

687. *Mr. Taylor.*] As a matter of fact it has not been carried out because of the difficulties in connection with the present law?—Yes.

688. I think you said yesterday that the Force was a very sober Force?—Yes, I consider it so.

689. I suppose you have had considerable difficulty with the men at times on the score of drunkenness?—I think I reported it every year. My reports will state, I think.

690. Your last report says there have been nine dismissals—for drunkenness?—No. I suppose we can take six of them for drunkenness—two-thirds of the number.

691. Do you remember an article appearing in the *Lyttelton Times* on the 18th May, dealing with the sobriety of the Force in Christchurch, stating that a number of the police-constables in Christchurch were little better than the confirmed drunkards they were supposed to control?—Yes, I think there was an article of that sort.

692. *The Chairman.*] Do you accept that statement?—No, certainly I do not. I presume the editor will have a chance of coming and proving it before this Commission now.

693. *Mr. Taylor.*] What followed on that article in the way of removals—how many men were removed?—I do not think the article affected me a bit.

694. As a matter of fact, how many of the Force did you move immediately following the publication of that article?—I could not tell you.

695. You moved some?—Yes, there were some moved about that time. I thought they would benefit by a move; but I do not think the article had anything to do with it. In fact, it was all decided, as far as I remember, before the article came out. As regards drunkenness, of course the defaulters' sheets, which will be before the Commission, will show exactly the drunkenness for each year.

696. You do not think all the offences, so far as drunkenness is concerned, are reported at headquarters, or entered on the defaulters' sheets?—Well, I do not think anything about it. I really do not know. I do not run the Christchurch district, or any other particular district.

697. *Colonel Pitt.*] Have you any reason to suppose the Inspectors would not enter them on the sheets?—I do not think that any Inspector would shield his men, if they were in the habit of getting drunk, if he knew it.

698. Do you remember numerous complaints from New Plymouth to the effect that a man named Butterworth was permitted to regularly play an illegal game called "the bird on the wing," and although the police were frequently applied to to stop him playing this game, they declined?—The first letter that I see here is dated the 12th April, 1892. It is from Mr. E. M. Smith, M.H.R.

DEAR SIR,—

New Plymouth, 12th April, 1892.

I have the honour to address you on the following question—namely, to draw your attention to a case that has arisen in New Plymouth. At the last race meeting, a Mr. James Butterworth bought the right of games. He has for this last twelve years run a game called "the bird on the wing." He runs it in conjunction with the Taranaki Jockey Club—that is, he takes half the proceeds, and the club the other half. He has lent it to religious bodies for their bazaars, and to local bodies for their sports. Mr. A. Standish, a prominent and leading barrister and solicitor, and Crown Prosecutor, says he considers it a simple and harmless game, and one that should not be brought under the Police Offences Act. If this game is stopped, it will be a loss to the Jockey Club, Athletic Sports Club, and others. I write to ask if it could not be allowed to be carried on under the guidance and control of the Jockey Club. It is not a game of chance, so far as the man who runs the game. He has no chance in it. He only finds the darts, guns, &c., and gets a percentage. I hope you will kindly see into this question, and reply at once and oblige me. Waiting your action and reply.

I have, &c.,

E. M. SMITH.

Colonel Hume, Chief Commissioner of the New Zealand Police Force.

Then, on the 26th April, 1892, to E. M. Smith, Esq., M.H.R.:—

I have the honour to acknowledge the receipt of your letter of the 12th instant, *re* the conditions of a game called "bird on the wing," as to whether it is or not a game of chance, and to inform you in reply that the matter has already been decided by a Resident Magistrate, who stated that the game is a game of chance; and therefore the police have no option in the matter, but are bound to stop it at all gatherings under clause 8 of "The Gaming and Lotteries Act, 1881."—I have, &c.,

A. HUME.

699. *Mr Taylor.*] I would ask Colonel Hume whether he remembers writing this letter, dated 17th January, 1893, to Mr. William Nichols and two others, New Plymouth:—

In reply to your letter of the 9th instant, *re* the Police at New Plymouth permitting persons to play a game of chance known as "bird on the wing." I have the honour to inform you that, after making careful inquiries into this matter, I find that an arrangement was made between the Taranaki Jockey Club members and Mr. Butterworth that he was to be allowed to play this special game only, and the police are of opinion that this "bird on the wing," as played by Mr. Butterworth, is not a game of chance, and therefore they were not justified in taking any action against that person.—I have, &c.,

A. HUME.

Can Colonel Hume explain?—In order to explain I must go back to what the Inspector says about it:—

The game referred to is purely a game of chance, and, like all other games of chance, is fair enough if fairly played, but a clear breach of the law. If this game is allowed, then all other games of chance must also be tolerated, and the continual increase of spielsers allowed to go on unchecked by the police. I had Butterworth summoned for playing the game at the races here on the 31st ultimo, when the Resident Magistrate decided it was a game of chance; but on the defendant Butterworth promising to desist using the instrument again he did not inflict a penalty, but expressed his intention to deal severely with any future charge brought before him.—WM. S. PARDY.

700. Were there any other complaints after that?—Oh, yes. A summons was issued against the man, and was withdrawn. The honorary secretary of the New Plymouth Jockey Club wrote to Mr. Smith, who sends on the letter, apparently:—

DEAR SIR,—

12th September, 1892.

Mr. James Butterworth has been for some years the only person who has been allowed to have any games on the course on race-days, and has always given every satisfaction to the club. Our object in giving him the sole right was to get rid of the "spieling" element, and I am glad to say that object has been attained.—Yours faithfully,

E. M. Smith, Esq., M.H.R.

ROBERT BAUCHOP, Honorary Secretary.

701. Was that letter sent by the Jockey Club because an information was laid against Butterworth?—Yes, I think so. On the 13th April, 1893, I wrote this minute to the Defence Minister:—