

When in New Plymouth recently I saw this game, and consider it a perfectly fair game as played by Mr. Butterworth, who appears to have had the sole right of running it at the races, bazaars, sports, &c., in the Taranaki and Wanganui districts for the last fourteen years. It has been a source of income to the Jockey Club, Botanical Gardens Board, and numerous religious bodies, and I think it a pity to stop it at the instigation of one man, who has a personal spite against Mr. Butterworth. I therefore recommend the summons to be withdrawn. A. HUME.

Mr. Cadman's minute is: "Withdraw the summons, and have the question looked into before the machine is used again."

702. How came you to see the game?—Butterworth came to me in the street and said, "This is hard lines on me that you will not allow me to run this game," and I went up to his place and saw the thing.

703. Had you seen him before that?—Oh yes, known him for years.

704. Had you any particular discussion about this question with Mr. Seddon?—It was not signed by Mr. Seddon at all. It was signed by Mr. Cadman, who was acting temporarily.

705. After that, did you not have any discussion with Mr. Seddon about Butterworth being allowed to play this game?—I expect I did. I thought it very hard lines. I thought it was hard on these bazaar people.

706. It was the Church you were concerned about?—Not only the Church but bodies generally. I am under the impression we got another legal opinion. That is what I want to try and get at. On the 21st April, 1893, I wrote to the Inspector:—

Will you be good enough to look very fully into the matter of this "bird on the wing." Enclosed you will find a certificate signed by the secretary of the Taranaki Jockey Club and also the president, who is a lawyer and Crown Prosecutor, stating that allowing Mr. Butterworth the sole right of games, including the use of the "bird on the wing" has been the means of getting rid of the "spieling" element; and against this there is only a protest from one man, Nichols. I shall therefore be glad of your opinion on this matter, and also as to information as to the character of William Nichols. I understand that the Taranaki Jockey Club, the Botanical Gardens Board, as well as Church bazaars, have largely benefited by granting Mr. Butterworth the sole right of using "bird on the wing." A. HUME.

707. Was not Mr. Standish connected with the Jockey Club?—Yes.

708. And Crown Prosecutor?—Yes. Then, on the 31st January, 1894:—

For the information of the Commissioner.

I HAVE very considerable difficulty in further reporting on this matter, as I was unable to ascertain or state anything new on the subject or anything that had not already been stated in the attached papers, and the summer race meeting here being over there was no immediate hurry. I thought it the better course to defer further reporting on the subject until I could personally confer with you *re* same, and the papers were temporarily placed aside for that purpose. . . . I certainly consider the game in question, as played by Mr. Butterworth, a fair game, and, as the Taranaki Jockey Club will not grant permission for any other person to play games on the racecourse here, it effectively discourages numbers of the Spielers from coming here. It is further quite true that many of the local institutions have from time to time during the last few years benefited considerably by Mr. Butterworth being allowed to run this game in question. With reference to the informer in this matter, William Nichols, I am not aware that at present there is anything known against his character; but it ought certainly be known that some years ago he played the same game here ("bird on the wing"), and I am informed had also his wife and step-daughters to assist him in attracting customers to same. He is at present principally employed as an acting assistant-bailiff. I understand that a strong effort will be made during the coming session of Parliament by certain members who sympathize with Mr. Butterworth to legalise the use of the equalisator, and that pending such alteration of the existing Act the game will not be played here again. J. B. THOMSON.

Then, on the 27th January, 1894, Mr. Richmond, solicitor, entered a protest:—

I am retained on behalf of the informant in the matter of an information under the Gaming and Lotteries Acts for playing an unlawful game known as "bird on the wing." He instructs me that the police here decline to lay an information for such an offence in this district, on the ground that the game, though admitted to be within the scope of the Acts and thereby prohibited, is fair to all who play it, and is honestly worked by its promoter, Mr. James Butterworth; and upon the further ground that the Jockey Club, the Recreation Grounds Board, and the Agricultural and Pastoral Association there receive large augmentations to their funds by sharing the profits with Mr. Butterworth. These profits are very considerable, amounting to as much as £50 to £60 per day under favourable circumstances, and often to £30 per day, representing, with the first-named figures, an investment by the public of at least £250 per diem. My client and other respectable persons here are at a loss to understand why gambling-houses are so constantly raided upon in every part of the country, sweeps prohibited, and every effort of the police strained to insist upon compliance with the Gaming and Lotteries Acts, with this conspicuous violation of the law being sanctioned in this district. They have no kind of animus against Mr. Butterworth, and are quite prepared to believe that the share of profits, generally one-half, received by these voluntary associations is generally well expended. But it appears to them to be an exceedingly bad precedent, and to inevitably lead to an extension of gambling amongst young men and boys. I should be glad of a prompt answer, as to whether the police here will be instructed to take up and prosecute the present information, and to lay any further informations that may be requisite. A merely nominal fine could be imposed, but the game should be certainly stopped or legalised.

I told Mr. Richmond, in reply to his letter, that the matter was entirely in the hands of Inspector Thomson. My reply is as follows:—

In reply to your letter of the 27th ultimo *re* the police laying an information for playing a game known as "bird on the wing," I have the honour to inform you that Inspector Thompson tells me that he considers the game in question, as played by Mr. Butterworth, a fair game; and therefore I see no necessity for the police to interfere in the direction indicated in your letter.—I have, &c., A. HUME.

709. You wrote that memorandum after having previously said you thought it was a game of chance?—Oh, yes.

710. I will ask Colonel Hume whether the department did not lay an information against Butterworth in February, 1895, on this very ground, that he was playing an illegal game, and secure a conviction, immediately after further complaints were received from Nichols. I propose to read this letter, so as to put it in proper form. It is dated the 31st January, 1895, from New Plymouth:—

I have once more to complain to you about the local police allowing a game of chance to be played on Boxing Day, 26th December, 1894, on the New Plymouth Racecourse, which was the first occasion it has been played since about this time last year, when Mr. Richmond communicated with you on the subject on my behalf. Why the police neglect their duty in this manner I cannot understand, but, sir, if they allow it again I will bring the matter before the next session of Parliament.—Yours respectfully, WILLIAM NICHOLS.

I will ask Colonel Hume whether, within a few days of the receipt of that letter from Nicholl, an