

237. You were being asked about this particular constable yesterday?—Yes.

238. And did you not tell Mr. Hall-Jones that you thought a man who left his beat of a night without just cause ought not to be kept in the Police Force?—I do not think so.

*Hon. Mr. Hall-Jones*: That was not the witness's reply to my question.

*Commissioner Tunbridge*: I certainly took that to be the answer. (To witness:) 239. You admit my finding to be reasonable on the evidence?—Yes, on the evidence.

240. Now, with regard to this question of going to the police-station to get a cup of tea: Of course, if a man is found out doing it, it is wrong, and you as Inspector and I as Commissioner cannot recognise it in any way?—No.

241. That is what you mean?—Yes.

242. But do you consider it a very heinous offence for a constable who is out on eight hours' duty, when the town is quiet, at 2 o'clock in the morning—and in Nelson, above all towns—to walk into the police-station to get himself a cup of tea?—No, not if that was the only reason.

243. Is there any other reason in this case why the man should do it?—I was satisfied the men were there for hours, especially this man—that it bore out what was represented to me before then to a great extent, for even when I was in the town this sort of thing went on. This is a serious aspect of the case, in my opinion.

244. But it was not proved that this man was there for hours. As a matter of fact, it was not proved that he was there at all—he himself admitted it?—Surely his own admission—

245. To show that the man did not think it a very serious matter, did he not admit it himself?—He did not know then what I knew, and that is how he came to admit it. I called upon him for a report in the morning, and he reported. He did not know that I could not swear to it.

246. Taking the case as it stands according to the evidence, do you consider that the severe reprimand and caution were commensurate to the offence—I mean, as shown by the evidence?—I would have dealt more seriously with it than that.

247. What would you have done?—I am not prepared to say right away; but I would have dealt with it more seriously than that, under the circumstances.

248. Do you usually deal severely with men, then?—It depends entirely on their conduct in the particular cases.

249. You see, this was a man with a clean defaulters' sheet up to that date?—Yes; but I did not look at the sheet at that time.

250. This entry is on his defaulters' sheet: that he is severely reprimanded and cautioned [sheet produced]?—Yes.

251. He was about two years in the service at the time?—So I believe.

252. That record would stand against him so long as he remained in the service, would it not?—Yes.

253. Do you not consider that a serious punishment?—Yes; anything on the defaulters' sheet is more or less serious.

254. Now, with regard to charge No. 3 against Burrell: it is a similar charge to the last one, and occurred on the following night?—Yes.

255. The last charge that I read to you was the one about leaving his beat and going to the station on the first night?—Yes.

256. My finding with regard to charge No. 3 is as follows: "This is a similar case to the preceding one, and occurred on the following night. Here, again, I am of opinion the constable remained longer than necessary to prepare and take his tea, to say nothing of him having improperly left his beat unprotected. He is fined 2s. 6d. and cautioned for this second offence." Well, now, you think that that is not severe enough, the same as the other?—Yes, under all the circumstances.

257. Was it proved by Constable McGrath, or did he not admit, that the police at Nelson had been in the habit of going to get their tea of a night?—Yes. I heard that for the first time when it came from yourself.

258. Constable McGrath has been at Nelson for a long time, has he not?—Yes; for years, to my knowledge.

259. And he probably knows what has been going on?—Yes.

260. He admitted that in Nelson it had been the practice for the constables to go in and get a cup of tea?—You asked him whether it was so in Sergeant McArdle's time, I think. That was the first I heard of it, and I wondered how you came to hear of it.

261. If you wish to know, I will tell you that it was merely a chance shot, because I thought it had probably been a practice?—It was a lucky chance shot when you mentioned the very man's name—i.e., McArdle.

262. Was not Sergeant McArdle the officer who preceded Sergeant Mackay?—I am not sure; but he was there some time before.

263. Was it not on Sergeant McArdle's retirement that Sergeant Mackay went there?—I could not say that. It may be so.

264. You will not contradict me when I say that it was?—Not at all.

265. Was it not very natural, then, that I should ask whether it was the practice in Sergeant McArdle's time?—It struck me as being peculiar—as if you knew it. I was satisfied that you had some private information which I had not got.

266. Well, all I can say is that I had no private information whatever. I merely wished to find out what had been the practice before Sergeant Mackay went there; and I put the question to a constable who had been there years before, and he admitted that it had been so under the previous sergeant—that the constables used to go and get their tea the same as they did under Sergeant Mackay?—Sergeant Mackay told me he was not aware of it at all.