

his grade, upon any constable guilty of misconduct. Misconduct calling for more severe punishment, or committed by members of the Force of higher rank than constable, will be reported, with the Inspector's recommendation, to the Commissioner, who may sentence non-commissioned officers or constables to reduction, loss of seniority, loss of long-service pay, or dismissal, as he may deem fit, and in case of officers will report the circumstances, with his recommendations, to the Minister in charge of the Department." . . . Now, I would ask the Committee to say that the ordinary interpretation of statutes would warrant it in concluding that, as there is a special provision made for the Government to deal with certain officers in the Department, the Commissioner himself must deal with the others under the regulation. Well, now, the Commissioner has fully appreciated his responsibility in the matter. He has an alternative: "Cases of breach of police discipline will be dealt with by the Inspector, unless he elects, under section 12 of the Police Force Act, to cause them to be taken before a Commissioner or any two Justices of the Peace. Offences against the public, or where Magistrates have clear jurisdiction, will be always submitted to a local Magistrate or Bench of Magistrates unconnected with the Force." (Reg. 63.) Well, gentlemen, these men were not without a remedy, and that was pointed out to them by the Commissioner after the complaint—that they had a remedy at law, and if they were not satisfied with his decision all they had to do was to lay an information in Court. The constables have no privilege whatever. If a constable is guilty of an assault he is just as liable to be punished for it as any one of us who commits an assault but is not connected with the Police Force. Section 12 of the Act, under which the regulations are made, reads, "Any Commissioner or Inspector may stop from the pay of any constable offending against the regulations made as aforesaid any sum not exceeding twenty shillings in respect of every such offence, or may cause such constable to be taken before a Commissioner or any two Justices of the Peace; and every such constable, upon conviction of any offence against any such regulation, shall be liable to a penalty not exceeding twenty pounds nor less than five shillings, to be recovered in a summary way under 'The Justices of the Peace Act, 1882.'" Now, neither of those courses was pursued by the complainants, and I will ask you, gentlemen, to consider this: Those eight complaints which are dealt with in the first part of the file (from page 1 to 144; part 2—from page 145 to the end—containing the complaints set out in the petition) are made by persons utterly irresponsible; they are not made upon oath; they are made without any view to ulterior proceedings—just to do these constables a bad turn. Now, you want to know what class of people these are who have made these complaints. I shall be quite within my rights in telling the Committee that in many instances they are people who have been before the Court, and in one or two instances have been absolutely imprisoned. It is the criminal class of Nelson that Inspector Macdonell got his information from to formulate these complaints to the Department. The constables were in some cases afforded an opportunity of making their explanations, and in every case they did make an explanation; but they have never yet been afforded an opportunity of meeting these complainants face to face, and cross-examining them upon the complaints that have been made. Now, gentlemen of the Committee, I have dealt with the three charges against Durbridge—i.e., in regard to Walker, in the first place, whom I may safely designate a juvenile bushranger; then—

*Mr. R. McKenzie:* Are you privileged to make that statement, do you think—a "juvenile bushranger"?

*Mr. Maginnity:* The young men were on the ranges—they were in the bush; they had fire-arms, and a tremendous supply of booty which they had stolen. I am not seeking for privilege. I am saying that that is an interpretation of official records. Now, with regard to the second charge against Durbridge—that of immorality—this I have already referred to; and the same remark applies to the third complaint—that of assaulting Bannehr. The five complaints against Burrell are all of assault: one is of assaulting Neave and others; another, assaulting Blincoe; another, assaulting Remnant; another, assaulting Allen; and another, assaulting Reed. In the case of Neave and others the Committee will see that the constable was entirely acquitted of the charge preferred by Neave and others by Mr. Marmaduke Wilson, who was the aggrieved party, and who was present when all that transpired between the constable and the lads happened. With regard to that charge, Mr. Commissioner Tunbridge makes the following minute: "In these cases the complainants had ample corroborative evidence had they desired to prosecute the constable, yet, notwithstanding that I advised them to do so, they did not accept my advice. Under these circumstances, I do not feel inclined to reopen the case after this lapse of time. After Wilson's written statement, made soon after the occurrence, not much reliance can now be placed on what he says to the contrary." The statement he made soon after the occurrence entirely exonerated the police; but it is all here, gentlemen, and I need not weary you about it. In regard to Blincoe, the constable, I understand, denies altogether the charges made, and the Commissioner in this case says, "These assaults, if committed as alleged, constitute statutory offences, and the complainants should have laid informations against the constables at the time, when the matter could have been inquired into on oath. As they failed to do this, in my opinion it would be unfair to the accused to now institute an inquiry where the complainants can say anything without fear of the consequences. You will observe from the papers returned to you this day that I have formulated charges for offence against the regulations, police discipline, &c., against the various officers concerned, arising out of the other reports submitted by you." There the Commissioner took what he considered—and what every right-minded man would consider—the proper course—i.e., that the man accused should have the opportunity of meeting his adversary face to face, and cross-examining him upon the complaints made. That is a cardinal maxim which I am quite satisfied the Committee will not wish me to lay any stress upon. Now, there is a charge in regard to an assault upon a man named Remnant. The Commissioner's finding in that matter does not appear upon the record.