

done. That I believe to be the most serious charge—at any rate, it is the charge which occupies the greater part of part one of the file of papers. Now, the second charge against Durbridge is one of immorality, and upon that I shall have to invite the attention of the Committee to what appears upon the records. I must ask, sir, that you would kindly ask the Commissioner to give me the name of the girl. Of course, it will be given to me confidentially, and not made use of outside the Committee; but I ask that in order to enable Durbridge to refute the charge made against him, and, if possible, to bring the girl herself before the Committee. As I said, gentlemen, in the initiatory stages of this inquiry, I have nothing to conceal from the Committee. I look upon this as a Court of equity making an investigation into complaints, and which will deal with them not strictly in accordance with law, but in accordance with equity, although I shall have for a moment or two to ask the attention of the Committee to the provisions of the Police Regulations and the Police Act. The whole of the papers relative to the charge are from page 66 to 79. It is on page 67 that Chief Detective McGrath says, “I beg to report that I have seen Mrs. , who states that came to her place as housemaid about June, 1901, from the , where she had been employed for three or four weeks. She told Mrs. that she was *enciente*,” &c. The girl’s name is omitted from the documents. Will the Commissioner please give it to me?

*Commissioner Tunbridge*: The name of the girl alleged to have been pregnant is

*Mr. Maginnity*: Now I shall call upon Durbridge to trace , and, if possible, bring her before the Committee—that is, if the Committee think it necessary. But I will ask the Committee to note what Chief Detective McGrath states in his report upon this case. At the bottom of page 67 he says, “I saw ,” [that is, Miss ], “who is now housemaid at Hotel, and her statement substantially agrees with the above. She says she was five months pregnant, and has no idea what caused the abortion. She declined to say who was the father of the child, but stated that he was not a member of the Police Force.” That was written on the 5th March, 1902—before the constables were dispensed with. He goes on to say, “ , the woman referred to by the Commissioner, is a reputed abortionist, and was committed for trial here for procuring abortion,” &c. That is the charge against Durbridge—charge No. 2—and I propose to examine him upon that. Charge No. 3, in the first part of the evidence, is one of assault on a lad named Bannehr, a respectable lad, I believe; I know that he is respectably connected, at any rate. There was some trouble either on Christmas Eve or New Year’s Eve, and the constable, in pursuance of his duty, interfered. It was at a late hour—I believe, between 12 and 1 o’clock—and the lad ran up and said, “What the hell are you doing?” or “What the devil is the row about?” or something like that. The Commissioner views the matter very well in his minute on the case. On page 88 he says, “This is another case where a statutory offence has been committed, if these statements are true, and can only properly be investigated before a Magistrate. A man who intrudes himself into a disturbance with the remark, “What the hell (or devil) is the row?” is not entitled to much sympathy; and after this lapse of time, and seeing that the statements have had to be drawn out of the witnesses, I shall certainly not attempt to deal with the complaint unless the evidence is given on oath. Had the complaint been promptly made I might have ordered the police to lay an information against the constable.” Now, to follow that for a moment, you will see by the records that the lad did not want to prosecute at all. This evidence was dragged out of him by Inspector Macdonell, in regard to whom I venture to say, gentlemen, that you will agree with me in concluding from this evidence and from his action in reference to the Nelson police that he wrote on every occasion with a very bitter pen indeed. On no occasion do I find that he has tried to protect his officers when they have carried out what I believe to have been their duty in a proper manner; but on every occasion he has taken steps against his own subordinates, and in his reports to the Commissioner—it is all on record—he throws in his whole weight against his subordinate officers. Well, now, to follow the Bannehr episode a little further: Bannehr went up to the police-station with his father, who called upon Durbridge to apologize. Durbridge said, “No, I will not apologize”; but after some argument he said, “If your son will apologize to me I will apologize to him,” which was done. Bannehr apologized for the action he had taken, and Durbridge apologized for striking him. There the matter ought to have ended. There is no doubt about that. I do not know, but I think it was probably an error on the part of Durbridge to ask for an apology at all. I believe that if he had followed his proper course he would have locked the young man up. But he did not want to be too hard. He had pushed the lad on one side, and eventually had to throw him, because he persisted in interfering. But I say—and I think the Committee will reasonably conclude—that when young Bannehr went forward and apologized for his action, and Durbridge then apologized in return, that charge ought never to have been made to the Department. That charge is a charge in common with others, and my remarks in regard to it apply to the whole. I do not propose to weary the Committee by recapitulating the various complaints. I am quite satisfied the Committee will see that there was nothing in those complaints to warrant the Government taking the very harsh measures they took in dismissing the men from the service. Now, although I ask the Committee to take an equitable view of the matter, the Committee will also, I think, look to the regulations which guide the Commissioner in dealing with offences of this sort. The regulations made under the Police Force Act are issued in pamphlet form, but the Committee will have an opportunity of having the Act and the regulations before them. These regulations have the force of law; they were made under the Act by the Governor, and have been duly gazetted. Now regulation 62 does not contemplate action being taken by the Government at all in regard to subordinate officers. Regulations 62 and 63 contemplate charges of this nature being dealt with by the Commissioner; and if we were arguing the matter in a Court of law I should have to ask the Court to hold that the action of the Government in dismissing these men was *ultra vires*. The reading of regulation 62 is: “An Inspector in charge of a district may inflict a fine not exceeding £1, or loss of seniority not exceeding six steps in