

WEDNESDAY, 2ND MARCH, 1898.

PETER PENDER was examined on oath.

1. *The Chairman.*] Do you wish to say anything about the cases referred to by Mr. Neale yesterday?—Yes. Neale swore yesterday that no inquest was held on Amy Dyson, that she had been murdered, and that I had burked an inquiry. I now put in a return (Exhibit No. 14) showing that an inquest was held, and that the jury returned a verdict that death was due to inflammation of the lungs.

2. Then, this will be the case to which your note "Doctor Doyle found no marks of violence" referred?—Yes. I may say I was thirty years in Christchurch, and during the whole of that time I took an active part in the work of the place, and the criminal portion I paid special attention to. I was continually at work day and night for many years. When Neale arrived from Invercargill, of course I heard he had had a row in that direction with his Inspector, and I always made it a point when a man of that sort came to a station in my district to give him every chance to alter his way if he got on the wrong track. I was never at any time harsh with any of the men. Neale was a man of very excitable and nervous temperament, and was always very anxious and ready for a row of any description. I always avoided him, and told the sergeants to give him every consideration. I think he became ill shortly after he arrived at Christchurch; at all events he was ill for some time while there. His wife was also ill, and I granted him leave several times when his wife was not well. The sergeant objected to his being absent, or spoke to me about it, but I said, "As his wife was unwell I would not like to interfere." You have already heard how he got dismissed. He fell out of the ranks; and even then, if you look at my reports and letters about him you will see I never came down hard upon him. It was quite the other way. With regard to the Boyd case I have not very much recollection of it. I knew the woman well, but never was in her house that I recollect. She was a very unfortunate woman, and kept girls in the house. I recollect the circumstances of the child being found in a box in some part of the premises, but I think the point on which the case fell through was that the child was a *fœtus*, and the Crown Prosecutor could not see his way to prosecute. However, it went into the Police Court, and I forget whether the Crown Prosecutor attended or not. At all events all the evidence that was of any value was brought forward, and it was sufficient to procure a committal. I do not say that Neale did not give me the names of other witnesses whose evidence he had collected; but at the Police Court it was my practice, and it is the practice still, and I believe the practice in all the Courts, and solicitors will bear me out in saying that it is the proper practice, not to call half a dozen witnesses to prove the same thing.

3. It is quite apparent that the evidence you did not call, namely, that of Wood and Wakefield, would have nothing to do whatever with the charge of concealment of birth?—Perhaps that refers to the Amy Dyson case. Well, of course, the registration of death will show that any charge of murder must have fallen through. These reports, with several reports on the same subject, were sent in, and I picked out what I considered sufficient, as any other man would do, and I held the remainder over, and invariably after the committal, I sent all these on to the Crown Prosecutor. I have not the slightest doubt every scrap of evidence sent to me in connection with the concealment of birth was sent on to the Crown Prosecutor. It is my invariable rule to do that, and everything afterwards that comes in for or against the prisoner is also sent on to the Crown Prosecutor. There is no mistake about the thing; it is done as regular as clock-work. I think the Commission will permit me to say that I think it is rather a cruel thing to be dragged here on a charge of this kind, by a man who now fails to appear. This thing goes all over the colony in the newspapers, and here am I, lying under a charge that has an effect with the men in the district under my charge.

ARTHUR HUME, examination on oath continued.

4. *Mr. Taylor.*] After I left the other day, Colonel Hume stated in reply to Commissioner Tunbridge that in dealing with Bennett's case at Hokitika he had acted entirely on the recommendation of the Inspector of the Westport district. I will ask you, Colonel Hume, to read the Inspector's reports bearing on the case?—I have read all to the Commission, and it is fully reported in my previous evidence, but I must here say that I do not think I said it was entirely on the Inspector's recommendation. If I did say so, it comes again to exactly what I said the other day. It is the fault of not giving me notice; because after I came to look into the matter I saw what would probably have affected me very much in the matter. And that is, first of all, the man had been in the service since 1881, with a clean defaulter's sheet, in which there was not the scratch of the pen against him; and, second, when I turned up his merit-sheet, which I probably did do then, I found it is recorded in 1894, "Helping to save three persons from drowning in the surf;" and in 1895, "Jumping into the Hokitika River and assisting to rescue three persons from drowning." Those entries probably influenced me very much. He has also four entries, rewards in connection with illicit stills and sly-grog selling. I also told the Commissioners that I may have had some correspondence with the Inspector on this matter, and I thought of writing to the Inspector to ascertain. I have studiously avoided that course, because I know the Inspector will appear before the Commission at some stage of its proceedings, and I wish him to make his own statements. I thought I might prejudice the case by writing to him, and I intend to call him as a witness. I think it is very likely he wrote me some private letter, as very often the Inspectors did. I have no recollection of it.

5. In regard to the case of Constable Russell: after I left the other day, Colonel Hume, under examination by Commissioner Tunbridge, stated that one fact that weighed with him, or that weighed with the Minister in the reappointment of Constable Russell, who was dismissed from Auckland, and in the same year was appointed to and is now at New Plymouth, was that the constable had a large family, and was unfitted for other work: is it not a fact that in the hearing of the case which