

1911.
NEW ZEALAND.

CHARGES AGAINST ERNEST WILLIAM BAXTER

(REPORT OF THE BOARD OF INQUIRY SET UP UNDER THE CIVIL SERVICE ACT, 1908, TO INQUIRE INTO).

Laid on the Table of the House of Representatives by Leave.

In the matter of certain accusations made against Ernest William Baxter, a warder in His Majesty's Prison at Auckland, in the Dominion of New Zealand; and in the matter of the Civil Service Act, 1908, section 18.

To His Excellency the Governor of the Dominion of New Zealand.

MAY IT PLEASE YOUR EXCELLENCY,—

In pursuance of the annexed instrument of reference we have inquired into the truth of the accusations (therein and also herein set forth) against Ernest William Baxter, a warder in His Majesty's Prison at Auckland, in the Dominion of New Zealand, and have now the honour to report to Your Excellency as follows :—

1. *Accusation No. 1—viz.*, "That in or about the month of October, 1910, he abused his office as Clerk of the Auckland Prison by attempting to make assignations with certain female visitors to the said prison—namely, Annie Maher and Violet Rae—with intent to enter into immoral relations with them."

The evidence establishes that one communication was made by Warder Baxter to Violet Rae and Annie Maher when these women were visiting the prison together, and we are of the opinion that subsequently thereto immoral relations existed between Warder Baxter and Annie Maher.

2. *Accusation No. 2—viz.*, "That subsequent to the said month of October, 1910, he commenced and thereafter continued to have immoral relations with the said Annie Maher, a sister of a prisoner then confined in the Auckland Prison."

This accusation has been proved to our satisfaction.

3. *Accusation No. 3—viz.*, "That in or about the month of April, 1911, he procured an illegal operation to be performed on the said Annie Maher for the purpose of abortion."

The evidence does not justify us in finding that this accusation has been proved.

4. *Accusation No. 4—viz.*, "That in the month of October, 1910, he conspired with one Ida Bishop to procure through the Gaoler of the Auckland Prison unduly favourable treatment for one Charles Rolton, a brother of the said Ida Bishop, being a prisoner then in confinement in the Auckland Prison."

The only evidence in support of this accusation is contained in four typewritten letters (see Exhibits M, N, O, and P) alleged to have been sent by Warder Baxter to Mrs. Ida Bishop. These letters suggest to Mrs. Ida Bishop that she should communicate with the Gaoler, and contain a draft letter, which Warder Baxter suggested should be sent by Mrs. Ida Bishop to the Gaoler.

It is proved to our satisfaction that these letters were typed by Warder Baxter on the Gaol typewriter, and that they were found in Mrs. Bishop's possession. It is also proved that Mrs. Ida Bishop, acting on Warder Baxter's suggestion, wrote a letter to the Gaoler enclosing a letter to her brother, Charles Rolton. Her letter to the Gaoler was, however, destroyed by the Gaoler immediately after its receipt, and could not therefore be produced at the inquiry.

The evidence does not sustain this accusation in the form in which it is made, but the evidence establishes that Warder Baxter was guilty of grossly improper conduct in writing such letters to Mrs. Ida Bishop.

5. We forward herewith full notes of the evidence given before us, together with the exhibits therein referred to.

Dated at Auckland, in the Dominion of New Zealand, this 13th day of September, 1911.

CHAS. C. KETTLE, S.M., Chairman,
E. C. CUTTEN, S.M.,
Board of Inquiry under section 18 of the
Civil Service Act, 1908.

[Original evidence subsequently laid upon the table, but not ordered to be printed. Returned to Justice Department at close of session.]

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