

103. What makes you think it lenient? You told us, I think, in the course of your examination by the Committee that you have known a man dismissed for less than that?—Yes.

104. Where—in the New Zealand Force?—Yes.

105. Will you tell the Committee who was the man?—A man named Cosgrove.

106. Where was it?—At Dunedin.

107. What was he charged with?—Going into an hotel and having a drink while on duty before closing-hours.

108. There was a distinct breach of the Police Regulations?—Yes. This was not after hours. It was not a breach of the law that he was sworn to carry out and observe; the other was.

109. The man whom you refer to was dismissed for going into an hotel and drinking while on duty?—Having one drink.

110. I do not care if he had fifty, or if he had had only one lemonade. He went in while on duty. Was he in uniform?—He was.

111. Here in the case before us was a man who had been playing football returning after seeing some of his companions out on the Wakapuaka Road?—Yes, so they said.

112. Is the case that you have mentioned the only one where you know of a constable being dismissed the service?—I do not say that; but I remember that case, and I think the man was very properly dismissed.

113. Have you known of any constable being dismissed who when he was not on duty has gone into a publichouse either before or after closing-hours?—Yes.

114. Who?—Constable Howard.

115. Where?—In Invercargill; by the present Commissioner.

116. What was he charged with?—Getting the worse for drink after being on duty at night.

117. That was for drunkenness?—It was not for drunkenness, as far as I know, but because he would not tell where he got the drink.

118. Did he go into an hotel while he was drunk?—We could not say that for certain.

119. At any rate, what was he charged with? Do you not know that?—For being drunk, I think, or under the influence of drink.

120. Durbridge was not charged with being drunk?—No. I do not wish it to be understood that Howard was finally dismissed. He gave the name of the man afterwards from whom he got the drink and was reinstated.

*Commissioner Tunbridge*: I do not like to interpose, but I think a matter of that kind requires a little explanation. I think it is not only a reflection on myself, but also on the ex-constable. The circumstances were these—if I am wrong the Inspector will correct me: This constable returned to the police-station from on duty; he was on duty at the time, and returned drunk. He was reported for that offence, which took place at about 2 o'clock in the morning. The matter came before me, and I referred it back to the Inspector to ascertain whether the man had got drunk on licensed premises and thereby been a party to a breach of the law, or whether he had got drunk on private premises, for I considered the one would have been a very much more serious matter than the other. The constable declined to give the information. I said that under the circumstances there was no alternative but to call on him to resign, and I did so. The constable then gave the information that he had got the drink on private premises, and therefore had not been a party to any breach of the law. On those conditions the man was fined heavily and reinstated in the Force. He is now enjoying a pension for life.

*Witness*: That is so, but you are slightly incorrect in reference to the third part.

121. *Mr. Maginnity*.] That shows that it is not an analogous case to Durbridge's?—Just one moment. The man was sent on special duty in plain clothes till 11 o'clock. He remained there till 12, and then went off duty, and we did not see him again until he failed to turn up in the morning. I sent the sergeant to see what was the matter, and that led us to believe that he was drunk.

122. *Commissioner Tunbridge*.] His face being disfigured and his clothes muddy?—Yes.

123. *Hon. Mr. Hall-Jones*.] Was he in plain clothes?—Yes; on duty in plain clothes. He was on duty till 12, though he was told to remain till 11 only. I think it was at 4 o'clock in the morning that he turned up. He went home; no one saw him at the station.

124. *Mr. Maginnity*.] There was no hint of drunkenness against Durbridge, was there?—No.

125. It came out in evidence that he had been to a football social, and he and some others were seeing a young fellow off to the cable-station?—That was stated.

126. Do you remember what the evidence of Mr. Woodward, the licensee, was? It is given on page 50 of the printed papers. He said, "About 11.10 or 11.15 p.m. I heard some persons come round the corner"?—Yes.

127. Well, now, you remember there was a statement made to the Commissioner at the inquiry that there was a question among them whether it was 11 o'clock or past 11?—Yes, I heard that.

128. Well, it was not very much past 11 in any case, was it? You remember what Vause's evidence was on the same matter?—Well, they did not say exactly what they told me before as to the time.

129. This is what Mr. Vause says—it is given on page 52: "I remember being called to the door one night at 11.20 p.m. by a Mr. Coot, who was lodging at my house. On arriving at the door I saw Mr. Coot, Constable Durbridge, and another young man named Pratt outside. I admitted Mr. Coot, and the others left after bidding Coot and myself good-night." Now, they had to go from the Bush Tavern up to Vause's, and it was then only twenty minutes past 11?—They said so.

130. At the outside it could not have been much past ten minutes past 11 when the constable went in. You know the position of the Bush Tavern, do you not?—From the information I got it was later, in my opinion.