

*Hon. Mr. J. McGowan* : You have no right to make such a statement.

*Mr. Maginnity* : I said that it does not appear to be on the record. If it is, it is out of its order. You must not attribute any ill motives to me in this matter, sir.

*Hon. Mr. J. McGowan* : I simply say that when you make statements of that kind you should be sure that they are correct.

*Commissioner Tunbridge* : I will try to find the record of my decision.

*Mr. Maginnity* : The Commissioner has been good enough to say that he will try to find it. I have not a note of it in my notes, hence my statement. The next complaint is one with regard to an assault upon a man named Allen. With respect to this, the Commissioner makes this minute : "Another instance of a man nursing his wrongs" [this is in his memo. to Inspector Macdonell] "until you seek him out and invite him to make a statement. If assaulted, as he alleged, then he should have taken action spontaneously, and the matter could have been inquired into on oath. This suggestion that the complainants were afraid to complain is all nonsense. People do not put up with being knocked about without complaining these days. This man can lay an information if he desires." That requires no further comment from me. The last complaint is one by a man named Reed. This man has been before the Court, I believe, on more than one occasion—at any rate, he is very well known in Nelson. This is what the Commissioner says about him : "If this man had anything to complain of he should have done so at the time. The offence, if committed, is a statutory one, and could have been dealt with by a Magistrate. The nearest the man can give is that it occurred two or three months ago, and he believes it was certain constables. Would it not be manifestly unfair to put constables on their defence as to what occurred two or three months ago, when complaint could have been made at the time? No doubt, almost every person who has been proceeded against by the police imagines he has a grievance against the police, and is only too ready to ventilate his imaginary or real grievances when sought out and invited to make statements. This man can, if he wishes, lay an information, and then the matter can be investigated on oath." But that was not done, and you will see by the evidence and by his own statement that this man Reed really does not know who the constables were; but he states that he met Burrell in a railway-train afterwards, and told him about it; and Burrell made the statement in reply that if he had been there it would not have happened. Burrell will tell the Committee that he never met Reed in a railway-carriage, and never had any conversation with him. That is the class of complaint contained in this part one of the evidence. Now, gentlemen, the whole of these complaints were in possession of the Government at the time Mr. Commissioner Tunbridge made his inquiry into other complaints in Nelson during the month of March, and it was quite competent then for any of these aggrieved parties to have attended and made a formal complaint before him, and to have given evidence on oath; or it was competent for the Government to have officially submitted those complaints to the Commissioner, or to have directed him to make inquiry into them. But the Commissioner, in the most judicial manner, studying the case from both sides, as he was entitled to, and with a judicial mind, decided that in each instance it was not a case for prosecution. Another point that I ask to be allowed to make in this connection is this: Cabinet decided on the 13th April, 1902, and by the records appear to have come to their decision not upon those complaints outside of the petition, but upon the Commissioner's report on the evidence which he took in connection with the specific charges in Nelson in March. Now, I ask the Committee to kindly bear that in mind when they deliberate on the whole of the case before submitting their report upon it. I can only speak from the records, and can only conclude from them that it was upon that report of Mr. Commissioner Tunbridge, covering the whole matter, that Cabinet decided that certain things should be done—amongst others, that these two men should be called upon to resign. Now, gentlemen, I have done. I shall not have the opportunity of addressing you again on this matter. I can only tender to the Committee my very best thanks for the extreme courtesy extended to me, and the great consideration shown in postponing the hearing of this case more than once. If you will allow me, I will conclude by saying that all that has actuated these men is the feeling that they have been harshly dealt with upon charges that they have not had the opportunity of refuting; and I ask you, gentlemen, when considering the matter and making your official report to Parliament, to keep that uppermost in mind, and to remember the maxim that I have already had the privilege to refer to—that no man should be convicted until he has had an opportunity of being brought face to face with his adversary, and of answering there and then the charges made against him. As I said before, I am not finding fault with any one—not with the Government. This has no political signification whatever. I have the pleasure to number among my friends supporters of the Government and opponents of the Government; I am not actuated in one way or the other by the slightest political feeling, nor has this any political bearing whatever. In furtherance of that statement I can refer you to a pamphlet which I have reason to know has been supplied to pretty well every member of Parliament, and which contains a letter from most of the leading citizens of Nelson in regard to this matter. You, gentlemen, who know the residents of Nelson will see that a large number—in fact, the majority—of those signing the letter are supporters of the present Government; so that you will at once dispel from your mind the thought that there is any political bearing in the matter at all. There is nothing of the sort. These men have suffered what the public believe, and what they themselves feel, to be an injustice, and they come to you, as the highest tribunal in the land, to clear their characters. That is all I ask you to do. If they had been guilty of offences for which they ought to be punished, I should be the first to assist in having them punished, because I recognise that the office of constable is one of very considerable importance. But until that is proved against them I ask you, gentlemen, to give them that consideration which I feel sure you will see they are entitled to, after you have heard their evidence and gone carefully through the official records.