

SESS. II.—1897.
NEW ZEALAND.

CHARGES AGAINST INSPECTOR JOHN EMERSON

(REPORT OF ROYAL COMMISSION ON).

Presented to the House of Representatives by Command of His Excellency.

IN the matter of "The Commissioners' Powers Act, 1867," and of a certain Royal Commission issued by His Excellency the Governor in Council on the 4th day of November, 1897, directed to Harry Eyre-Kenny, of Wellington, Stipendiary Magistrate, authorising and empowering the said Harry Eyre-Kenny to inquire into the truth or otherwise of certain charges in the said Commission specified preferred against John Emerson, Inspector of Police, and requiring the said Harry Eyre-Kenny to certify under his hand and seal his opinion touching the said charges.

To His Excellency the Right Honourable the Earl of RANFURLY, K.C.M.G., Governor in and over the Colony of New Zealand.

MAY IT PLEASE YOUR EXCELLENCY,—

In accordance with the provisions of the said Commission, I have the honour to respectfully furnish the following report:—

1. Owing to the length of time which elapsed between the 1st and 2nd of May last, the dates of the alleged offences imputed to Inspector Emerson, and the 4th of November, 1897, the date of the said Commission, very serious difficulty has been experienced by both sides in obtaining the evidence of their witnesses. The witnesses had become scattered all over the country, so that in order to avoid the expense of concentrating them in one place I was instructed to sit at Auckland, Gisborne, and Napier for the purposes of this inquiry. Jacob, the chief steward of the "Dingadee" (on which the alleged misconduct took place), had been transferred to the s.s. "Omapere," and it took some contrivance to enable me to intercept him at Gisborne, the "Omapere's" time-table being so uncertain owing to the number of small ports she has to visit along the coast, and to the vicissitudes of the weather. Again, Mrs. Boyd, the stewardess of the "Dingadee," left the Union Company's service on the 6th May last, and was supposed to have gone to Tasmania. Subsequently, however, she was discovered in Auckland, and her testimony obtained there. A passenger named McDonald, whose evidence was required, was with difficulty traced to Waimarama, some thirty miles from Hastings; his ordinary place of abode being Awanui, on the East Coast. These complications necessitated several adjournments. Furthermore, during my stay at Napier, a witness named Warnock was unexpectedly discovered in Auckland, so unquestionably important that I was compelled to revisit that city. I proceeded there at once in the "Waihora," arrived on Monday, the 6th December, 1897, sat the same day, and returned to the south by the "Mararoa," on Tuesday, the following day. I am now quite satisfied that all the available evidence has been obtained, and that the investigation has been as thorough as it was possible to make it.

2. *Charge No. 1.*—The first charge is as follows: "That on or about the 1st day of May, 1897, on board the steamship 'Dingadee,' he (Inspector Emerson) did play cards and drink until 2 o'clock of the morning of Sunday, the 2nd day of the same month, when he returned to his cabin much the worse for drink."

I consider that this charge is absolutely disproved. There is no evidence at all to support the allegation that when Emerson retired to his cabin on the morning of the 2nd of May he was "much the worse for drink," or indeed that he was even slightly intoxicated. The only evidence that Emerson played cards and drank until 2 a.m. on Sunday, the 2nd May, is the testimony of Mr. William Cooper, and that is inferential merely, for Mr. Cooper, who was lying in his cabin at the time, candidly admits that he saw nothing, but that he heard the voice of one of the men who went on playing at cards, as he alleges, well into Sunday morning, that this person was noisy and garrulous, and that he subsequently identified this person to be Inspector Emerson by his voice.