

The sergeant came into the mess-room while we were all there. He called Constable Durbridge into the office. I remained in the mess-room with the females, drinking my cocoa, until Durbridge returned. Constable Durbridge then took the females away, as near as I can remember. I did not leave the station. I spoke to the sergeant in the passage. He censured me for allowing the females into the station, and said if it happened again he would report us for it.

Cross-examined by Sergeant Mackay.] I am sure you spoke to me that night before you went out. As far as I can remember, you went straight out after leaving the office. You spoke to me next day about it as well. The conversation that night occurred in the passage, as near as I can remember.

Cross-examined by Inspector Macdonell.] It was the day before or the following day that I was doing extra duty, which entitled me to come off early. The sergeant told me I was to come off about 2 a.m. Had there been people about I should not have come off at that time. I am positive it was 2 o'clock that was mentioned to me that night. I do not know what the books say as to the time I came off. I do not think I am mistaken about the time. I may have passed the remark to Constable Durbridge that I was going off duty at 2 o'clock, or about 2 o'clock. It was so long ago now. As far as I can remember, we all entered the station together. We had not the slightest idea we were doing wrong; we just walked in boldly. I cannot say I have ever known of a similar occurrence.

Re-examined by Commissioner.] While we were in the mess-room the light was turned full on and the door leading into the passage wide open. I was aware that Constable Durbridge was at that time, and still is, engaged to Miss Smith.

ARTHUR BURRELL.

SERGEANT MACKAY.

Charge No. 4.—Neglect of duty in not reporting Constable Durbridge, whom he saw lying asleep on the floor of the Nelson Police-station, at 4 a.m. 19th November last, while the constable should have been on duty.

Finding.—This charge rests entirely on the uncorroborated evidence of Constable Williams. This constable's evidence during the inquiry was proved in several instances by his own reports and memoranda to be untrue. Under these circumstances I acquit the sergeant on this charge.

J. B. TUNBRIDGE,

Commissioner of Police.

Charge No. 4.

5th March, 1902.

JOSEPH SWINDELL WILLIAMS, constable, states:—

Examined by Inspector Macdonell.] I was on night duty on morning of 19th November last on No. 1 beat. Constable Durbridge was on No. 2 beat. I visited the station at intervals during the night. The station is usually visited at 11.30 p.m., and from then every two hours. Constable Durbridge and I went on duty together at 9 p.m. 18th November. I do not remember whether or not I saw him on his beat that night. About 4 a.m. 19th November I saw the constable lying down on the floor of the mess-room, apparently asleep. Sergeant Mackay came out from the mess-room putting on an overcoat. At that time I was on the verandah putting out the lights. I did not see the sergeant in the mess-room, but I heard footsteps in the mess-room while I was on the verandah, and when I got round to the front of the station I saw the sergeant on the verandah in front of the station buttoning up a waterproof. I think the sergeant said something to me about going up the Maitai River. Just at that time Constable Kemp came out of the station on to the verandah, and the sergeant and he left the station together. I re-entered the station after they had left, and saw Constable Durbridge still lying on the floor in the mess-room. He was still asleep, and I woke him up. I then left the station and went away on my beat. I did not see the constable after that. I came off duty at 5 a.m., but I do not remember seeing Constable Durbridge then.

Cross-examined by Sergeant Mackay.] I really forget the circumstances under which I came to mention the matter to the Inspector. The Inspector first came to me—I think, while I was on duty. I heard footsteps in the mess-room while I was near the verandah about to put out the lights. I did not see you in the mess-room. I do not know that you were in the mess-room, but I heard footsteps in the mess-room which I took to be yours. I am sure the footsteps were in the mess-room and not in the sergeant's office. I saw you leave the station by the front door on to the verandah. At the time I saw you come out of the front door I was not in a position to see whether you came out of your office or out of the mess-room. The first I saw you that morning was, I believe, when you stepped out of the front door on to the verandah. I did not see you go to the station. It did not seem many seconds from the time you came out of the front door before Constable Kemp came out. I saw Constable Kemp and you go towards the Government Buildings. I think I did, but I am not certain. I could not say how much of my beat I worked after you left the station and before coming off duty at 5 a.m. I think you and Constable Kemp left the station together. I am, to the best of my knowledge, certain you and the constable went towards the Government Buildings.

Questions by Commissioner.] When Constable Kemp came out of the station he was fully dressed in private clothes, with a waterproof on. He came out from the men's sleeping-room. I had not seen him about the station before that morning. The men usually keep their waterproofs in the mess-room. If Constable Kemp was wearing a waterproof, and I believe he was, presumably he must have got the waterproof out of the mess-room. I, at the time, believed the footsteps I heard in the mess-room were the sergeant's footsteps, but I am unable to say positively that the