

handed the report to the Inspector before he left Nelson. I have never suffered at your hands for anything I may have reported. I have seen what other men have suffered, one of whom was Constable Kelly, now in Dunedin. He complained to Inspector Ellison about his duties. He informed me that he had complained, and I knew he was in the office with the Inspector. His complaint was on the ground that he had to do too much foot duty. I am aware that the key of the office is usually kept hanging in the passage. I have never been prevented from going into the office to consult the *Gazette* and statutes if I wished to do so, but after what you told me I never went to do so. There is a volume of selected statutes kept in the men's room. That has been there since Constable Durbridge came here. I have consulted it a few times.

Re-examined by Inspector Macdonell.] I do not remember if there was anything urgent on at the time you wired to have Constable Jeffries placed in charge. I generally come from my residence of a morning to read the paper. The office is open to allow of it being cleaned out before 9 a.m. I consider a man should be allowed to study the statutes at any time he is at leisure to do so, half an hour or an hour a day. I should want to take them out of the office to study them. I could not study them while the public and the men are in and out of the office or at the door. The sergeant objects to the men sitting about in the office for any length of time unless they have business in the office. After the complaint made by Constable Kelly to Inspector Ellison the sergeant used to parade the constable in uniform at 9 a.m. and send him out on duty. He had not done so before. This led to altercations between the constable and the sergeant, which resulted in the constable being reported and punished for insubordination. The constable was reported on a second occasion, and was then transferred to Dunedin. I did not submit the report handed to you in February last through the sergeant for fear I might have to suffer for so doing. I told you I was afraid to complain to you or the Commissioner. Sergeant Mackay was, I believe, away at Collingwood at the time you told me to make the report and hand it to you. Sergeant Mackay had returned from Collingwood before I handed you the report.

Questions by Commissioner.] I joined the service on the 20th August, 1881. I had formerly just over two years in the Police Force. I had free access to the statutes prior to Sergeant Mackay coming to Nelson. Sergeant Mackay had been a few months only at the station when the Trafalgar matter occurred. The particular statute I then wished to refer to was "The Licensing Act, 1881," *re* persons being in the bar of a licensed house during prohibited hours. I was clear as to the law on the subject when the sergeant spoke to me, but I took that occasion to point out to the sergeant that men could not be expected to know the law unless they had access to the statutes. Sergeant Mackay's contention was that boarders had no right to be in the bar after the closing-hour, and I maintained that there was no harm in the licensee having his bar lighted up after closing-hours to supply boarders. Prior to Sergeant Mackay coming to Nelson the men were allowed to take the bound volumes of statutes out of the sergeant's office to other parts of the station, or come and read them in the sergeant's office as long as they liked. During my upwards of twenty years' service I have been stationed in Nelson altogether eleven years and four months. I have served at Christchurch, Sydenham, Wellington, Kinnard, and Charleston. I was not, to the best of my belief, allowed to take the bound volumes out of the office at either Christchurch or Wellington. I cannot now recollect how we got access to the statutes at those stations. At Sydenham, Kinnard, and Charleston the statutes were under the control of the constables, there being no superior officer at those stations.

JOHN BIRD.

Defence.

Sergeant EDWARD MACKAY says:—

Since I took charge of Nelson Station on 12th September, 1898, I have at no time refused any member of the Force access to the official statutes. The key of my office is always kept hanging in the passage, near the office-door. Whenever a member of the Force asks to see the statutes they are allowed access thereto when I have been in the office. When I am not in the office any member of the Force is at liberty to take the key and peruse the *Gazettes*, statutes, &c. If I saw any of the men perusing the statutes I have always assisted them in any point upon which they may have been in doubt. I deny having told Constable Bird that he would have to buy statutes if he wanted to consult them. I remember going past the Trafalgar Hotel about 11.10 p.m. one night shortly after I came to Nelson. I saw a light in the bar of the Trafalgar Hotel, and heard voices. I knocked at the side door of the hotel; Constable Bird was standing beside me. After about two minutes the door was opened. I walked sharply into the passage near the bar and told the constable to follow me. When in the passage I saw three men and the licensee in the passage. The bar was closed. I asked them if they were boarders, and they said they were. I informed the licensee he should not keep his bar open after hours. He replied he had not kept it open; he was just giving his boarders a drink before he went to bed. I told him he would have to observe 11 o'clock more carefully in future: that 11 o'clock was 11 o'clock. I returned to the door, and saw Constable Bird standing there, and I said to him, "Why did you not come in with me?" He replied, "I did not know you wanted me." I told him it was his duty to follow the person visiting hotels closely to see and hear all that was said and done. He said, "You cannot expect me to know my duty if I cannot see the statutes." I said, "They are in the office for you to see at any time, but do not take them away." That was all that passed about the statutes. I walked along with him some distance on his beat, and asked him how the other hotels were, and he said, "All right." I went round myself and saw that the hotels in Trafalgar and Bridge Streets were closed. My office is always open to any of the men to come into and peruse the statutes when I am not engaged with any person in the office. Even if I am engaged I should not object to the men taking the statutes to any place on the station to read, but I object to them taking them off the station.

Re Constable Kelly: At present I cannot recollect Constable Kelly ever having been punished or reported at my instigation. He was punished by Inspector Ellison for neglect of duty while