

186. That the door was open?—Yes, but not what took place when the sergeant came there.

*The Chairman*: We will probably call Constable Williams as a witness.

*Commissioner Tunbridge*: The Hon. Mr. Hall-Jones yesterday, as you know, questioned this witness on my findings, as to whether he considered them proper, and so on; and that is the reason I am now cross-examining the witness upon his replies. (To witness:.) 187. For not entering that occurrence in the diary I reprimanded and cautioned the sergeant?—Yes.

188. Do you think that punishment was commensurate?—No.

189. What would you have done to him?—As I said before, I would consider before inflicting punishment, but I would look upon it as a very serious matter.

190. Notwithstanding that the question of immorality was not involved?—I know nothing of that. The question of immorality was not shown.

191. Did the evidence in the remotest degree point to immorality?—No, not there. But what I thought at the time, and what I think still, is that proper investigation was not made in the first place. Information of these charges was sent to the men before it should have been. The girls should have been seen separately before any knowledge of the charges had been given to the men. If that had been done I would depend more upon the evidence.

192. Why did you not do that?—Because I had no time. I sent to you to get somebody else to do it.

*Mr. R. McKenzie*: I would like to ask Commissioner Tunbridge whether he allows the Inspector in charge of, say, the Wellington Station to let the constables take single girls into the station?

*Commissioner Tunbridge*: In reply to that, I say I do not allow it, because I have reprimanded and cautioned Sergeant Mackay for letting them. (To witness:.) 193. Now, with regard to charge No. 4 against Sergeant Mackay—"Neglect of duty in not reporting Constable Durbridge, whom he saw lying asleep on the floor of the Nelson Police-station at 4 a.m., 19th November last, while the constable should have been on duty"—Yes.

194. My finding in that case was as follows: "This charge rests entirely on the uncorroborated evidence of Constable Williams. This constable's evidence during the inquiry was proved in several instances by his own reports and memoranda to be untrue. Under these circumstances I acquit the sergeant on this charge." Do you consider that a reasonable finding?—Yes, on the evidence; but I would make the same remarks with regard to it that I made in reference to the last—that I was anxious that further inquiry should be made, and I mentioned to you at the time that I had reason to believe that the single men in Nelson—three of them in particular—were spending more than half their time in the station when they should have been on duty, and no notice was taken of it.

195. You are going into long statements. You say you mentioned things to me. I have no recollection of them. I only recognise what is in writing?—I told you that while there, and your reply was, "We will see how the thing comes out." I wanted to take some steps to try to verify that.

196. Can you tell me how it would have been possible to verify this charge by any possible inquiry that could have been made?—Yes.

197. Then, will you tell me?—The men might have been questioned separately without being given any warning. I believe that if Constable McGrath and others had been so asked it would have been proved that such was the case, and that it had been well known to Sergeant Mackay for a long time.

198. But there were only two constables concerned in this case—Constable Durbridge who was accused, and Constable Williams who gave the information?—But if it was a general thing—if it had happened several times before to the knowledge of the sergeant—was there anything surprising if it happened at this particular time without notice being taken of it?

199. I do not quite follow your argument. I am asking you whether you consider, on evidence of this class, that my finding was a reasonable one?—On the evidence taken I think the finding was reasonable.

200. Can you indicate the possibility of calling any other evidence on this particular charge?—As I have said already, the rule of evidence allows a certain course of conduct to be proved to show a particular act, and if that had been followed in this case possibly evidence would have been obtained; but on the evidence given I should say that the finding was reasonable.

201. I want to know if you can indicate to the Committee how it would have been possible to have obtained any other evidence than that of Constable Williams in this case, where it was a case between himself and Durbridge—there was no third person present on the occasion?—No. But, as I have stated already, if we had found that sleeping in the station when they should have been on duty was a common thing there with the constables it would certainly have supported Constable Williams's evidence in this particular case.

202. Well, now, did you not watch the station yourself for two consecutive nights?—Yes.

203. Did you find the men sleeping on the station?—No; but I was not in Nelson at the time the alleged offence was committed. If I had gone away the men might have gone into the station to sleep. They knew I was in Nelson; but, notwithstanding that, and the fact that I was about the place, I found them there when they should not have been there, and for a considerable time.

204. Now, one of the charges against Constable Durbridge is the same as one against Constable Burrell—that is, "Improperly taking into the single men's mess-room at the Nelson Police-station two females, named ——— and ———, about midnight on the 18th July last"?—Yes.

205. This is the same matter as that which I have referred to in connection with the charge against the sergeant for not reporting it. My finding was: "The facts are not denied, but, as there is no suggestion that the females were other than respectable, or that they were taken into the station for an immoral or other improper purpose, the worst that can be said is that it was a very indiscreet act on the part of the constables to take them into the station at that hour of the night. It should, however, be borne in mind that these constables reside on the station, which