

member of the Force has been so long on the sick list as this constable had been, an immediate report of his return to duty should have been sent to this office."

601. Is it a fact that some of the policemen in Christchurch, when they have been bad with influenza, have had the number of days they have been sick deducted from their annual holiday?—I do not know. Inspector Broham can answer that.

602. It is quite exceptional for a man to be sick so long as McGill?—Oh, yes; but I dare say there have been others as long. He was very bad indeed at one time. It was not the influenza that Mr. Taylor seems to infer. I thought it was softening of the brain at one time.

603. Do you remember having conversations with Mr. Reeves and Mr. Seddon about this man's leave?—Oh, probably I did.

604. You do not remember the nature of them?—Mr. Seddon probably asked me whether I thought he would be able to return to duty, and I imagined from the manner in which I acted that he would.

605. With regard to Constable Russell, of Newton: can you tell the Commission the circumstances connected with his retirement from the Force, and his reappointment by the present Minister?—He was found in a publichouse at Newton. I am not quite sure whether it was after closing hours or before. He was either allowed to resign or be dismissed. He was out of the service, and he was brought in again some time afterwards by order of Mr. Thompson. That case has been mentioned in the House, I think. The report I wrote on the case was as follows:—

It seems quite clear Constable Russell was in the "Rising Sun" Hotel on the 5th April last at about 10.50 p.m., and thereby disobeyed Regulation 55 and Circular Memo. 11/95 of the 10th August last, rendering himself liable to immediate dismissal by such conduct. It is also beyond all reasonable doubt that he had, just when the sergeant entered the hotel, there and then consumed a glass of beer, as the freshly-emptied glass was in front of where the constable was standing. It is also clear that the constable tried to get away from the sergeant when the latter went into the hotel. It is also clear that two long and two small glasses of beer were drawn by the licensee while Constable Russell was in the hotel; but the constable did not or would not see this violation of the law, though one of these glasses was drawn for a man residing a few yards from the hotel, and he must have been known to the constable as neither a traveller nor a boarder. Perhaps the more serious aspect of the case is the falsehood told by Constable Russell, when asked by the sergeant if he knew anything of the man McCutcheon, who he was; when the constable replied, "No; he is a stranger to me. I never saw him before." And yet this McCutcheon turns out to be the constable's half-brother, and had slept in the constable's quarters the night previous to this conversation. This alone shows, in my opinion, Constable Russell's unfitness for the Force. Constable Wainhouse says he has seen the constable in publichouses after hours nearly every night that he has been on duty, and Russell has asked Wainhouse to go in with him and have a drink, and see if the places were closed; and he has also asked Wainhouse to go in with him and have a drink after hours more than once. Constable Russell does not cross-examine on these points, and therefore they must be taken as truthful. Again, Constable Flavell says he has seen Russell visiting publichouses after closing-hours, and has also seen him drinking after closing-hours at the "Newton" and "Rising Sun" hotels, but he has never seen him very much the worse for liquor. He has seen him twice slightly the worse, but never so much so that he could not do his duty. He says he knew on one occasion Constable Russell to be in the Caledonian Hotel about five minutes after closing-hour, and about three-quarters of an hour afterwards he went back to the Caledonian at the request of Mrs. Russell, and still found him there. He says also the constable has asked him to go into a publichouse with him after hours to have a drink, and Constable Flavell has done so; and Constable Russell declines to cross-examine on any of the statements. Night-watchman Simpson, of Newton, has also seen the constable in publichouses after hours, and has twice seen him the worse for liquor. I see no reason to doubt any of these statements, especially as the constable pleaded guilty. After giving all due consideration to the fact of this constable having served sixteen years and ten months in the police with a clean defaulters' sheet, I regret that I cannot come to any other conclusion than that he is unfit for further service in the Force.

He was dismissed on the 2nd May, 1896.

606. How long was it between his dismissal and his reinstatement?—He was reinstated on the 20th October, 1896.

607. Can you tell the Commission who interfered to secure the man's reappointment: did Mr. Lawry, of Parnell, recommend it?—I do not know anything about it. I was told by the Minister to reappoint him.

608. Do you not remember the nature of the conversation between the Minister and yourself?—He simply said the man had a large family.

609. Is there no record that Mr. Lawry recommended that man?—No.

610. You simply know that you were instructed by the Defence Minister, Mr. Thompson, to reappoint him?—Yes.

611. *The Chairman.*] Is he in the Force now?—He is stationed at New Plymouth.

611A. What class of constable is he?—Third-class. I may state that a very extensively-signed petition was sent in, dated the 22nd April, 1896, from Auckland, in favour of this man Russell. It is addressed to the Minister of Justice, and is as follows:—

We, the undersigned, residents of Newton, in the City of Auckland, have learned with deep regret that senior Constable Russell, of the said Newton Police District, has been suspended by Mr. Inspector Hickson, of the Auckland District, for having been found in a hotel on a "given" Sunday night. We have no desire to take any exception to the action of Mr. Inspector Hickson, but we feel it to be our duty to place before you the following facts: (1.) Constable Russell has been in the Police Force of this colony for a period extending over the past seventeen years, during which time he has discharged his duties well, and to the satisfaction of the people with whom he has had to deal. (2.) A short time ago he received from the Police Department a medal for long service, which is in itself corroborative of the foregoing statement. (3.) He has dependent upon his labours for sustenance a wife and eight children. (4.) Whilst admitting that the said constable was guilty of a technical breach of duty by being found in a hotel on a Sunday night, it is alleged that his purpose in going into the hotel was to obtain lodgings for a relative who had arrived in Newton from the Waikato. (5.) Having fully considered the circumstances of the whole case, we have much pleasure in respectfully asking you to give Constable Russell's case your earnest and immediate attention, and, if you can do so, issue instructions for his reinstatement either in his present position or place him as a police officer in some other part of the colony.

612. Has any member of the House signed that?—No; I do not see the name of any member.

613. *Colonel Pitt.*] When was it dealt with?—It went before Cabinet.

614. *Mr. Taylor.*] Have you the papers relating to Sergeant Edward Wilson?—This is the report of Inspector Pender, who was then in charge of Christchurch:—