

## PUBLIC PETITIONS A TO L COMMITTEE, 1902.

## MINUTES OF EVIDENCE.

*Taken Session 1902, on the Petition of Arthur Burrell and Frederick Henry Durbridge.*

THURSDAY, 28TH AUGUST, 1902.

(No. 1.)

The petition having been read,

*Mr. Graham* said,—Mr. Chairman and gentlemen, the two men whose petition has just been read are present. They are accompanied by Mr. Maginnity, their solicitor, from Nelson, who desires, with the permission of the Committee, to appear on their behalf. They are here in connection with the charges which have been read. These are the only charges of which Mr. Burrell and Mr. Durbridge have been made cognisant, their position in respect to which they are able, I understand, to effectively defend. The day before yesterday a very voluminous file of papers was laid on the table of the House, and has not yet been printed. These papers contain a large number of *ex parte* statements—as I should designate them—against the men, and it would not be fair to call upon them to defend themselves against something that they have never heard about. The question for the Committee will be as to whether the investigation should be confined to the charges that have been made known to the men, and which they have had an opportunity of perusing, or whether it should range over the whole series of papers of which Messrs. Burrell and Durbridge have no knowledge whatever. I believe that hardly any one has seen the bundle of papers. I myself, have glanced through them, and am in a position to say that, to my knowledge, evidence can be produced here to absolutely disprove a great number of the statements made by Inspector Macdonell, and I am informed that all the other statements can be disproved. I am sure that the Minister of Justice would be willing that the charges should be disproved if they can be. It will be a question for the Committee to decide whether the investigation shall range over the whole of the statements. If so, it would be only fair that the matter should be postponed until what has been promised is done—viz., the printing of the papers—so that members of the Committee may have all the information, as well as the men themselves, because it would be impossible for the Committee to understand the matter without the papers, and it would be unfair to try the men on something they have not had an opportunity of perusing. Mr. Maginnity appears for the men by permission of the Committee.

*Mr. Maginnity*: May I ask the permission of the Chairman to appear on behalf of the petitioners? May it please you, Mr. Chairman and members of the Committee, Mr. Graham has somewhat anticipated the initial remarks that I proposed to make in regard to the scope of this investigation. Of course, gentlemen, I know that I am expressing your feelings when I say that if a man were to be tried upon evidence that he has not seen he would be seriously prejudiced, and the general administration of justice would be interfered with. Now, I do not propose to find any fault at all with anybody in this matter. I come here with a strong case on behalf of the men, and in support of that case it is unnecessary for me to find fault, because the men's own case, I think, will commend itself to the members of the Committee. What I propose to ask of the Committee first is that the scope of the investigation should be limited to the charges referred to in the petition. Mr. Graham has rightly stated that a voluminous file of correspondence, containing charges against these men, and against the Police Force generally, has been produced and, I believe, laid on the table of the House since the petition was submitted to Parliament. Now, gentlemen, I think you will at once see that if the men are to be punished for offences it is only fair that they should be formally charged with them, and be afforded an opportunity of rebutting them. But I venture to think, gentlemen, that you will confine this investigation within the limits of the petition presented to you. It was upon those charges—i.e., those set out in the petition—that the men were dismissed the service; it is upon those charges that they come here to you, as the highest tribunal, to ask you to say whether or not they were rightly dealt with in the punishment that was meted out to them. Now, gentlemen, let me say this at once: there is no political significance to be attached to the action taken by these men. In support of that statement I should like to call your attention to the names of gentlemen who subscribed to a certain letter sent to the Government. If members of the Committee will look at those names they will see that they embrace men of all political shades—supporters of the Government and opponents of the Government; so that this has no political significance whatever, and I ask the Committee to deal with the men purely upon their merits. If the Committee is of opinion that the charges preferred, as set out in the petition, were of so serious a nature as to warrant the extreme course adopted by the Government, very well; then we must bow to the decision. If, on the other hand, the Committee is of opinion that the punishment was not justified and did not fit the crime, then I ask the Committee to make such a recommendation to Parliament that the men's wrongs will be righted. Their chief anxiety is that their characters should be cleared. At present they are suffering from the fact that they are dismissed officers of an important branch of the Government service. Now, gentlemen, I venture to believe and hope that that is a position you will not be disposed to allow these men to rest in. I have every confidence that their case will receive the careful and just attention of this Committee, and, if they have right on their side, that right and justice shall be meted out to them. Now—

*Mr. R. McKenzie*: I am sorry to interrupt Mr. Maginnity, but Mr. Graham wishes this matter postponed, and if the Committee agrees with that view I fail to see the use of Mr. Maginnity making this introductory address at present.