

215. But, notwithstanding what occurred, you laid no charge against the young man?—No; it being Christmas Eve, we allowed them a little latitude.

216. *Mr. Hardy.*] You thought that the method you adopted, which you describe as “standing up rather suddenly,” was the best way to protect yourself when two men rushed you?—Exactly.

217. You did not really strike at them?—No; I did not strike at Bannehr at all. He struck at me with a walking-stick first, and I put out my hand in that way [indicated]. It is very simple to give a man a sudden chuck under the chin so that he will go backwards.

218. *Mr. R. McKenzie.*] Whereabouts did the occurrence take place?—In Trafalgar Street, opposite Mrs. Jackson’s shop.

219. Were there many people about?—I only noticed the crowd of boys. It was between half-past 12 and 1 o’clock in the morning.

220. What was the language that Bannehr used?—He asked me what the devil we were doing there. There were other words used.

221. Did he use any obscene language?—No, no obscene language.

222. You said that he made at you with a stick: why did you not take him in charge?—I said before that we always allowed a little latitude on Christmas Eve.

223. Do the police allow the general public to go along and make hits at them with sticks occasionally?—No, not in every case; but there are exceptions.

224. Why did you not take the young man in charge?—Because I used my own judgment and let him go.

225. Do you think that you carried out your duty as a constable?—I consider that I did.

226. *Hon. Mr. Hall-Jones.*] I would like to know from the constable whether he received any instructions to allow any special indulgence on account of Christmas Eve?—Yes. On a special occasion the sergeant always said that we were not to be too strict with the public.

227. You allowed yourself to be knocked about and assaulted and let the man go?—No; I was not knocked about and assaulted.

228. *The Chairman.*] You considered that you had a perfect right to use your own discretion as to yourself, but you would have considered it your duty, if you had seen the same thing occur with any one else, to have locked the man up?—I do not know that I should have.

229. Not if you saw a man strike another with a stick?—He did not strike me; he only struck at me. He did not actually commit the offence; he made an attempt at it.

230. *Mr. R. McKenzie.*] What right do you consider that you had, as a policeman, to catch Bannehr by the neck?—I used my own discretion as a constable.

231. Do you consider that he assaulted you?—No; I consider that he attempted to assault me.

232. Was that sufficient for you to take him in charge?—Well, I suppose that if I had resorted to extreme measures I could have done so.

233. Were you on duty at the time of the occurrence?—Yes.

234. You say that Bannehr attempted to assault you with a stick: did that justify you, as a constable, in taking him in charge?—Yes.

235. Did you carry out your duty?—I did not take him in charge.

236. Did you carry out your duty as a constable?—I consider that I did, seeing that it was a special occasion.

237. Suppose it had been a stranger that Bannehr had assaulted, would you have treated him in the same way then?—Undoubtedly so. During my experience I made no difference to any man.

238. Bannehr’s father is the editor of a newspaper, is he not?—Yes.

239. A highly respected, influential citizen?—Yes.

240. You were not lenient to the son on that account?—No.

241. More than you would be to an ordinary stranger?—No, never during my service.

242. *Mr. Hardy.*] There are certain rules and regulations laid down for the observance of members of the Force?—There are.

243. You also get instructions from the sergeant?—Yes.

244. But, as a constable, you thought you had the right to read between the lines and to judge whether those rules bore on special occasions which you might have to deal with?—Yes; those were the instructions that we in the depot had from the sergeant. Any man who reads the regulations will know that if the letter of them was carried out it would be almost impossible for people to travel along the streets at all.

245. You think that an intelligent constable should not be a machine—that he should think for himself?—Any intelligent man, I consider, should use his own discretion.

246. *Mr. Hall.*] If you had to lock up all larrikins on Christmas Eve, could you find accommodation for them?—No, it would be impossible to do so.

247. *Mr. R. McKenzie.*] You said something about young Bannehr’s character?—Yes.

248. Has he ever been charged with any offence, to your knowledge?—No.

249. So there is nothing whatever against his character as far as you know?—Nothing whatever.

250. *Mr. Maginnity.*] Had you any “down” on this boy?—None whatever.

251. What is his age?—About twenty or twenty-one. He stands about my height. He is a fine, big, strapping young man.

252. Before you put a hand on Bannehr at all, who made the first overture at an assault?—Bannehr did, by striking at me with his walking-stick.

253. It was then that you put up your hand and chucked him under the chin?—Yes.

254. And it was after he fell that he and another person came at you?—Yes; he and Daniels rushed me. He admitted that in front of his father before the apologies were offered on either side.