.

2050. *The Chairman.*] How?—I complain that, during the time he was holding forth in the theatre, making a speech there, he imputed things to me which I have never had a chance of denying. He imputed things to me indirectly. No person could mistake what was meant, but they were not sufficiently direct to enable me to take proceedings in a Court of law, else I should have had him in the Supreme Court before this. They were charges of cruelty against a person lately in the force, and in a position of authority. That could only mean me. I say that such a charge was totally unfounded, and it was unfair that such imputation should be cast upon me.

2051. *Mr. Swanson.*] You say you felt this to be a charge against you?—I do.

2052. Well, will you explain how the injury to your character can be remedied in the lobbies? Do you think that is the proper place in which to get it put right?—I think I have as much right in the lobbies as Farrell, or Mr. Barton, or his son. Farrell is there now.

2053. Are you aware that Farrell has not been here unless sent for?—No, I am not aware of that.

2054. Will you explain how your character can be defended in the lobbies?—I do not know about being defended, but I am here in case I should be wanted.

Mr. E. L. Barton.

Mr. ELLIOTT L'ESTRANGE BARTON, being duly sworn, was re-examined.

18th Oct., 1878.

2055. *The Chairman.*] Have you any evidence to give with regard to alleged intimidation of witnesses?—Yes. The morning before Kells was called he was waiting in the lobby, and I saw Monaghan and another policeman talking to him for some time. The Committee adjourned without calling Kells. I know Monaghan was talking to him about his evidence, as I afterwards met Kells, and asked him were the police talking to him about his evidence. He said, "Yes," and that he had told Monaghan what he had to say about a man's wrists being bruised by handcuffs in the lockup, and that Monaghan had suggested it might have been done by a rope, and not by handcuffs. Besides Kells, I have seen Monaghan talking to other witnesses in the lobby, every time I have been up here almost.

TUESDAY, 22ND OCTOBER, 1878.

Inspector ATCHISON, being duly sworn, was re-examined.

Inspector Atchison.

22nd Oct., 1878.

2056. *The Chairman.*] There was evidence given us the other day by Mr. McIntyre, baker, of Tory Street, and we have called you to tell you what evidence he gave us, and to ask you whether you wish to make any statement about it. He complains that a man forged his name?—I know the case well.

2057. He complains that you refused to prosecute this man; and that, even after, at his instigation, a warrant was issued, you refused to execute it, and he had to arrest the man himself, and the man was convicted?—Yes, he was.

2058. He says he had to prosecute to a conviction himself—had, at his own expense, to employ a lawyer. We have called you to ask you whether you wish to make any statement with regard to the matter?—I do. It is about two years ago, I think. McIntyre came to me one morning and said, "I have a case of forgery." I said, "All right, where is it?" and he showed me a notice of a dishonoured bill with his name attached to it. He said, "It is a forgery; I never signed any bill." I said, "Have you paid it?" He said, "No." Then I found it was some loan office which had discounted the bill, and I said that no steps could be taken until I had before me the original document, so as to see if there had been any forgery. I thought he was labouring under some misapprehension. He seemed to be greatly excited, and I said, "Before you run yourself into litigation, you had better consult a solicitor." I asked, "Have you got the original document?" He replied he had not; and I asked him how he could expect me to get it, or take steps without that information. If there had been any forgery, then the person who had suffered—the money-lender, in this instance—should be the person to take steps in the matter.

2059. Did he not tell you the money-lender would not prosecute?—No. I thought at the time he had got a wrong idea in his head, and I was anxious to prevent him running himself into litigation, and therefore I suggested he should consult a solicitor. Afterwards he pointed the man out, and I had him arrested. He went to Mr. Buckley; and I hear he had great difficulty in getting Harris to come forward and assist to prosecute.

2060. Is it not the duty of the police to look after the matter of getting up prosecutions?—I tried, but could not get anything from him.

2061. From whom?—From McIntyre.

2062. Did he not tell you who had the document?—No.

2063. Did you advise him that, as he had lost no money, he had better let the thing alone?—I said, "Would it not be better for Harris to prosecute?"

2064. When the warrant was issued did you refuse to execute it?—Certainly not. The man was about the Courthouse, and he was arrested. Cook, I may say, was a perfect stranger to me.

2065. Did you tell Mr. Crawford that, as McIntyre would not take your advice, you washed your hands of the whole matter?—I do not know. I cannot say that I did. I know the man was pointed out somewhere near the place, and I called a constable and told him to take the man in charge. I did not want to see McIntyre run his head against a brick wall.

2066. But the man has been convicted?—Yes; after a good deal of trouble Mr. Buckley got the original document from the loan office. The loan agents have an objection to come into Court, because they know that, before they discount a bill, it is a very easy thing to find out if the signatures are genuine. It would have been easy for him to have gone up and asked McIntyre, "Is this your signature?"

2067. Of course it is a very serious thing for a man to have his name forged. This man tells us

his name was played with for years, he found?—When he came to me I thought he was in a state of confusion, and that he would get himself into some difficulty. I have taken the same course in many cases. Some little time ago a man rushed into one of these cases against my advice, and lost a small property over it. Inspector Atchison.

22nd Oct., 1878.

2068. But this is a case in which there was a conviction?—But I did not know the facts of the case until afterwards, else I should have taken proceedings. I may have made a mistake, but I had no other motive than to do the man a good turn, and prevent him from getting into litigation.

2069. *Mr. Swanson.*] Do you think it strange that a man should get excited or confused when he knows his credit is being damned?—I did not look at it in that way. I asked him if he had lost any money. He said “Not a sixpence;” and then I could not understand why he should be so excited.

2070. Is not the loss of credit worse than the loss of money?—Not in such a case as this.

2071. Having a mark put against his name as bad, is that calculated to put a man in a good frame of mind?—It may have been a mistake of mine.

2072. The man comes to you and says a forgery has been committed: Was it not your duty to go about the matter at once, and see if anything was wrong?—No doubt.

2073. Suppose this man had come to you and said he had been robbed?—Of course I should have taken steps at once.

2074. Is not a forgery case worse than a robbery?—Well, he only showed me the notice from the bank, and I was under the impression that he did not know what constituted forgery. I told him he ought to make himself certain, because there were two or three McIntyres in town. He said there was no mistake; and I replied—

2075. Were you right or wrong?—I believe I made a mistake.

2076. If this man had taken your advice would not the criminal have escaped?—No.

2077. How would he have been detected and convicted?—After a day or two I should have begun to make inquiries.

2078. If he had left it alone you would have taken the thing up?—Yes.

2079. *The Chairman.*] McIntyre went to see you more than once?—Not more than once.

2080. *Mr. Swanson.*] This man has been put to some expense and to considerable trouble in doing what was your duty?—I should have done it, had I known it to be my duty. I should have proceeded if he had brought me the original document which constituted the forgery.

2081. He told you where it was?—No.

2082. A summons from the Supreme Court would have got it. It must have been in the bank, seeing that the bank sent McIntyre the notice?—Yes.

2083. Do you think the bank would have refused to give up the document?—No; of course it is all very clear now.

2084. Was it not your duty to go to the bank at once?—It did not strike me. Perhaps this is one of the mistakes I have made in the course of sixteen or seventeen years; but everything I did was done with the best motives. Certainly I could not make the thing out at the time.

By Authority: GEORGE DIDSBURY, Government Printer, Wellington.—1878.

ERRATUM.—Question 369, *for* “or Judges,” *read* “on Friday.”

