

1933

VICTORIA

REPORT  
OF THE  
BOARD OF INQUIRY

appointed to inquire into

Certain Allegations and Complaints made against  
Certain Members of the Police Force,  
including the  
Chief Commissioner of Police

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PRESENTED TO BOTH HOUSES OF PARLIAMENT BY COMMAND OF HIS EXCELLENCY  
THE LIEUTENANT-GOVERNOR.

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**BOARD OF INQUIRY INTO CERTAIN ALLEGATIONS AND COMPLAINTS AGAINST CERTAIN MEMBERS OF THE POLICE FORCE, INCLUDING THE CHIEF COMMISSIONER OF POLICE.**

*At the Executive Council Chamber, Melbourne, the twenty-first day of September, 1933.*

**PRESENT :**

**His Excellency the Lieutenant-Governor of Victoria.**

**Mr. Macfarlan**

**Mr. Dunstan.**

His Excellency the Lieutenant-Governor of the State of Victoria, by and with the advice of the Executive Council thereof, doth hereby appoint

**ALFRED ALDRIDGE KELLEY, Esq.,**

to be a Board to inquire into and report as to the truth or otherwise of the following allegations and complaints, viz. :—

- (1) Serious allegations of improper conduct made against certain members of the Police Force in connexion with the recovery and/or restoration of stolen motor cars ;
- (2) Allegations made, following upon proceedings against one Patrick Bolger, at the Court of Petty Sessions at Essendon, on the 19th May, 1932, for having cocaine in his possession without lawful authority, that certain members of the Police Force were concerned in illicit traffic in cocaine and received moneys from the said Bolger in respect of such proceedings and traffic ;
- (3) Complaints made that the Chief Commissioner of Police failed to take appropriate action against the members of the Police Force alleged to have been concerned in the matters aforesaid.

And the Honorable Ian Macfarlan, His Majesty's Chief Secretary of the State of Victoria, shall give the necessary directions herein accordingly.

**C. W. KINSMAN,**  
Clerk of the Executive Council.

[Extract from "Victoria Government Gazette," 1st November, 1933.]

BOARD OF INQUIRY INTO CERTAIN ALLEGATIONS AND COMPLAINTS AGAINST  
CERTAIN MEMBERS OF THE POLICE FORCE, ETC.—ORDER AMENDED.

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At the Executive Council Chamber, Melbourne, the thirtieth day of October, 1933.

PRESENT :

His Excellency the Lieutenant-Governor of Victoria.

Mr. Macfarlan  
Mr. Allan  
Mr. Dunstan

Mr. Jones  
Mr. Goudie  
Mr. Chandler.

His Excellency the Lieutenant-Governor of the State of Victoria, by and with the advice of the Executive Council thereof, doth hereby amend the Order in Council of the 21st day of September, 1933, and published in the *Gazette* of the 27th idem, at page 2552, appointing Alfred Aldridge Kelley, Esquire, to be a Board to inquire into and report as to the truth or otherwise of certain allegations and complaints against certain members of the Police Force, including the Chief Commissioner of Police, by the addition of the following paragraph (4) after paragraph (3) of the said Order :—

- (4) Allegations by prisoners against members of the Police Force in connexion with stolen motor cars.

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And the Honorable Ian Macfarlan, His Majesty's Chief Secretary for the State of Victoria, shall give the necessary directions herein accordingly.

C. W. KINSMAN,  
Clerk of the Executive Council.

# REPORT.

*To the Honorable the Premier,*

I, the undersigned ALFRED ALDRIDGE KELLEY, Esquire, having been appointed by His Excellency the Lieutenant-Governor of Victoria, by and with the advice of the Executive Council thereof, on the 21st day of September, 1933, to inquire into and report as to the truth or otherwise of the following allegations and complaints, viz. :—

- (1) Serious allegations of improper conduct made against certain members of the Police Force in connexion with the recovery and/or restoration of stolen motor cars ;
- (2) Allegations made, following upon proceedings against one Patrick Bolger, at the Court of Petty Sessions, at Essendon, on the 9th May, 1932, for having cocaine in his possession without lawful authority, that certain members of the Police Force were concerned in illicit traffic in cocaine and received moneys from the said Bolger in respect of such proceedings and traffic ;
- (3) Complaints made that the Chief Commissioner of Police failed to take appropriate action against the members of the Police Force alleged to have been concerned in the matters aforesaid ;
- (4) Allegations by prisoners against members of the Police Force in connexion with stolen motor cars ;

have the honour to report as follows :—

The Inquiry was opened on Monday, the 9th October, 1933, and was concluded on Monday, the 20th November, 1933.

The learned Counsel named hereunder appeared before the Board :—

MR. T. W. SMITH (instructed by the Crown Solicitor) appeared to assist the Board.

MR. N. O'BRYAN (instructed by Mr. R. H. Dunn) appeared on behalf of the Chief Commissioner of Police and members of the Police Association in respect of the allegations relating to stolen motor cars, and later also in respect of the allegations relating to illicit traffic in cocaine.

MR. R. H. DUNN appeared on behalf of the Chief Commissioner of Police and members of the Police Association in respect of the allegations relating to illicit traffic in cocaine.

MR. J. V. BARRY and with him MR. L. E. B. STRETTON (instructed by Mr. R. Cahir) appeared on behalf of ex-Detectives Coffey and Lacey, and ex-Constable McCahery.

MR. A. L. READ (instructed by Messrs. Malleon, Stewart, Stawell, and Nankivell) appeared on behalf of the Colonial Mutual Fire Insurance Company Ltd.

MR. J. P. BOURKE (instructed by Messrs. O'Donohue and Brew) appeared on behalf of Alan John Duignan.

MR. A. C. MORLEY (instructed by Messrs. McKenna and Talbot) appeared on behalf of Mr. W. P. Jones.

MR. C. STAFFORD, (instructed by Mr. A. B. Dethridge) appeared on behalf of the National Fire Insurance Company of Hartford Ltd.

MR. D. BRUCE TUNNOCK appeared on behalf of the Federal Mutual Insurance Company Ltd.

MR. L. C. CLINTON appeared on behalf of John Francis Kelly.

MR. E. REYNOLDS appeared on behalf of Mr. Fred Walker.

MR. L. H. HENNESSY appeared on behalf of Mr. J. Campbell.

MR. N. MITCHELL (instructed by Messrs. Croft and Rhoden) appeared on behalf of Mr. E. Ethell.

MR. W. M. IRVINE appeared on behalf of Mr. Roy Schilling.

MR. J. A. NIMMO (instructed by Messrs. McKenna and Talbot) appeared on behalf of Mr. J. F. McLachlan.

The Board held sittings, open to the public, on twenty-seven days, and 146 witnesses were examined, namely :—

Adams, Walter John William, Mechanic, Police Department, Russell-street, Melbourne ..	1464, 1711
Addison, Donald, Clerk of Courts, Essendon .. .. .	46
Akeroyd, Joseph, Inspector General, Penal Department, Melbourne .. .. .	1035
Allerton, Victor Berridge, Claims Manager, National Fire Insurance Co. of Hartford, Ltd., Melbourne .. .. .	890
Archbold, Ralph, Manager, National Fire Insurance Co. of Hartford, Ltd., Melbourne ..	848
Ashdown, Thomas Leslie, Auctioneer, Pearce-dale .. .. .	1515
Baillieu, Maurice Howard, Sharebroker, 203 Orrong-road, Toorak .. .. .	798
Barron, John, Senior Constable of Police, Balwyn .. .. .	1381, 1467
Bauld, William Douglas, Garage Proprietor, Eastern Market Garage, Melbourne ..	1512
Berriman, Daniel, Loss Adjuster, 23 Kintore-street, Camberwell .. .. .	1172
Black, William David, Senior Constable of Police, Russell-street, Melbourne .. .. .	1754
Blamey, Thomas Albert, Chief Commissioner of Police, Russell-street, Melbourne ..	2028
Bolger, Pierce Patrick, Bookmaker, 92 De Carle-street, Brunswick .. .. .	260, 327, 379, 408
Brindley, Herbert Montefiore, Manager, Automobile Fire &c., Insurance Co. Ltd., Melbourne	1069, 1223
Brophy, John O'Connell, Sub-Inspector of Police, Russell-street, Melbourne .. .. .	165, 1034
Brown, Alexander Kilgour, Constable of Police, Collingwood .. .. .	1529
Buddle, Leslie John, Engineer, Yarra-street, South Yarra .. .. .	967
Burrows, Thomas Ross, Sergeant of Police, Russell-street, Melbourne .. .. .	48
Butchers, Charles Leslie, Secretary, Pharmacy Board, Melbourne .. .. .	221
Campbell, Jacob, Managing Director, Campbell's Motor Auctions, Swanston-street, Melbourne	1435
Campbell, Neil Cummings, Bank Clerk, English, Scottish, & Australian Bank, Melbourne	1630
Carey, Henry John, Senior Constable of Police, Russell-street, Melbourne .. .. .	1888
Charles, William, Engineer and Adjuster, Colonial Mutual Fire Insurance Co. Ltd., Melbourne	814
Clymer, James Washburn, Osteopath, 225 Orrong-road, St. Kilda .. .. .	1203, 1727
Coffey, William, Ex-Constable of Police, 48 Lanock-street, East Brighton .. .. .	485, 493, 551, 1534
Connolly, Francis Raymond, Managing Director, Latrobe Motors Ltd., Swanston-street, Melbourne	1537
Cudmore, William Charles, Sales Manager, Campbell's Motor Auctions, Swanston-street, Melbourne	1489
Cunningham, Alberta Victoria, Married Woman, 11 Derby-parade, Caulfield .. .. .	958, 966
Davis, Eleanor, Charwoman, 168 Bouverie-street, Carlton .. .. .	435
Davis, William Edward, Constable of Police, Russell-street, Melbourne .. .. .	1106, 1113, 1607, 1753
Dean, Frederick Victor, Dairy Produce Merchant, 192 Hawthorn-road, Caulfield .. .. .	1349
Deeley, Thomas William Charles, Sub-Inspector of Police, Russell-street, Melbourne ..	50, 61, 76, 120 257, 1015, 1141
Delmenico, Frederick William, Constable of Police, Russell-street, Melbourne .. .. .	1760, 1828
D'Ombraïn, James, Superintendent, Colonial Mutual Fire Insurance Co. Ltd., Melbourne ..	799
Downey, Frederick William, Sergeant of Police, Wireless Patrol, Russell-street, Melbourne	1637, 1824
Duignan, Alan John, Prisoner, Penal Establishment, Pentridge .. .. .	722, 1303
Duignan, Kathleen, Schoolgirl, 11 Derby-parade, Caulfield .. .. .	962
Duignan, Sadie, Married Woman, 11 Derby-parade, Caulfield .. .. .	930, 959
Duignan, Valda, Schoolgirl, 11 Derby-parade, Caulfield .. .. .	964
Dunn, Raymond Hudson, Solicitor, 125 Queen-street, Melbourne .. .. .	1240
Dunn, Henry Spencer, Senior Constable of Police, Russell-street, Melbourne .. .. .	1895A, 1961
Dunning, Harold Valentine, Chief Clerk, Dunlop Perdriau Rubber Co. Ltd., Montague ..	1538
Ethell, Edmond, Ex-Constable of Police, 14 Aroona-road, Caulfield .. .. .	1563
Flint, Arthur Loftus Christopher, Solicitor, 485 Bourke-street, Melbourne .. .. .	28, 59, 410
Forbes, Archibald McEwan, Tobacco Worker, Tyler-street, Preston .. .. .	1467
Gillick, James Vincent, Constable of Police, Russell-street, Melbourne .. .. .	2, 27, 820A, 1562
Golding, Arthur, Prisoner, Penal Establishment, Pentridge, Coburg .. .. .	1312
Gorey, James Herbert, Sub-Inspector of Police, Russell-street, Melbourne .. .. .	222, 1425
Gray, Arthur Debney, Driver, 223 Somerville-road, Footscray .. .. .	1474
Griffin, James Lewis, Garage Proprietor, 215 Latrobe-street, Melbourne .. .. .	1485
Guy, Robert, Caterer, Exhibition-street, Melbourne .. .. .	36
Guy, Robert (junior), Caterer, Exhibition-street, Melbourne .. .. .	38
Gwyther, Erle Cawdor, Constable of Police, Russell-street, Melbourne .. .. .	1359
Halsall, Gilbert James, Constable of Police, Russell-street, Melbourne .. .. .	1549
Harris, Desmond Davis, Municipal Engineer, 505 Inkerman-road, East Balaclava .. ..	1194
Harvey, William, Mechanic, High-street, Northcote .. .. .	1478
Hayes, James John, Garage Manager, Eastern Market Garage, Melbourne .. .. .	1355
Highland, Charles, Senior-Constable of Police, Brunswick .. .. .	247
Hill, Edwin Albert, Auctioneer, Gleneira-road, Caulfield .. .. .	1433
Hirth, Patrick George, Grocer, 110 Canterbury-road, East Camberwell .. .. .	1188
Hoare, James Joseph, Constable of Police, Russell-street, Melbourne .. .. .	1234, 1751
Horton, Frank Talbot, Accident Superintendent, Liverpool and London and Globe Ins. Co. Ltd., Melbourne	1359A
Howard, Walter Thomas, Constable of Police, Wireless Patrol, Russell-street, Melbourne	1731
Hyde, Frank, General Manager, Colonial Mutual Fire Insurance Co. Ltd., Melbourne ..	810
Jewell, William Ralph, Director of State Laboratories, Gisborne-street, Melbourne ..	75
Johnston, Stanley Watson, Salesman, Dickens-street, St. Kilda .. .. .	1118
Jones, William Henry, Solicitor, 327 Collins-street, Melbourne .. .. .	39, 60, 401
Jones, William Percival, Investigator, 3 Cooma-street, Preston .. .. .	869, 981, 983
Jury, James Henry, Constable of Police, Russell-street, Melbourne .. .. .	1477, 1484
Kelly, John Francis, Prisoner, Penal Establishment, Pentridge, Coburg .. .. .	1259
Kelly, William Michael, Sub-Inspector of Police, Russell-street, Melbourne .. .. .	549

Lacey, Frederick, Ex-Constable of Police, Wrexham-road, Windsor .. ..	608, 1531
Le Beuf, Catherine, Married Woman, 17 Tennyson-street, Sandringham .. ..	1196
Le Beuf, Harry, Plasterer, 17 Tennyson-street, Sandringham .. ..	1347
Lee, Thomas Frank, First-Constable of Police, Exhibition Police Station, Carlton ..	1649, 1660, 1849
Lees, Albert Duncan, Constable of Police, Exhibition Police Station, Carlton ..	1398
Leigh, Howard Bickford, Solicitor, Melbourne .. ..	1559
Lever, Clarence Matthew, Prisoner, Penal Establishment, Pentridge, Coburg ..	789
Levy, Hyman, Manufacturer, 147 Brighton-road, Elwood .. ..	1121
Lording, Warwick Albert, Taxi-driver, 272 Grange-road, Ormond .. ..	4
Lowe, Walter Edward, Claims Official, Liverpool & London & Globe Ins. Co. Ltd., Melbourne ..	1535
Lyon, Francis William, Constable of Police, Russell-street, Melbourne .. ..	1606A
Madin, John William, Senior-Constable of Police, Carlton .. ..	1714
Maguire, Winston Wesley, Commercial Traveller, 418 Barkly-street, Footscray ..	1473
Mahoney, Miles Clement, Customs Examining Officer, Customs Department, Melbourne ..	212
Mallon, Nicholas, Superintendent of Police, Russell-street, Melbourne .. ..	1640
Marchant, Ray, Domestic, Rae-street, North Fitzroy .. ..	205
Mason, Edward John, 77 Beach-road, Black Rock .. ..	958
Mitchell, Harold Benson, Manager, 22 Davis-street, Elsternwick .. ..	976
Morrison, James, Assessor, 396 William-street, Melbourne .. ..	1065
Mortimer, Charles Matthew, Prisoner, Penal Establishment, Pentridge, Coburg ..	782A, 1299
Mortimer, Eva, Married Woman, Barker's-road, Hawthorn .. ..	1211
Mortimer, Marjorie, Married Woman, Barker's-road, Hawthorn .. ..	1197
Mortimer, Richard Charles, Prisoner, Penal Establishment, Pentridge, Coburg ..	761, 1292
Moulton, Henry Harold, Assistant Manager, Federal Mutual Insurance Co. Ltd., Melbourne ..	1231
McCaffrey, Thomas Patrick, Sub-Inspector of Police, Russell-street, Melbourne ..	1733
McCahery, James, ex-Constable of Police, formerly Russell-street, Melbourne ..	693
McGinty, Martin Thomas, Senior Constable of Police, Russell-street, Melbourne ..	237
McGuffie, Sydney Harold, Senior Constable of Police, Russell-street, Melbourne ..	1601
McKay, Katherine Ada, Typiste, Police Department, Russell-street, Melbourne ..	1177
McKerral, Alexander Thompson, Sergeant of Police, Russell-street, Melbourne ..	74, 1030
McLachlan, James Francis, Theatrical Employee, Melbourne .. ..	1539
Nichol, John Robinson, Accountant, Police Department, Russell-street, Melbourne ..	1544
Nutting, Carlyon, Bank Clerk, Commonwealth Bank of Australia, Melbourne ..	1432, 1895
O'Keefe, Jeremiah, Senior Constable of Police, Russell-street, Melbourne .. ..	2024
O'Reilly, Davis Hilton, Garage Attendant, Eastern Market Garage, Melbourne ..	1357
Potter, William George Alexander, Engineer and Adjuster, Royal Insurance Co. Ltd., Melbourne ..	1124
Prendergast, Edward, Medical Practitioner, 107 Collins-street, Melbourne .. ..	1176
Ralph, Lawrence Gilbert, Solicitor, 430 Little Collins-street, Melbourne .. ..	1409
Rankin, Claude, War Pensioner, 12 La Rose-street, Brunswick .. ..	377, 471
Reilly, Frederick John, Claims Officer, Federal Mutual Insurance Co. Ltd., Melbourne ..	1162
Riches, Edmund Ambrose, Financier, Esplanade, Brighton Beach .. ..	1366
Robinson, Stanley Charles, Claims Manager, Union Assurance Society Ltd., Melbourne ..	1061
Rochford, Patrick, Constable of Police, Russell-street, Melbourne .. ..	250
Rosewarne, Edwin William, Constable of Police, Russell-street, Melbourne .. ..	1556
Russell, Maisie, Art Worker, 7 Brunswick-place, Fitzroy .. ..	197, 440
Rutter, Samuel Temple, Assistant Manager, Federal Mutual Insurance Co. Ltd., Melbourne ..	1226
Saunders, Edward Alfred, Prisoner, Penal Establishment, Pentridge, Coburg .. ..	1326
Schilling, Roy, Solicitor, 379 Collins-street, Melbourne .. ..	1213, 1495
Schofield, Clive, Engineer, 65 Grosvenor-street, Balaclava .. ..	1475
Sharp, Jack, Draper, 137 Westbury-street, St. Kilda .. ..	1351
Sheehan, Cornelius John, Billiard Marker, 53 Moreland-road, Brunswick .. ..	377, 396, 413
Simpson, Frank Unwin, Constable of Police, Russell-street, Melbourne ..	1076, 1220, 1235, 1605, 1734
Sleith, Jean, Married Woman, 221 Campbell-road, Caulfield .. ..	1741
Sloan, William James, Senior Constable of Police, Russell-street, Melbourne ..	1736, 1823
Smith, Bertram Warren, Assistant Claims Clerk, Liverpool and London and Globe Ins., Co. Ltd., Melbourne	1375
Smith, Michael Joseph, Sub-Inspector of Police, Little Bourke-street, Melbourne ..	1632
Sullivan, Patrick, Inspector, Automobile Fire, &c., Insurance Co. Ltd., Melbourne ..	1181
Taudevin, Bernard Leslie, Chief Clerk, Liverpool and London and Globe Ins. Co. Ltd., Melbourne	1363, 1377
Taylor, Charles Anthony, Government Analyst, Melbourne .. ..	156
Thompson, Henry Walker, Clerk, Police Department, Russell-street, Melbourne ..	1542
Torley, Joseph William, Garage Proprietor, 449 High-street, East Prahran .. ..	21
Tremewan, William Charles, Constable of Police, Russell-street, Melbourne .. ..	1856
Turner, Adrian Charles, Typewriter Importer, 438 Little Bourke-street, Melbourne ..	1377
Waddell, Harold, Car-driver, Blyth-street, Brunswick .. ..	377, 446
Walker, Fred, Manager, Riverside-avenue, Melbourne .. ..	1400
Walsh, William Patrick, Superintendent of Police, Russell-street, Melbourne .. ..	821, 1021, 1413
Walters, George, Senior Constable of Police, Russell-street, Melbourne .. ..	207, 215
Waltho, William Gilbert, Motor Bus Proprietor, 5 Sheridan-grove, Caulfield .. ..	820, 865
Wedlock, John Verco, Company Secretary, Temple Court, Melbourne .. ..	1380
White, Irene Elizabeth, Married Woman, Ryan-street, Northcote .. ..	1541
Williams, Francis John, First Constable of Police, Wireless Patrol, Russell-street, Melbourne	1617, 1710
Williams, Michael Sydney, Solicitor, Melbourne .. ..	1056
Willis, John Edward, Clerk, General Motors Ltd., City-road, South Melbourne ..	1461
Wright, John Charles, Senior Constable of Police, Russell-street, Melbourne ..	1183
Wynne, Herbert Meredith, Sales Manager, 52 Palermo-road, Mentone .. ..	1059

A typewritten transcript of the proceedings of the Board, comprising 2099 pages, accompanies this Report.

Before reporting upon the allegations against members of the Police Force referred to in the terms of reference to the Board, I beg to submit certain specific matters by way of explanation, and for the purpose of avoiding frequent repetition when dealing with the individual allegations in respect of certain items of reference. They are—

- (A) GENERAL.
- (B) PRISONERS' STATEMENTS.
- (C) ATTITUDE OF THE POLICE DEPARTMENT TO—
  - (i) REWARDS.
  - (ii) OUT-OF-POCKET EXPENSES.
- (D) ATTITUDE OF INSURANCE COMPANIES TO REWARDS.
- (E) THE LOSS AND RECOVERY OF MOTOR CARS.
- (F) INQUIRIES MADE BY SUB-INSPECTORS DEELEY AND BROPHY.

#### (A) GENERAL.

The allegations made against members of the Police Force in respect of the recovery and/or restoration of stolen motor cars are not contained in any one document, but are gathered from statements made to Officers of the Police Department by Insurance officers, prisoners, and other persons; from the reports upon such statements made by Police Officers, and from the decisions of the Chief Commissioner of Police upon such reports.

These statements, reports, and decisions were largely quoted and commented upon in Parliament. (See *Hansard*, pp. 1232 to 1251.)

When taking the evidence of prisoners at Pentridge, the Board found that other allegations were made relating to improper action by certain members of the Police Force in respect of the method of presentation to, and the conduct before, Courts, of cases in which such prisoners were charged with offences relating to motor cars.

These allegations were not within the reference to the Board dealing with improper conduct by members of the Police Force in connexion with the recovery and/or restoration of stolen motor cars, but were so allied to the question that, upon representation being made to the Hon. the Chief Secretary, an additional reference was submitted to the Board by the Lieutenant-Governor in Council on the 30th October, 1933, viz. :—

“(4) Allegations by prisoners against members of the Police Force in connexion with stolen motor cars.”

The allegations made against members of the Police Force in respect of the reference which may be termed the “Cocaine Case” were gathered from statements made to an Officer of Police, from books and records relating to one Bolger, who was before the Essendon Court, from the report of such Officer of Police, and from the decision of the Chief Commissioner of Police upon such report.

#### (B) PRISONERS' STATEMENTS.

Certain prisoners at Pentridge made verbal statements to the Inspector-General of Penal Establishments, of which he made notes. Later, after consultation with the Hon. the Chief Secretary and the Chief Commissioner of Police, two Sub-Inspectors of Police visited Pentridge and took certain written statements from prisoners, containing a number of allegations against members of the Police Force. These statements were investigated by the two Sub-Inspectors, and reports were made by them to the Chief Commissioner on the 22nd June and the 3rd July, 1933.

The prisoners' statements above referred to were made subject to certain conditions as to their use. They were referred to in Parliament. (See *Hansard*, pp. 1238 and 1239.) The allegations contained in them have been considered at this Inquiry, and are dealt with, individually, below. The actual statements were used by Counsel assisting the Board as a Brief, and, where the prisoner consented, were put in evidence.

## (C) ATTITUDE OF THE POLICE DEPARTMENT TO—

- (i) REWARDS.  
(ii) OUT-OF-POCKET EXPENSES.

## (i) Rewards :—

A system for the distribution of rewards received for certain Police duty has been operative for many years in the Police Department, and is largely dealt with in the Police Code, which contains instructions to the members of the Force under the heading "Rewards." The *Police Regulation Act 1928* and the *Crimes Act 1928* provide penalties for offences committed in respect of rewards.

The following are the Statutory and Police Code provisions referred to :—

The acceptance by a member of the Force of a reward may in some circumstances amount to a criminal offence—

Every member of the force who takes any bribe pecuniary or otherwise either directly or indirectly to forgo his duty shall on the information of any officer of the force for every such offence be liable to a penalty not exceeding Twenty-five pounds. (*Police Regulation Act 1928*, section 67.)

Whosoever corruptly takes any money or reward directly or indirectly under pretence or upon account of helping any person to any chattel money or valuable security or other property which is by any felony or misdemeanour stolen taken obtained extorted embezzled or disposed of as in this Act before mentioned shall (unless he has used all due diligence to cause the offender to be brought to justice for the same) be guilty of felony and shall be liable to imprisonment for a term of not more than fifteen years. (*Crimes Act 1928*, section 184.)

Although the circumstances may not amount to a criminal offence the acceptance of a reward by a member of the Force is strictly regulated—

No member or members, or association of members of the Police Force, unless with the consent of the Governor in Council, shall accept any donation, subscription, or reward offered to him or them by reason of his or their holding an appointment or appointments as a member or members of such Force, by any person or persons or organization outside such Force, and irrespective of the purpose to which such gift or reward is intended to be devoted. (Police Code, paragraph 1877, as amended by Order in Council of the 25th August, 1927.)

Members of the Force are at all times carefully to avoid doing or saying anything to indicate that they consider themselves entitled to any private reward at the hands of any person who has been benefited by their exertions. (Police Code, paragraph 1875.)

Rewards will be apportioned as circumstances may require amongst members of the Force and other persons who have given information or assistance. (Police Code, paragraph 1873.)

Unless under special authority no member of the Force above the rank of Sergeant will be permitted to participate in any reward. (Police Code, paragraph 1874.)

By paragraph 508 of the Police Code, the following matters are, *inter alia*, declared to be "acts of misconduct against the discipline of the force" :—

"Any breach of the Regulations."

"Accepting reward without permission of the Chief Commissioner."

An "act of misconduct against the discipline of the force" is an offence punishable summarily. (*Vide Police Regulation Act 1928*, sections 61, 63, and 67.)

Further, by section 8 of the same Act, the Chief Commissioner of Police may from time to time discharge or dismiss any constable.

A Return obtained from the Statist for the Police Department gave details of the distribution, with the approval of the Governor-in-Council, to members of the Force of rewards received for the recovery of stolen motor cars for the years 1931 and 1932, from which the following appears :—

Year.	Total Amounts of Rewards.			Provided by Insurance Companies.			Provided by other Persons.		
	£	s.	d.	£	s.	d.	£	s.	d.
1931 .. ..	161	0	0	158	10	0	2	10	0
1932 .. ..	89	0	0	89	0	0	Nil		

With the exception of one occasion in recent years when the amount of a reward received for the recovery of a stolen car was returned to an Insurance Company because it could not be properly and justly allocated, there appears to have been no question raised in respect of rewards for the recovery of stolen property, including motor cars, or as to their distribution to members of the Force, provided proper Departmental channels were observed, and the approval of the Governor in Council obtained.



It has been shown by evidence, however, that several members of the Police Force have entered into direct negotiations with Insurance Companies for the payment of rewards for the recovery of stolen motor cars, and have, in fact, received such rewards without the knowledge of the Police Department.

In some instances they have endeavoured to justify their action by stating that they arranged for the reward to be paid direct, or through themselves, to the informer who supplied the information by means of which the stolen car had been recovered. In other instances they have used the amount of the reward received to recompense themselves for out-of-pocket expenses incurred in respect of stolen cars.

This practice is totally improper, and contrary to Departmental Regulations.

In one instance the evidence disclosed that a reward of £10 for the recovery of a stolen car was received from an Insurance Company and paid to two constables, with the approval of the Governor in Council, but four or five months before one of the said constables collected a reward of £10 from the owner of the car without the knowledge of the Police Department.

(ii) *Out-of-Pocket Expenses* :—

The accountant to the Police Department stated that members of the Police Force who necessarily incurred expenses in travelling are reimbursed under Travelling Allowance Regulations, and that the detective police receive 5s. 6d. per day allowance to reimburse them for certain out-of-pocket expenses which other police, possibly, have not to incur. This amount, however, is reduced by percentage deductions to about 3s. 9d. per day, and some of the junior detectives have not yet received such allowance.

It is very rare that money is provided through the Department for payment to informers. It was done in two instances of advertised rewards, when the approval of the Hon. the Chief Secretary was obtained on the recommendation of the Chief Commissioner of Police.

If work is done on a stolen car by the police to ascertain a secret number, or to make it fit for an exhibit at court, or to tow it from the Police Department to a court, the firm or party doing the work would make a claim in the ordinary way, when, after verification, the amount would be paid.

The proper practice is that the member of the Force should, before incurring expense, apply through the Superintendent to the Chief Commissioner of Police for authority to do so.

Members of the Force are not entitled to incur "out-of-pocket" expenses and reimburse themselves by collecting a sum for such expenses from insurance companies interested in the recovery of stolen cars or from the owners thereof.

#### (D) ATTITUDE OF INSURANCE COMPANIES TO REWARDS:

Evidence given to the Board in respect of rewards to members of the Police Force for the recovery of stolen motor cars had relation to seven insurance companies.

The following is a summary of their attitude, and contains statements of rewards dealt with by them.

(1) The Automobile Fire and General Insurance Company of Australia Ltd. had an established system for the payment of rewards for the recovery of stolen motor cars in Victoria and New South Wales.

When a motor car was reported to their company to have been stolen they immediately communicated with the Police Department and offered a reward for the recovery of the stolen car.

Up to twelve months ago they offered a fixed sum based on the amount of insurance. After that time they offered 10 per cent. of the value of the car when recovered and returned to them.

They had never been asked to pay money for informers or out-of-pocket expenses.

In respect of stolen cars dealt with by the Board the Automobile Fire and General Insurance Company of Australia Ltd. paid through the Police Department £15 reward for the recovery of the stolen car of Mr. D. D. Harris, which was ultimately received by Senior Constable Dunn and Constables Delmenico and Tremewan. They also paid £12 10s. through the Police Department in respect of the stolen car of Mr. H. Levy, this sum being ultimately received by Senior Constable Dunn and Constables Delmenico and Tremewan.



(2) The National Fire Insurance Company Limited, of Hartford, was always willing to pay rewards for services rendered.

They paid direct to one Duignan, under the name of Hill, £50 for the recovery of the stolen car of Mr. M. H. Baillieu, and also paid direct to Constable Tremewan £30, being £10 for the recovery of Mr. F. V. Dean's car, and £20 for the recovery of the car of Dr. E. Prendergast.

(3) The Liverpool and London and Globe Insurance Company Ltd. had a practice of paying rewards through the Police Department for the recovery of stolen motor cars. They thus paid to First Constables Ethell and Lee £5 each in respect of the stolen car of Mr. J. Sharp.

(4) The Royal Insurance Company Ltd. definitely did not pay rewards for the recovery of stolen motor cars, but were prepared to pay "out-of-pocket" expenses.

After a visit from Senior Constable Dunn, an amount of £2 or £3 was left in an envelope, and subsequently collected by Constable Tremewan in respect of the stolen motor car of Mr. Hill.

(5) The Federal Mutual Insurance Company of Australia Ltd., when notified of the loss of a car, wrote to the Police Department informing them of the loss, and that they were the insurers, but did not offer rewards. They, however, paid on two occasions, viz. :—£20 paid directly to Constables Lacey and Coffey in respect of the stolen car of Mr. Warner, and £6 paid directly to Senior Constable Dunn in respect of the stolen car of Mr. Wynne.

(6) The Insurance Office of Australia Ltd. never had anything to do with rewards. On one occasion their adjuster wrote to the Police Department stating that they were prepared to pay up to the amount of £10 for the recovery of the missing parts of a stolen and destroyed car.

(7) The Union Insurance Society Ltd. were not in the habit of paying rewards.

It was clearly in the minds of the responsible officers of the Royal Insurance Company Ltd. and the Federal Mutual Insurance Company of Australia Ltd., that direct application to them for rewards by members of the Police Force were irregular, because they did not obtain any receipt for the money paid over as the result of such applications, and had paid in cash instead of by cheque.

### (E) THE LOSS AND RECOVERY OF MOTOR CARS.

A Return from the Statist for the Police Department gave the number of cars stolen and recovered respectively during the years 1929, 1930, 1931 and 1932, as follows :—

Year.	Number of Cars Stolen.	Number of Cars Recovered.
1929 .. ..	1,131	1,083
1930 .. ..	1,445	1,312
1931 .. ..	1,690	1,461
1932 .. ..	997	664

The National Fire Insurance Company Ltd. of Hartford, during 1931 and the first half of 1932, suffered loss in respect of stolen cars to an amount between £3,000 and £4,000.

In August, 1932, fourteen stolen cars were recovered and fourteen persons prosecuted in respect thereof, through the activity of Constables Simpson and Davis.

At almost the same time, nine cars were recovered and four persons prosecuted in respect thereof, through the activity of Senior Constable Dunn and Constables Delmenico and Tremewan.

The Claims Manager for the National Fire Insurance Company Ltd. of Hartford, stated that since the successful efforts of the Senior Constable and Constables above referred to, his Company had not lost a single motor car by theft.

Constables Simpson and Davis, instructed by the Chief Commissioner of Police, were engaged on a search at the Motor Registration Branch for "Quick Transfers" of motor cars. As a result of their search, they obtained information which enabled them to recover stolen cars and prosecute offenders as stated above.

While they were engaged on this special duty, Senior Constable Dunn obtained from one Alan John Duignan, a list giving the false engine numbers of eleven stolen motor cars.

Senior Constable Dunn told Superintendent Walsh that he intended to go out and seize certain stolen motor cars.

No questions were asked of him in respect of the information he had received, or his method of dealing with it.

Senior Constable Dunn then went to the Motor Registration Branch and obtained several schedules of motor cars which had been set apart by Constables Simpson and Davis for their future operations. Simpson and Davis were annoyed because of Dunn's interference with the confidential work they were engaged in. This led Superintendent Walsh to call together Simpson, Davis, Dunn, Delmenico, and Tremewan, in order to bring about more friendly relations between them. Dunn stated that he was not aware of the special search being made by Constables Simpson and Davis, and in consequence of the interview with Superintendent Walsh following upon the disagreement, he asked to be relieved from investigations relating to stolen motor cars. He says that the disagreement and his relief from such investigations prevented him from recovering about 200 stolen motor cars. Simpson and Davis consider that the publicity given by Dunn's action before they had completed their search at the Motor Registration Branch interfered with the success of their operations.

The independent activity of Senior Constable Dunn, undirected as to method by a superior officer, appears to have led to the disagreement between the constables as stated above, and, possibly to the non-recovery of many stolen motor cars.

#### (F) INQUIRIES MADE BY SUB-INSPECTORS DEELEY AND BROPHY.

Sub-Inspector Deeley received information from two sources relating to rewards being obtained by Senior Constable Dunn for the recovery of stolen motor cars. He discussed the matter with Superintendent Walsh, and was instructed to make inquiries.

He interviewed three persons connected with an Insurance Office, and was shown a letter written by Mr. W. P. Jones to that office. Upon the information he received, and without questioning Senior Constable Dunn, he made a report containing conclusive statements to Superintendent Walsh, dated the 27th September, 1932.

Later, Sub-Inspectors Deeley and Brophy interviewed Senior Constable Dunn, and made a report signed by Sub-Inspector Deeley dated the 9th November, 1932.

At the interview with Senior Constable Dunn, the services of a shorthand writer and typiste employed in the Criminal Investigation Branch were obtained.

She took what purported to be a verbatim report of the questions, answers, and statements made at that interview. After the examination she transcribed two copies of her shorthand notes. One was placed on the official file and one retained by Mr. Deeley.

Inadvertently Sub-Inspector Deeley's copy was destroyed, and he asked the typiste to make again a transcription of her notes to replace his lost copy.

It has appeared for the first time from evidence before the Board that the first and second transcriptions of the shorthand notes contain a number of differences in translation, some of them differences which cannot be accounted for by an incorrect reading of the shorthand characters used. The transcripts, on the whole, however, are word for word the same. The shorthand notes have since been destroyed.

The transcript of the questions, answers, and statements at this interview was not shown to Senior Constable Dunn, no copy of such transcript was given to him, he was not asked if the transcript was accurate, or requested to read and sign it.

Senior Constable Dunn now denies that he made some of the answers and statements recorded in the transcript. One recorded statement is "I gave him" (Duignan) "£25 out of my own pocket to pay Golding for the car." This statement he denies making. Another statement "I have him" (Duignan) "£25 out of my own pocket for the recovery of this and other cars" he admits is correct. These quotations are identical in both transcripts.

The typist stated that she had been two and a half years in the Police Department. It was rarely she took a shorthand note. They were talking very fast, and she found difficulty at the time in getting it down. She pulled them up several times, but it did not have much effect. It would be right to say she would get down the sense of what was said to keep up with them.

## FIRST TERM OF REFERENCE.

## SERIOUS ALLEGATIONS OF IMPROPER CONDUCT MADE AGAINST CERTAIN MEMBERS OF THE POLICE FORCE IN CONNEXION WITH THE RECOVERY AND/OR RESTORATION OF STOLEN MOTOR CARS.

*Allegation that Senior Constable Dunn was co-operating with Insurance Companies and their Agents to secure Stolen Cars without taking action to arrest or convict the Thieves.*

There is no evidence to show that any Insurance Company or the agent of any Insurance Company co-operated with Senior Constable Dunn to secure stolen motor cars without taking action to arrest or convict the thieves.

Senior Constable Dunn recovered nine stolen motor cars between the 3rd and the 8th August, 1932. Certain criminals were convicted in respect of offences relating to five of these cars. No arrest was made in respect of the remaining four, because, after certain inquiries were made, the Superintendent of the Criminal Investigation Branch, having perused the whole of the files relating to these cars, advised that no proceedings were to be taken.

*Allegation that Senior Constable Dunn conspired with a well-known Criminal to levy Blackmail on certain Insurance Companies and Individuals to secure the Return of Stolen Motor Cars, the holder of which was known to him.*

This allegation is taken from *Hansard*, page 1233, and appears to have been founded on the reports of Sub-Inspector Deeley dated the 27th September, 1932, and the 9th November, 1932.

In a statement received by Sub-Inspector Deeley from an Insurance Claims Manager prior to his report of the 27th September, 1932, it appeared that Senior Constable Dunn accused the Claims Manager of going over his head in offering rewards, and said that he (Dunn) was the only person who could disentangle the cars and knew whose was whose, and that he was going to do everything in his power to prevent the Company getting possession of the cars.

In his report of the 27th September 1932, Sub-Inspector Deeley, referring to Dunn's alleged statement said "This savours very strongly of blackmail."

From the evidence before the Board it appeared that Insurance Companies desired to obtain early delivery of stolen cars which had been recovered and were insured by them so as to prevent the deterioration occasioned by allowing them to remain for very long periods in the police yard waiting for the conclusion of prosecutions and appeals.

In reference to this matter Senior Constable Dunn and the Claims Manager above-mentioned had a heated altercation when the Claims Manager alleged Dunn said he would prevent the Company getting the cars.

When giving his evidence to the Board, the Claims Manager, in cross-examination, said that Dunn may have meant that he (Dunn) would prevent the Company getting the cars before they were ready to be delivered to the Company in due course of time. Probably he did.

This new aspect was put to Sub-Inspector Deeley when giving his evidence. He said it was a different statement from that which was before him, and it would have put a different version on that part of the matter (his report) if he had had it before him at the time he made it.

Senior Constable Dunn in the course of his duty came into touch with many criminals for the purpose of obtaining information in respect of the criminal acts of others. This is undoubtedly a general practice on the part of members of the Criminal Investigation Branch, and it has the approval of superior officers.

Senior Constable Dunn said his first conversation with Duignan occurred in May, 1931, although he knew him by repute before that time.

In May, 1931, Dunn brought Duignan to the Criminal Investigation Branch after the recovery of a stolen motor car, the property of Mr. Walker, and questioned him as to his part in the theft. He found that Duignan had been hired by a solicitor to "re-possess" the motor car on behalf of another person who claimed ownership of the car. That fact was proved in evidence before the Board.

Duignan was believed by Senior Constable Dunn and other members of the Criminal Investigation Branch to be associated with car thieves and to be assisting them to dispose of stolen cars, and from May, 1931, until Duignan's arrest in September, 1932, Dunn cultivated an intimacy with Duignan. They met frequently in the streets, at a certain hotel, and at a garage called the "Goldberg Manufacturing Company", run by Duignan, Kelly, and Golding, and called by Senior Constable Dunn himself a "mystery joint".

About the end of July, 1931, following upon this intimacy, Duignan asked Dunn to try to find the secret numbers on Chevrolet motor cars. Dunn went to General Motors Limited, a company which distributes Chevrolet cars throughout Australia, and was told there was no secret number on Chevrolet cars. When Dunn informed Duignan of his failure Duignan said "They don't know their own cars." Duignan told Dunn that dozens of stolen cars were re-dueced, re-upholstered, the parts changed, and driven around Melbourne, while many others so treated were sent to New South Wales, and Cairns, Queensland.

Senior Constable Dunn said he then offered Duignan £25 if he would tell him where the secret engine numbers were to be found. In response to this, Duignan said the insurance companies were offering big rewards for the recovery of cars, and he expected to get them. Dunn told Duignan, "You will get the rewards provided you are not in the thieving, and after my expenses are paid." Duignan then told Dunn how to find the secret engine numbers in Chevrolet motor cars. Dunn then went to General Motors, and there had a car examined, the secret engine number being found at the place indicated by Duignan.

When next Senior Constable Dunn saw Duignan he told Duignan of his examination of the Chevrolet car, and ultimately obtained from Duignan a list of the secret engine numbers of ten stolen motor cars, the known engine numbers of which had been altered and false numbers substituted. Senior Constable Dunn produced this list to the Board.

Senior Constable Dunn said he paid Duignan £25 of his own money for this information. Duignan said Dunn did not pay him £25 for the information dealing with the secret numbers in Chevrolet cars.

From the list of secret engine numbers supplied by Duignan, Dunn recovered nine cars, the secret numbers of which were between 1,008,531 and 1,008,540, and the thieves of five of the said cars, including Duignan himself, were prosecuted to conviction. Proceedings in respect of the remaining four cars were not taken for want of evidence, and on the advice of Superintendent Walsh.

Senior Constable Dunn had other relations with Duignan, particularly with reference to a stolen car referred to before the Board as "Baillieu's car".

Mr. Baillieu's Graham-Paige car, stolen on the 9th March, 1932, was insured with the National Fire Insurance Company Limited of Hartford.

Duignan said he told Dunn that he knew of a Graham-Paige car which, he said, had been stolen by Golding, and asked Dunn to ascertain if the insurance company would pay a reward for the car if Duignan could obtain it for them. Later Dunn said the company would pay a reward, he thought Dunn said £50. Duignan then undertook to let Dunn know where the car would be at a certain time, but declined to give further evidence of the arrangement.

Senior Constable Dunn said that Duignan informed him that the Graham-Paige car would be dumped; that he (Duignan) could get the car, but would have nothing to do with it if the man who brought it in was "put on the spot" (which means caught while delivering the car). Senior Constable Dunn said further he was informed that Golding had stolen the car, but did not consider it fair to ask Duignan to let him know when and where the car was to be left before it really happened, as that would be "putting a man on the spot", and, rightly or wrongly, Dunn did not think it was a fair thing to ask Duignan to do. The question of the reward to be paid by the insurance company was raised by Duignan. Dunn told Duignan he would see the company.

The Superintendent of the insurance company said that Senior Constable Dunn called at his office on the 3rd August, and said that his informant knew where Baillieu's car was to be found, and also other cars. The Superintendent asked if Dunn's informant was the thief. Dunn replied "No", but if the company paid a reward, it was more than likely he would be able to trace the actual thief of this and other cars. It would clear up a lot of cars, and the man would produce this car if paid a suitable reward. Senior Constable Dunn was told he would have to deal with the adjuster.

On the 5th August, Senior Constable Dunn again called on the Superintendent, and said he had seen the adjuster, who offered a reward of £10 for his informant, and that he had submitted it to his informant, who said he would not risk his neck for a sum like that. Dunn then asked the Superintendent of the company if the Company would increase the reward, and said that if the Company could treat this man generously, it would be the means of clearing up quite a lot of cars. After consultation with the General Manager, it was decided that if the car was damaged, the Company would pay £25, but if found in good order, the company would treat the informant liberally. Dunn was asked how the Superintendent would know the informant when he called. Dunn said "Give me your card." It was given, and Dunn said "Look, if this car is found in good condition treat this informant generously", because, if the company did that it would be the means of considerably helping him in clearing up a lot of these car thefts.

On the 6th August, Senior Constable Dunn called again, and told the Superintendent that his informant would produce the car. The Superintendent went with Dunn and a clerk who had a driver's licence, and recovered the car in William-street, opposite the Australian Club. The car had a false registration number.

The Superintendent further stated that a man who gave the name of Hill called for the reward on the 8th August. When told there was £30 for him he said the reward was to be £50. After some argument, it was agreed that if the car was certified in good condition the company would pay £50. Later "Hill," who was afterwards identified by the Superintendent as Duignan, called and received a cheque for £50, giving a receipt in the name of Hill.

Duignan declined to say if he gave any of this sum of £50 to Senior Constable Dunn. In an interview with General Blamey, however, Duignan said that Dunn got no part of the £50. Senior Constable Dunn said that he did not know the actual amount paid to Duignan, and got no part of it.

Another matter in respect of the recovery of a motor car in which, it is alleged, Senior Constable Dunn was associated with Duignan, has reference to Mr. Waltho's car.

Duignan said he told Senior Constable Dunn about Mr. Waltho's car, and arranged that it was to be returned to Mr. W. P. Jones. Duignan himself wished to run no risk. Duignan saw Mr. Jones about it, and asked Dunn would it be quite all right. Dunn told Duignan that as he would give Dunn no information to help him convict the thief, he could deal with Mr. Jones in the matter; that the company had offered a reward; and that Mr. Jones was dealing with it.

Duignan rang Mr. Jones and arranged to deliver the car to him. The person who had the car drove it to the front of Broken Hill Chambers and left it there. Duignan saw Mr. Jones and he took delivery of the car. Dunn had told Duignan the reward was £20. Duignan declined to say if he got the reward or to state his conversation with Senior Constable Dunn after the car was delivered.

Mr. W. P. Jones said he was an "investigator". He had acted for the National Fire Insurance Company Limited of Hartford. He was asked in July, 1931, by the manager of that company to do their inquiries for stolen motor cars, and from that time onwards he received copies of claims to investigate. On the 17th July, 1931, he got from the manager a claim relating to Mr. Waltho's car to investigate. The manager told Mr. Jones that Senior Constable Dunn rang to say he thought Waltho's car could be recovered. Mr. Jones was asked to see Dunn and say that the company would guarantee £20 reward for his informer, but that the money was to be paid through Mr. Jones. Mr. Jones saw Senior Constable Dunn and informed him. Three days later Senior Constable Dunn rang to say that his man would hand the car that day to Mr. Jones direct. The same day a man called and told Mr. Jones the car was there. Mr. Jones told the Claims Manager "My joker called on me all right. He knows where the car is," and was paid £20 in notes, for which he gave his receipt.

Mr. Jones returned to his office where Duignan was waiting for him, and, with Duignan, went to the car in Bond-street, where he said he paid Duignan £20, and afterwards rang Russell-street to tell them that the car had been recovered.

Mr. Jones said that that was the first time he had spoken to Senior Constable Dunn about a reward. He had been instructed by the Claims Manager to do so.

Senior Constable Dunn said he never made any arrangement with Mr. Jones for a reward for himself in any shape or form. The only reward that he discussed was for his agent.

Mr. W. G. Waltho said that, at the request of a constable at Caulfield, he went to the Criminal Investigation Branch and saw Senior Constable Dunn there, who asked him a lot of questions about the description of the car which had been stolen from him, and about the company where it was insured. After receiving the information asked for, Senior Constable Dunn said he had an idea he could pick up the car, but his informant wanted some sort of reward. Dunn was told by Mr. Waltho to see what the insurance company had to say about it. He did not know if Senior Constable Dunn got anything, but his car was recovered six weeks later.

Senior Constable Dunn denies Mr. Waltho's evidence which relates to the reward and the insurance company, but he did tell Mr. Waltho that he (Dunn) would have to pay for information to get the car. Senior Constable Dunn also said that Mr. Jones rang to say that his company was offering £20 reward, and that he (Dunn) spoke to Duignan about the car. Duignan asked "Will I get the reward?" and was referred to Mr. Jones.

I find—

(1) That there was an unreasonable intimacy between Duignan and Senior Constable Dunn in relation to stolen motor cars. Senior Constable Dunn endeavoured, with a measure of success, to use Duignan in the recovery of stolen motor cars, and Duignan used Senior Constable Dunn for the purpose of obtaining a reward from the National Fire Insurance Company Limited of Hartford for the recovery of the car of Mr. Baillieu.

(2) That there was no evidence to show collusion between Duignan and Senior Constable Dunn to levy blackmail on insurance companies or individuals to secure the return of stolen motor cars, the holder of which was known to him.

(3) That Senior Constable Dunn was told that the Graham-Paige car of Mr. Baillieu was stolen by Golding, and did not take any steps to inquire into the truth of such information.

*Allegation that Senior Constable Dunn knew where certain Cars were and that he caused Sums varying from £20 to £50 to be paid to Duignan, and the Cars were returned on the understanding that the Sums named would be paid.*

This allegation is taken from *Hansard*, page 1233.

Senior Constable Dunn recovered twelve motor cars which had been stolen, known to the Board as—

- (1) Walker's car ;
- (2) Baillieu's car ;
- (3) Waltho's car ;
- (4) Dean's car ;
- (5) Wood's car ;
- (6) Levy's car ;
- (7) Hill's car ;
- (8) Mitchell's car ;
- (9) Prendergast's car ;
- (10) King's car ;
- (11) Harris's car ; and
- (12) Wynne's and Newland's car.

The last-mentioned car was made up of parts of two cars which originally were owned one by M. Wynne and the other by Mr. Newland.

The facts with regard to the recovery of these cars are shortly stated as follow :—

(1) *Walker's Car* :—

A car owned by Mr. Walker was taken from Little Collins-street on the night of the 21st May, 1931, and reported stolen to the Criminal Investigation Branch. Next day some person rang Mr. Walker, asking what he was prepared to pay for information relating to his car. An appointment was made with a promise that the police would not be present. The man called and asked for £50. He was told to think it over. Mr. Walker, at the Criminal Investigation Branch office, identified the photograph of Duignan as that of the man who interviewed him. Mr. Walker said, "I think my car is gone." Senior Constable Sloan, in Senior Constable Dunn's presence, said, "If the car is still about we can get it for you." Mr. Walker said, "I'll bet you £20 to nothing you cannot get it within a week." Senior Constable Sloan said, "We are not concerned with your bet. It is our duty to trace offenders and recover your car."

Senior Constables Sloan and Dunn made inquiries, and Sloan's informer told them where the car was. Sloan and Dunn recovered the car the next morning. It was identified by Mr. Walker, who paid them £20 as promised. Senior Constable Sloan said he paid the whole of the money to his informer.

A rival owner of the car, who had through his solicitor secured its removal from Little Collins-street, appeared at the Criminal Investigation Branch before Mr. Walker left. An argument arose between them as to ownership. The question was submitted to Superintendent Walsh, who advised that Mr. Walker should take the car, and that the disputing owners could settle their rights by civil action in the courts.

(2) *Baillieu's Car* :—

Particulars in respect of this car have been given under the allegation immediately preceding that now under consideration. A reward of £50 was paid direct to Duignan by the National Fire Insurance Company Limited of Hartford for the recovery of this car.

(3) *Waltho's Car* :—

Particulars in respect of this car have been given under the allegation immediately preceding that now under consideration. A reward of £20 was paid by the National Fire Insurance Company Limited of Hartford to Mr. W. P. Jones for the recovery of this car. Mr. Jones said he paid the £20 so received to Duignan, who said he did not receive that sum.

(4) *Dean's Car* :—

Mr. Dean's Chevrolet car was stolen, and the loss reported to Constable Delmenico, who made no suggestion of a reward.



This car was brought to Russell-street by the person in possession of it, at the request of Senior Constable Dunn. It had been traced by means of the secret numbers obtained by Dunn from Duignan. Golding was convicted for the theft of this car.

A reward of £10 was paid by the National Insurance Company Limited of Hartford direct to Constable Tremewan without authority from the Governor in Council.

(5) *Wood's Car* :—

Mr. Wood's car was recovered by Senior Constable Dunn and Constables Delmenico and Tremewan, and identified by Mr. Wood. It was traced by the secret engine number. The thief was convicted. There is no suggestion of a reward being asked from any insurance company or other person in respect of this car.

(6) *Levy's Car* :—

Mr. Levy's car was stolen about two years ago. It had been insured with a company which followed the practice of offering a reward through the Chief Commissioner of Police for the recovery of a stolen car as soon as it was reported to have been stolen.

The car was recovered and identified through the secret engine number given by Duignan to Senior Constable Dunn, and the reward of £12 10s. was paid with the approval of the Governor in Council.

No demand was made upon the owner of the car for a reward.

(7) *Hill's Car* :—

Mr. Hill's car was sold at Campbell's Motor Auctions by "Hardy" or Kelly. It was reported stolen on the 23rd October, 1931. Senior Constable Dunn traced it by the secret engine number given to him by Duignan, and requested the then owner to bring it to Russell-street, which he did. It was subsequently identified. It had been insured. "Hardy" was identified by Campbell and Ashdown, and subsequently convicted.

Two months later Senior Constable Dunn visited the insurance company and said work had to be done on the car. The nature of the work stated to the adjuster, upon Dunn's information, to have been done does not agree with the police evidence of the actual work done. A sum for the expense incurred, said to be £3 by the adjuster, and said to be £2 by Constables Delmenico and Tremewan, was subsequently collected by Constable Tremewan and divided between Constables Delmenico and Tremewan. Each received £1.

No demand was made at any time upon the representative of Mr. Hill, who visited Russell-street, for a reward.

(8) *Mitchell's Car* :—

Mr. Mitchell's car was reported stolen, and was recovered through the secret engine number, obtained by Senior Constable Dunn from Duignan. Duignan was subsequently arrested by Senior Constable Dunn, and convicted in respect of this car.

No reward was received for the recovery of this car.

Mr. Mitchell said that he was pleased that his car was recovered, and that he offered Constable Tremewan £5 as a reward, when Tremewan said that the usual thing was 10 per cent. of the amount insured. He had had to pay for information.

Constable Tremewan said he told Mitchell he had had enough expenses, and should not pay anything, as some of the insurance companies were offering a 10 per cent. reward.

Senior Constable Dunn was not present at that conversation, and said that he knew nothing about any discussion regarding rewards.

No reward was paid in respect of this car.

(9) *Prendergast's Car* :—

Dr. Prendergast's car, which he had insured, was stolen about two years ago. Ten months later he heard that it was recovered. He identified it at the Criminal Investigation Branch, where he saw Constable Delmenico. No suggestion was made to him regarding the payment of a reward.

This car was recovered through the secret engine number, obtained by Senior Constable Dunn from Duignan, and was traced to Helmore Motors. No action was taken against Helmore on the advice of the Superintendent of the Criminal Investigation Branch. A civil action between the owner of this car and the insurance company was settled out of court.

The insurance company, in respect of this car, paid a reward of £20 direct to Constable Tremewan without authority from the Governor in Council.



(10) *King's Car* :—

Duignan said that a man named Johnson asked him if he could find King's car. Later, Senior Constable Dunn asked Duignan if he could find King's car, and mentioned a reward of £50. Duignan said he thought that he could get it, but that Dunn was to see he (Duignan) got the reward. Senior Constable Dunn said he would, but the first thing was to get the car back. He would see about the reward offered. Duignan said he would have nothing to do with it if there was to be a prosecution, and Dunn said that that could be arranged.

This car was recovered by means of the secret numbers obtained by Senior Constable Dunn from Duignan.

Senior Constable Dunn requested the alleged owner to bring the car from Culgoa to Russell-street. The car was traced back to Helmore Motors. Superintendent Walsh advised that no action should be taken against Helmore, and the car was then returned to the rightful owner.

Mr. King could not be found to give evidence before the Board.

There is no evidence of any reward having been paid in respect of this car.

(11) *Harris' Car* :—

The car of Mr. Harris was recovered by means of the secret engine number, obtained by Senior Constable Dunn from Duignan. It was traced to Helmore Motors. Superintendent Walsh advised that no prosecution should be commenced against Helmore, and the car was then returned to the owner.

A reward of £15 was paid for the recovery of this car, with the approval of the Governor in Council.

The owner attended at the Criminal Investigation Branch in order to identify the car. No suggestion was made to him that he should pay a reward.

(12) *Wynne's and Newland's Car* :—

This car was recovered by Senior Constable Dunn and Constable Tremewan, and was found to be made up of parts of two stolen cars.

Two insurance companies claimed an interest in the car, and a third party claimed the whole car. Interpleader proceedings were taken, and ultimately an order was made by consent of the parties.

When the car was recovered the Claims Officer of one of the insurance companies attended at the Criminal Investigation Branch and saw Senior Constable Dunn.

Senior Constable Dunn said that it cost money to get information and asked if the insurance company offered a reward. The Claims Officer said that he would speak to the manager about it. Some months later he got possession of the car. Later, after speaking to the manager, the Claims Officer rang Senior Constable Dunn, and said that the insurance company were prepared to pay £6. Senior Constable Dunn said he was out of pocket to this extent. The amount was fixed as being 7½ per cent. of the value of the car. Senior Constable Dunn went to the insurance company's office and collected £6 without the authority of the Governor in Council.

I find—

(1) That Senior Constable Dunn did not know where certain cars were.

(2) That Senior Constable Dunn was distinctly instrumental in causing £50 to be paid to Duignan for the recovery of Mr. Baillieu's car, and that the said car was returned on the understanding that a substantial reward would be paid; but it was not proved that he knew where the car was up to the time of its recovery.

(3) That a reward of £20 was paid to Mr. W. P. Jones for his informant Duignan for the recovery of the stolen car of Mr. Waltho, and that the said car was returned on the understanding that the said amount would be paid, but there is not sufficient evidence to prove that Senior Constable Dunn was concerned in causing the said sum to be paid.

*Allegation that Mr. W. P. Jones, an ex-detective, approached an insurance office in connexion with Eleven Stolen Cars, and demanded Rewards amounting to £140 for the recovery of Four Cars; that Senior Constable Dunn knew of the existence of these Cars, and that Mr. Jones acted as go-between, i.e., between Senior Constable Dunn and Duignan.*

This allegation is taken from *Hansard*, page 1233. It is founded upon a letter written by Mr. W. P. Jones to the manager of the National Fire Insurance Company Limited of Hartford, of which the following is a copy:—

William P. Jones,  
Investigator,  
31 Queen-street, Melbourne,  
30th August, 1932.

The Manager,  
National Fire Insurance Co. (Ltd.) of Hartford,  
31 Queen-street,  
Melbourne, C.I.

*Re Stolen Motor Cars—Recovered by Police.*

DEAR SIR,

I respectfully report for your information that in connexion with the list of stolen motor cars which are insured by your Company and which were submitted to me for attention, and following your arrangement with me that your Company were agreeable to pay a reward for the recovery of such cars, I have to advise you that after my collaboration with Senior Detective Dunn of the C.I. Branch, certain action was arranged and an agent was dispatched with a view to recovering at least eleven cars.

Following this action, the undermentioned cars were recovered which are insured by your Company, i.e. :—

H. V. Dean ;  
Dr. Prendergast ;  
Mr. Mitchell ; and  
Mr. Newlands.

The last two persons I did not receive the loss of these cars from your office.

Two offenders have been arrested and stand committed for trial in connexion with these cars, and a third offender is expected to be arrested at any time. The first three cars can be taken possession of by the Company next week, but the third car is held by the police as an exhibit pending the arrest of the offender which the police are now after.

I, therefore, respectfully submit the following recommendation, that the sum of £50 be paid as a reward in respect to Dr. Prendergast's car, that the sum of £30 each be paid as a reward in respect to the cars of the other three insured, Dean, Mitchell, and Newlands.

I would ask that these sums be paid through me that I can pay the informer Mr. X.

Yours faithfully,

W. P. JONES.

Mr. W. P. Jones is an investigator. He had business relations in respect of stolen motor cars and other matters with several insurance companies, including the National Fire Insurance Company Limited of Hartford. In the case of the recovery of Mr. Waltho's car he was paid £3 3s. for his services by the said company.

Mr. Jones said in his evidence that the Claims Manager of the said company advised him that the company would pay £50 reward for the recovery of Dr. Prendergast's car rather than lose the car altogether, and asked Mr. Jones to make a special effort about it. Mr. Jones saw Senior Constable Dunn and told him the information the Claims Manager had given Jones about the £50 reward. Mr. Jones at that time gave Senior Constable Dunn a list of lost or stolen motor cars which had not been recovered. This list was made up by Mr. Jones from instructions to investigate he had received from various insurance companies.

Senior Constable Dunn had told Mr. Jones, when returning the list to him, that Mitchell's car and Newland's car had been recovered, and Mr. Jones wrote in pencil on his list the words "Chev. Mitchell," "Chev. Newlands."

Mr. Jones' original list included the particulars of Dr. Prendergast's car.

Duignan said that Mr. Jones gave him a list of cars that were missing, and told him there were rewards for them when recovered. He thought Mr. Jones said the minimum reward was £20. The list included several cars insured by the National Fire Insurance Company Limited of Hartford. One belonged to Dr. Prendergast, an extra good car. He (Duignan) did not remember much about the others.

Mr. Jones denied having given a list of missing cars to Duignan.

Mr. Jones further said he had general instructions from the Claims Manager of the said company to recover cars, and that the company would pay rewards from £10 to £50.

When he gave his list to Senior Constable Dunn he told him there would be a reasonable reward for any of these cars. He also told Dunn the reward for Dr. Prendergast's car would be £50, and for the others between £10 and £50, based on the value of the cars, and that Senior Constable Dunn said he would do the best he could for Jones.

Mr. Jones also said he was in close collaboration with the manager of the said company.

The manager said he did not think he had ever spoken to Mr. Jones regarding stolen cars in particular. He had given him an odd case or two, possibly. Mr. Jones' conversation would be with the Claims Manager.

Senior Constable Dunn, the manager, and the Claims Manager disagree with some of the evidence of Mr. Jones.

I am of opinion that Mr. Jones was not in collaboration with the manager of the said company.

The statement in his letter to the manager that an agent was despatched with a view to recovering at least eleven cars was incorrect. Nine cars recovered by Senior Constable Dunn and his assistants, including those of Mr. Dean and Dr. Prendergast, insured with the said company, had been recovered and were then in the police yard.

In respect of his recommendation for rewards for four cars Mr. Jones said he did not speak to Senior Constable Dunn about the rewards for them, but told Dunn he would make his recommendation to the company to pay £50 for Dr. Prendergast's car and £30 each for the other three cars. He said he made his recommendation to give the company a starting point.

Mr. Jones had seen Senior Constable Dunn in the course of the investigations he had been making and Dunn had spoken to him of his activities from time to time.

I am of opinion that Mr. Jones, having been instructed by the said company to investigate the loss of the cars of Mr. Dean and Dr. Prendergast, wrote what he considered to be a clever business letter, and presumed to give instructions to the manager in respect of the rewards which should be paid.

I find—

(1) That Mr. Jones did not approach the insurance office in connexion with eleven stolen motor cars.

(2) That Mr. Jones did not demand rewards amounting to £140 for the recovery of four cars, but did make a recommendation to the manager to pay rewards for four cars amounting to £140.

(3) That Senior Constable Dunn knew of the existence of these cars because they were at the time the letter was written in the police yard, having been recovered by himself and others.

(4) That Mr. Jones was endeavouring to get information with regard to the list of stolen cars he was inquiring into on behalf of various insurance companies from Senior Constable Dunn and Duignan, but did not act as a go-between in respect of these cars.

*Allegation by an Officer of the Federal Mutual Insurance Company of Australia Limited, that twelve or eighteen months before November, 1932, a Reward of £5 for the recovery of a Stolen Motor Car was paid to a Constable of the Wireless Motor Patrol, whose name he, thought, was Howard.*

Constable W. T. Howard joined the Wireless Patrol in June or July, 1931. No other constable named Howard was in the Wireless Patrol service from that time to the present. There are, however, several persons named Howard in the Police Force.

During his association with the Wireless Patrol, Constable W. T. Howard recovered many motor cars insured by companies. He denied having at any time received a reward for the recovery of a motor car from any insurance company or person.

There is no evidence that Constable W. T. Howard of the Wireless Patrol received a reward from the Federal Mutual Insurance Company of Australia Limited or from any person whatsoever.

*Allegation that Constables Coffey and Lacey received £20 from the Federal Mutual Insurance Company of Australia Limited for the recovery of a Stolen Buick Car.*

Constable Lacey stated that an informer whom he questioned about other matters volunteered information that he knew where a stolen Buick car was hidden. He and Constable Coffey consulted the records of stolen cars, in which was mentioned a stolen car similar to that described by the informer.

They informed the Superintendent of the facts, and that the man would give no further information without a reward of £20.

The Superintendent said it was a matter for the insurance company. They asked him would it be wrong for them to see the insurance company, and he said "No." They communicated with the company, who ultimately agreed to pay the reward asked for.

The informer was told that he would be paid. He gave the necessary information, the car was recovered, and the thief convicted. Later, when the car was returned, they took their informer to the insurance office. Lacey there received £20 in cash, for which no receipt was given, and he paid the money over to the informer in the presence of Constable Coffey.

Constable Coffey corroborated the evidence of Constable Lacey.

I find that Constables Coffey and Lacey received a reward for the recovery of a stolen motor car without the requisite authority of the Governor in Council. There is no evidence to refute their statement that the reward so received was paid to an informer.

*Allegation that by arrangement with the Police a Baby Austin Car was left on the Street outside the Titles Office and driven away by either Constable Lyon or Constable Simpson.*

In giving evidence before the Board the prisoner Edward Alfred Saunders stated that the person who stole the Baby Austin car was required by the police to give it up or be arrested, and that, by arrangement with the police, the car was left near the Titles Office, where three detective police entered it and Constable Lyon drove the car away.

Previously, in a statement made to the Inspector-General of Penal Establishments, Saunders stated that Constable Simpson drove the car away.

Constables Lyon and Simpson deny that they at any time found a Baby Austin car near the Titles Office and drove it away.

Neither Constable Lyon nor Constable Simpson can drive a motor car of any kind.

I find that the statements of Saunders in respect of this allegation are untruthful.

*Allegation by the prisoner Arthur Golding that he took a Graham-Paige Car to the Eastern Market Garage and left it there, and that the prisoner John Francis Kelly rang up First Constable Ethell for the Reward.*

Golding stated that he could not sell or dispose of a stolen Graham-Paige car as he had had dealings with it and everybody knew. He took the car to the Eastern Market Garage and left it there, and asked that the battery should be attended to. John Francis Kelly rang up First Constable Ethell and asked for the reward from the insurance company, as they wanted a "chip" out of it.

Mr. Sharp's Graham-Paige car was stolen in November, 1931, and he reported the loss to the police. The car was insured with the Liverpool and London and Globe Insurance Company Limited, who, following their usual practice, offered a reward for its recovery through the Police Department.

The manager of the Eastern Market Garage stated that the Graham-Paige car was brought to the garage on the 11th December, 1931. It was taken away on the 6th January, 1932, by First Constable Ethell. The manager and owner of the garage stated that the car had not been at the garage so long as to cause them to communicate with the police.

The owner of the garage further stated that one of his attendants told him of a dispute having arisen between the manager and an officer from the insurance company at the garage. He went to the car, and saw the manager and the insurance officer. He left them, and rang up First Constable Ethell to come to the garage.

The manager has no recollection of any conversation which took place on that occasion. Mr. Sharp, First Constable Ethell, and First Constable Lee each said he rang up the insurance company.

First Constable Ethell said that the manager of the garage asked him over the telephone to come to the garage. He went, and was shown the Graham-Paige car, made a note of the registration and engine numbers, and rang First Constable Lee, asking him to look up the record. First Constable Lee came to the garage with the record of the car, which he traced by the engine number. The registration number was incorrect. From the record it was found that Mr. Sharp was the owner of the car. First Constable Ethell says that he instructed First Constable Lee to ring up Mr. Sharp and the insurance company.

Mr. Sharp, whose place of business is near by, came to the garage and identified the car. The insurance officer says he was asked by First Constable Ethell to come to the garage as the stolen car was there. When he arrived First Constable Ethell and Mr. Sharp were at the garage. He does not remember if First Constable Lee was there at the time. First Constable Ethell says it was there that a dispute arose between Mr. Sharp and the insurance officer.

I find that the allegation that First Constable Ethell went to the Eastern Market Garage in consequence of information received from Golding for the purpose of obtaining the reward and sharing it with the thieves has not been proved.

*Allegation that First Constable Ethell received Rewards from the Insurance Company and also from the owner of a Graham-Paige Car.*

A Graham-Paige motor car stolen from Mr. Sharp was found at the Eastern Market Garage and identified by Mr. Sharp. No one at the garage knew who was the person who left the car there. The attendant who was present when it was brought to the garage was shown several photographs of criminals, but could not identify any of them. The car was brought to the garage on the 11th December, 1931, and removed to Russell-street on the 6th January, 1932.

Mr. Sharp recovered his car from Russell-street, and on the 12th January, 1932, at his shop in Bourke-street, gave First Constable Ethell an open cheque for £10 as a reward for the restoration of the car. He produced his cheque-book and the cheque which he said he had given to First Constable Ethell. No receipt was obtained.

About six months later the insurance company wrote to the Police Department, forwarding a receipt form for £10, and stated that they desired to pay the reward they had offered for the recovery of this car. The receipt of the reward was approved by the Governor in Council, and First Constables Ethell and Lee took the file to the Liverpool and London and Globe Insurance Company Limited, and collected £5 each, giving receipts for the same.

I find that First Constable Ethell received an unauthorized reward from Mr. Sharp, and afterwards, with First Constable Lee, received the reward offered by the insurance company and approved by the Governor in Council.

*Allegation that Constable Delmenico and Constable Tremewan received £30 from the National Fire Insurance Company Limited of Hartford for the recovery of Two Stolen Motor Cars, viz., £10 and £20 respectively.*

Two stolen Chevrolet sedan motor cars were recovered by the efforts of Senior Constable Dunn and Constables Delmenico and Tremewan, their identity being traced from the list of secret engine numbers supplied by Duignan to Senior Constable Dunn.

After their recovery and proceedings ended, the cars were returned to the National Fire Insurance Company Limited of Hartford. Mr. Allerton, Claims Manager of that company, paid direct to Constable Tremewan £30 for rewards in respect of such cars.

Constables Delmenico and Tremewan said they discussed the payment of £30 by the National Fire Insurance Company Limited of Hartford, and decided to collect the rewards as there was trouble in the Department over the recovery of stolen cars.

Constable Delmenico said he was out of pocket £20 or £30, and he considered it was "a pound to a gooseberry" that he could not get it. Constable Tremewan then went out and collected the said sum of £30. Constable Delmenico received about £23 10s. and Constable Tremewan, £3 10s. Constable Delmenico said that Senior Constable Dunn got nothing. Constable Tremewan said that Dunn got about £2 12s. 6d. to reimburse him for the purchase of goods from Stokoe Motors.

Constables Delmenico and Tremewan disagree as to the actual amounts received by them, but each said that his proportion was to reimburse him for expenses, and that after the receipt of the money they were still out of pocket.

Constable Delmenico, who seems to be reckless with his private finances, made a statement of the amount he had expended for the recovery of cars, which appears to be unbalanced and equally reckless.

Constable Tremewan said that he also made himself responsible for the unbalanced expenditure incurred by Constable Delmenico.

I find that Constable Delmenico and Constable Tremewan received £30 from the National Fire Insurance Company Limited of Hartford, in rewards, without the requisite authority of the Governor in Council.

## SECOND TERM OF REFERENCE.

ALLEGATIONS MADE FOLLOWING UPON PROCEEDINGS AGAINST ONE PATRICK BOLGER AT THE COURT OF PETTY SESSIONS AT ESSENDON ON THE 19TH MAY, 1932, FOR HAVING COCAINE IN HIS POSSESSION WITHOUT LAWFUL AUTHORITY, THAT CERTAIN MEMBERS OF THE POLICE FORCE WERE CONCERNED IN ILLICIT TRAFFIC IN COCAINE AND RECEIVED MONEYS FROM THE SAID BOLGER IN RESPECT OF SUCH PROCEEDINGS AND TRAFFIC.

In dealing with the second reference I have divided my report into three parts, viz. :—

- (1) The proceedings against Patrick Bolger ;
- (2) The allegations made that certain members of the Police Force received moneys from Patrick Bolger in respect of such proceedings ; and
- (3) The allegations made that certain members of the Police Force were concerned in illicit traffic in cocaine and received moneys from Patrick Bolger in respect of the said traffic.

(1) *The Proceedings against one Patrick Bolger at the Court of Petty Sessions at Essendon on the 9th May, 1932, for having Cocaine in his possession without Lawful Authority.*

(In the reference to the Board of Inquiry the date of hearing is incorrectly stated to be the 19th May, 1932.)

Such proceedings are shortly stated as follows :—

On the 13th April, 1932, after having his car and person searched by Constables Lacey, Coffey, and McCahery, one Warwick Albert Lording drove in his motor car from Melbourne to Sheehan's billiard saloon in Moreland-road, Brunswick.

Lording's car was followed from Melbourne by another car containing Constables Lacey, Coffey, and McCahery.

At Sheehan's saloon, Bolger and Sheehan entered Lording's car, and drove a short distance along Moreland-road to Sheehan's residence, which Sheehan entered, and returned to the car, when he says he handed to Lording a brown paper parcel containing three bottles of cocaine. He re-entered the car and was driven back towards his billiard saloon, and alighted at the intersection of Sydney-road and Moreland-road.

Lording and Bolger, sitting on the front seat, proceeded along Sydney-road towards the city, still followed at a short distance away by the car containing the said constables.

At a bowser stand near the Sarah Sands Hotel, Lording stopped his car, allegedly to obtain benzine. He alighted and went to the rear of his car, and made a sign to the constables, whose car was on the opposite side of the road.

Constables Lacey, Coffey, and McCahery left their car and hastened to Lording's car. Someone, it is said, called out to Bolger, "Look out, Paddy," and the police say that as they approached Lording's car they saw Bolger put his right arm over the back of the front seat. Constable Coffey opened the back door of the car and found on the floor a bottle containing a white substance which they believed to be cocaine, and which, on subsequent analysis, was found to be a preparation containing 25 per cent. cocaine.

Following on these events, Constable McCahery laid an information dated the 15th April, 1932, in which Bolger was charged under the name of "John King" for that on the 13th April, 1932, he had in his actual possession a certain substance or preparation, to wit, cocaine, without lawful authority.

The information against "John King" was dealt with at the Essendon Court of Petty Sessions on the 9th May, 1932. On the Bench were Messrs. H. McDonald, P.M., and four honorary justices. After hearing the evidence submitted, the charge against "John King" was dismissed by the court on the ground that the evidence of possession of cocaine was insufficient to support a conviction.



(2) *The allegations made that certain Members of the Police Force received Moneys from Patrick Bolger in respect of such Proceedings.*

After finding a bottle of cocaine in the back of Lording's car, the constables took Bolger in Lording's car to the Criminal Investigation Office, Russell-street, and there placed Lording and Bolger in separate rooms, where they interrogated Lording and Bolger separately, and particularly Bolger, for a considerable time.

Bolger stated in his evidence before the Board of Inquiry that on that evening he paid Coffey and Lacey £50, part of a sum of £66 he had then in his possession, and promised to give them an additional sum of £50 the next evening, the consideration for the payments by Bolger being that—

- (a) he was to be summoned under a wrong name, viz., that of "John King";
- (b) he was to be summoned at the North Melbourne Court on the 18th April; and
- (c) the evidence in support of the information laid against Bolger in the name of "John King" for having cocaine in his possession without authority should be brought on for hearing and so presented as to secure a dismissal.

Bolger's evidence before the Board of Inquiry is totally denied by Constables Lacey, Coffey, and McCahery. Certain significant evidence, however, was given, which throws considerable doubt on the denial of the constables.

Such evidence was as follows :—

- (1) The usual course of making application to a superior officer, verbally or in writing, for the summons was not followed. No such application was made.
- (2) The name of the defendant in the summons was given as "John King", and not Patrick Bolger, no reference being made to the name of Patrick Bolger as an alias or otherwise, although it was known that the man's name was Patrick Bolger.
- (3) The address given in the summons to the defendant "John King" was 24 Nicholson-street, Essendon, whereas Patrick Bolger's address was 92 De Carle-street, Brunswick, and the offence was alleged to have been committed at Brunswick. Thus the summons was returnable at a court which was not the nearest court to the place where the offence was committed or to the residence of Patrick Bolger.
- (4) A memorandum attached to the summons and addressed to the Clerk of Petty Sessions at Essendon falsely refers to Essendon as being the place where "John King" resided.
- (5) The brief in this case was prepared in the name of "John King," the name of Patrick Bolger being known to the informant; and, as in the summons, no reference was made to the name of Patrick Bolger as an alias or otherwise.
- (6) No list of prior convictions against Patrick Bolger was attached to the brief made out in the name of "John King," to be used in the court in case of a conviction.
- (7) The evidence which could have been obtained from Lording was not on the brief, and Lording was not called to give evidence.
- (8) The brief was originally prepared for hearing at the Court of Petty Sessions at North Melbourne on the 18th April, 1932, as stated in the evidence of Bolger, the words "North Melbourne" being erased and the word "Essendon" substituted, and the date "18th April" being erased and "9th May" substituted.
- (9) The brief was not stamped or initialed in due course by a superior officer, and was said to be filed without authority.
- (10) The summons and the brief in the case against "John King" were not typed at the Detective Office by the typist there engaged for that purpose, but were typed by Constable McCahery.
- (11) The result of the hearing of the charge against "John King" was not given to the superior officer interested, which is the usual course.

(12) The Crime Report attached to the brief showing that "John King" was charged at the Essendon Court with having cocaine in his possession and that the charge was dismissed, when read in the police muster room, was misleading to those present who heard it read, because no mention was made of the name of Patrick Bolger, and it was the intention of the constables interested in the prosecution of "John King" that some of those present should be misled.

(13) On the night of the 21st July, 1932, Bolger had high words with Constables Lacey and Coffey in Little Lonsdale-street, when abusive language was used by Bolger, and no action was taken by the said constables, although Sub-Inspector Brophy suggested to Lacey that action should be taken against Bolger.

(14) Mr. Flint, solicitor for Bolger, stated that on the 14th April, 1932, the day after Bolger had been taken to the Detective Office by Constables Lacey, Coffey, and McCahery, he gave Bolger an open cheque for £100, and that Bolger explained to him why he required to pay the money.

The irregularities above mentioned numbered (1) to (12) inclusive were explained by Constables Lacey, Coffey, and McCahery, each as the matter related to himself. The purport of their explanations was that it was not the practice in the Detective Office to make application for the issue of a summons for an offence; that Bolger was summoned under the name of "John King" at Bolger's own request, and so that the hearing would not interfere with the possibility of obtaining information from Bolger which would enable them to bring to justice another person whom they believed to be the principal in a robbery committed at an earlier date, and to be engaged in bringing a considerable quantity of cocaine into this State. It was also stated that Bolger desired that his mother should not know that he was being summoned as she was ill at that time.

Notwithstanding the explanations given by the constables, I am of opinion that the number and general importance of the irregularities create a strong suspicion that they were deliberately made in consideration of a reward from Bolger other than the promised information relating to a robbery by another person, or to possible offences alleged to be contemplated by such other person. I am also of opinion that the evidence is insufficient to support a charge against the constables named.

(3) *The Allegations made that certain Members of the Police Force were Concerned in Illicit Traffic in Cocaine and received Moneys from Patrick Bolger in Respect of such Traffic.*

The direct evidence of illicit traffic in cocaine by Constables Lacey and Coffey is confined to that of Patrick Bolger.

He stated that he received cocaine on two occasions from the police for the purpose of illicit sales, and actually sold it on behalf of the police.

The first occasion was on the night of the 14th April, 1932, when he was driven by Constables Lacey and Coffey to a place near the cafe of one Robert Guy in Exhibition-street, and received from Constable Coffey, in the presence of Constable Lacey, a quantity of cocaine, which he was asked to sell to Guy for £10; that he (Bolger) paid Coffey £10 for the cocaine, took it to Guy, and was subsequently paid £10 for such cocaine by Guy.

The second occasion, Bolger stated, was on the 16th April, 1932, when he met Constables Coffey and Lacey in Elizabeth-street. Constable Coffey went away, and Constable Lacey produced to him a quantity of cocaine in a tobacco tin. Afterwards, Lacey drove Bolger in a car to Exhibition-street, and gave him the tin with the cocaine, which he took to Guy, and later obtained £3 from Guy for the cocaine, which was handed by Bolger to Constables Lacey and Coffey in company.

Waddell and Rankin, friends of Bolger, stated in evidence, that they saw Bolger drive away from Elizabeth-street with Constables Lacey and Coffey, and later saw Bolger coming from Guy's cafe. I do not believe the evidence of Waddell and Rankin in this matter.

Robert Guy, cafe proprietor, denies that he purchased cocaine from Bolger at any time.

Constables Lacey and Coffey denied absolutely that they had ever given Bolger cocaine to sell for them to Guy or anyone else.

The method of dealing with cocaine seized by the police from offenders who are in possession of or traffic in cocaine is, in my opinion, unsatisfactory, and provides opportunity to constables so inclined to retain possession of that portion of the cocaine so seized which is returned from the court, and to dispose of it illicitly.

The entry in the "Poisons Book," kept in the Plain Clothes Office of the Police Department, in respect of the cocaine produced at the Essendon Court, at the hearing of the case against "John King," was made by Constable McCahery. In it he wrote that the arresting police were Constables McCahery, Coffey, and Lacey; and the place, Brunswick. Under the heading "Description, amount, and value seized," in the said "Poisons Book," appears, in McCahery's handwriting the words "Small amount in bottle; absorbed." The person charged is shown as "John King," and written across the entry by the sub-inspector in charge are the words "Absorbed in Analysis."



A bottle containing 315 grains of cocaine, said by Constable Lacey to be the remains of the cocaine seized in Lording's car, the possession of which was charged against Bolger under the name of "John King," was produced from Lacey's locker at the Detective Office at the request of Sub-Inspector Deeley.

Bolger, under the name of "John King," was before the Essendon Court on the 9th May, 1932, and the bottle of cocaine was produced by Constable Lacey to Mr. Deeley on the 23rd January, 1933. If it were the cocaine produced at the Essendon Court it should have been forwarded to the Customs Department after the case was over, in accordance with the instructions published in the *Police Gazette*.

The substance produced at the Essendon Court, in the case of "John King," contained 25 per cent. cocaine.

The substance in the bottle produced to Mr. Deeley by Lacey from his locker, on analysis was shown to contain 33 per cent. cocaine.

The entry by Constable McCahery in the Poisons Book gives no value for the cocaine seized, but in the quarterly return sent to the Customs Department from the sub-inspector in charge of the Plain Clothes Branch, reference is made to the cocaine seized in the possession of "John King," and the value is stated to be two shillings.

No report was made to the Pharmacy Board in respect of the cocaine seized in Lording's car, and said to be in the possession of "John King." Such a report is required by regulations published in the *Police Gazette*.

I find that there is insufficient proof that Constables Lacey and Coffey were concerned in illicit traffic in cocaine, or that they received moneys from Bolger in respect of such traffic. There is no evidence whatever in respect of such matters against Constable McCahery.

### THIRD TERM OF REFERENCE.

COMPLAINTS MADE THAT THE CHIEF COMMISSIONER OF POLICE FAILED TO TAKE APPROPRIATE ACTION AGAINST THE MEMBERS OF THE POLICE FORCE ALLEGED TO HAVE BEEN CONCERNED IN THE MATTERS AFORESAID.

This reference I have divided into three parts in this Report, viz. :—

- (a) Complaints made that the Chief Commissioner of Police failed to take appropriate action against members of the Police Force alleged to have been concerned in improper conduct in connexion with the recovery and/or restoration of stolen motor cars.
- (b) Complaints made that the Chief Commissioner of Police failed to take appropriate action against the members of the Police Force alleged to have been concerned in illicit traffic in cocaine, and to have received moneys from Patrick Bolger in respect of such traffic.
- (c) Complaints made that the Chief Commissioner of Police failed to take appropriate action against members of the Police Force alleged to have been concerned in the receipt of moneys from Patrick Bolger in respect of proceedings against Patrick Bolger at the Court of Petty Sessions at Essendon on the 19th (9th) May, 1932.

(A) *Complaints made that the Chief Commissioner of Police Failed to take Appropriate Action against Members of the Police Force Alleged to have been Concerned in Improper Conduct in Connexion with the Recovery and/or Restoration of Stolen Motor Cars.*

Allegations against certain members of the Police Force were made by prisoners at Pentridge, through the Inspector-General of Penal Establishments. The said allegations were considered by the Hon. the Chief Secretary and the Chief Commissioner of Police, and Sub-inspectors Gorey and McCaffrey were directed to inquire into the matters alleged. Their reports are dated the 22nd June, 1933, and 3rd July, 1933.

In consequence of the inquiry of Sub-inspectors Gorey and McCaffrey, the allegations made against Senior Constables Dunn, Sloan, McGuffie, and Madin, First Constables Ethell and Lee, and Constables Davis, Lyon, and Simpson, were further investigated.

The Chief Commissioner of Police, in respect of such further investigation, reported on the 6th July, 1933, to the Hon. the Chief Secretary that so far as the allegations against detectives are concerned the inquiries made show that they have no foundation, in fact, and in every case the statements have been disproved by the evidence of reliable witnesses.

The Chief Commissioner of Police further stated in the said report that he considered that there was some evidence of neglect of duty on the part of First Constables Ethell and Lee in two cases where cars that had actually been stolen came under their notice and they failed to take necessary action; that First Constable Ethell had left the Force and no disciplinary action was possible in his case, but further consideration would be given to the alleged neglect of duty on the part of First Constable Lee.

In his evidence before the Board the Chief Commissioner of Police said that he did not agree with the allegation that bribes had been received by Ethell and Lee.

Further consideration was given to the relation of First Constable Lee in dealings with—

- (1) A stolen Chevrolet car sold through Campbell's Motor Auctions; and
- (2) The registration of a car, the certificate of which was detained on account of suspicious circumstances by Senior Constable Barron.

In respect of the car sold at Campbell's Motor Auctions, the Chief Commissioner of Police considered that Lee was acting under the supervision and direction of First Constable Ethell, and was not aware of all that was done; consequently he could not direct a police charge to be made against First Constable Lee.

As between Senior Constable Barron and First Constable Lee in respect of the registration incident, the Chief Commissioner of Police was unable to determine who was at fault, as each contradicted the other, and there was no other evidence.

In my opinion the Chief Commissioner of Police adequately dealt with the matters submitted for his consideration, following upon the reports of Sub-Inspectors Gorey and McCaffrey, except in the case of Senior Constable Sloan, who admitted he had received an unauthorized reward of £20 from Mr. Walker, which he said he paid on the same day to his informer. This, in my opinion, is a breach of the regulations in respect of rewards.

On the 27th September, 1932, a report by Sub-Inspector Deeley, and on the 9th November, 1932, a further report by Sub-Inspectors Deeley and Brophy were submitted to Superintendent Walsh.

On the 16th November, 1932, Superintendent Walsh made a recommendation to the Chief Commissioner of Police upon the said reports, in which he asked that Senior Constable Dunn be transferred to some other branch of the service. After consideration of the said reports and recommendation, the Chief Commissioner, on the 31st March, 1933, decided that Senior Constable Dunn was to be retained in the Police Force, but would be transferred from the Criminal Investigation Branch and revert to section duty.

On the 7th April, 1933, Superintendent Walsh re-submitted the matter to the Chief Commissioner of Police with an amended recommendation that the Chief Commissioner of Police stay his hand for a period of six months to enable Superintendent Walsh to again report upon the conduct of Senior Constable Dunn.

After considering this second recommendation of Superintendent Walsh, the Chief Commissioner of Police decided to reverse his former decision, and adopted the second recommendation of Superintendent Walsh, except that he enlarged the time of probation to twelve months.

From the evidence given before the Board I can find no sufficient reason for the recommendation of Superintendent Walsh dated the 7th April, 1933.

In my opinion the decision of the Chief Commissioner of Police dated 31st March, 1933, was an appropriate action for the Chief Commissioner of Police to take upon the evidence submitted to him.

His altered decision was based on—

- (1) The recommendation of the Superintendent who was the responsible officer administering the Criminal Investigation Branch,
- (2) As stated in his evidence before the Board, between the dates of his first and second decisions he heard for the first time that Dunn had arrested Duignan.

In my opinion the appropriate action by the Chief Commissioner of Police would be, in the case of Senior Constable Dunn, a reversion to his first decision.

(B) *Complaints made that the Chief Commissioner of Police failed to take Appropriate Action against the Members of the Police Force alleged to have been concerned in Illicit Traffic in Cocaine and to have received Moneys from Patrick Bolger in respect of such Traffic.*

It clearly appears that no action was taken by the Chief Commissioner of Police against Constables Lacey, Coffey, and McCahery in respect of the allegations against them that they were concerned in illicit traffic in cocaine and had received moneys from Patrick Bolger in respect of such traffic.

The evidence which indicates the above was given to the Board on the last day of its sitting by General Blamey, the last witness called before the Board.

In my opinion there was not sufficient evidence before the Chief Commissioner to support those allegations, and, as stated previously herein, the evidence given to the Board contained insufficient proof of such allegations.

(C) *Complaints made that the Chief Commissioner of Police failed to take Appropriate Action against Members of the Police Force alleged to have been concerned in the Receipt of Moneys from Patrick Bolger in respect of proceedings against Patrick Bolger at the Court of Petty Sessions at Essendon on the 19th May (9th May), 1932.*

The Chief Commissioner of Police forwarded the file containing the allegations against Constables Lacey, Coffey, and McCahery to the Crown Solicitor for his "Consideration as to whether, in the opinion of the Crown Solicitor, there is sufficient evidence available to justify criminal proceedings against Lacey, Coffey, and McCahery" for being concerned in the receipt of moneys from Patrick Bolger in respect of the proceedings aforesaid.

The Crown Solicitor advised that proceedings should not be taken against the said Constables.

The Chief Commissioner of Police, in submitting these matters to the Crown Solicitor, acted appropriately.

#### FOURTH TERM OF REFERENCE.

##### ALLEGATIONS BY PRISONERS AGAINST MEMBERS OF THE POLICE FORCE IN CONNEXION WITH STOLEN MOTOR CARS.

*Allegation by the Prisoner Richard Charles Mortimer that he instructed his Solicitor to pay £20 to First Constable Williams as arranged by his Solicitor, for the purpose of having a Charge of Stealing a Motor Car against Mortimer and others at the Prahran Court withdrawn.*

Mortimer in evidence stated that £50 due to his wife was assigned to his solicitor immediately before the case was listed at the Prahran Court; that his solicitor said he had arranged with First Constable Williams to have the case withdrawn upon payment of £20; that his solicitor was to collect the said £50, and pay First Constable Williams £20, and keep the remainder for his costs.

Mortimer's solicitor stated in evidence that he did in fact collect the said £50, paid it into his Trust Account, and subsequently paid the whole amount of £50 to Mortimer, giving an open cheque for which he got no receipt.

Mortimer denied that he received the £50 or any part of it from his solicitor.

A charge of stealing a Rolls Royce motor car laid against Richard Charles Mortimer and others was listed for hearing at the Prahran Court on the 24th January, 1933. First Constable Williams was the informant. Sub-Inspector Smith had the conduct of the prosecution.

Before the date of hearing Mr. Smith had determined that there was not sufficient evidence of identity of the car, and resolved to apply to the court to have the charge withdrawn. Pursuant thereto, on the day before the hearing, he instructed First Constable Williams to warn witnesses who had been summoned to appear not to attend court, and also to advise Mortimer's solicitor that the case would be withdrawn.

Mr. Smith explained his position to the Prahran Court, and permission was given to him to withdraw the charge.

Whatever became of the money spoken of by Mortimer, First Constable Williams denies having received money from any person for the withdrawal of the charge against Mortimer.

I find that there is no evidence that First Constable Williams received any money from either Mortimer or his solicitor in this matter.

*Allegation that First Constable Rosewarne and Constable Halsall were paid £50 by the prisoner Richard Charles Mortimer to assist by their evidence Mrs. Eva Mortimer to obtain an order from the Court of Petty Sessions at Melbourne for the possession of a Buick motor car, and that, the action being unsuccessful, the Constables returned the £50 to Mortimer.*

An action was heard at the Court of Petty Sessions at Melbourne on the 22nd December, 1931, to determine between rival claims to the ownership of a Buick motor car which had come into the possession of First Constable Rosewarne and Constable Halsall in the course of their duty. The claimants were Eva Mortimer, mother of R. C. Mortimer, and the New Zealand Insurance Company Limited.

Constable Halsall, in his evidence at the Court of Petty Sessions, explained the events by which the Buick car came into the possession of First Constable Rosewarne and himself, and produced the rival claims made by the parties. No evidence was given then by First Constable Rosewarne.

During the hearing at the City Court, the Constables produced to counsel for the Insurance Company a record of prior convictions for car-stealing against R. C. Mortimer, who was giving evidence at the time, and was questioned about his prior convictions. The Police were so obviously assisting the New Zealand Insurance Company Limited, that the Police Magistrate told them that the Police should remain neutral in a civil matter. The decision of the Court awarded the car to the Insurance Company, except for the engine and certain parts which were awarded to Mrs. Mortimer.

I find that no money passed from Mortimer to First Constable Rosewarne or Constable Halsall in this matter. Mortimer's statement is untrue.

*Allegation that Senior Constable McGuffie was associated with one McLachlan in the business of selling motor cars at "Queensberry Motors" in Queensberry-street, Carlton, and that the prisoner Edward Alfred Saunders (the person making the allegation) could not trade a stolen Studebaker car for a Hudson car at Queensberry Motors until Senior Constable McGuffie had been consulted.*

Mr. J. F. McLachlan stated that he had two or three cars for sale in a window of the premises of Queensberry Motors, occupied by another person as a garage under the trade name of Queensberry Motors; that Senior Constable McGuffie had no interest in his (McLachlan's) business or in that of Queensberry Motors; that Saunders came to McLachlan with a man named Williams; that McLachlan sold to Williams a Hudson car for £45 and took from them a Studebaker car in part payment; that he never spoke to Saunders or Williams about McGuffie; and, in fact, at that time did not know McGuffie.

I find that there is no truth in the statement of Saunders that McGuffie had an interest in the garage of Queensberry Motors or in the business of Mr. McLachlan.

*Allegation that Senior Constable McGuffie had stolen balloon tires on his motor car, and that the order for such tires was received by Saunders from one John Burrell.*

Evidence was given that in December, 1932, Senior Constable McGuffie bought two Dunlop tyres for his Fiat car from Latrobe Motors, and that in February, 1933, McGuffie purchased three balloon tires and tubes, 27 x 4.40, from the Dunlop-Perdriau Rubber Company's Mills at Montague, which were to be fitted to Senior Constable McGuffie's car after alteration to the wheels.

The man Burrell, who Saunders said was the person who brought an order from McGuffie to Saunders for stolen balloon tires, could not be found by the Police to give evidence to the Board.

I find that the allegation that Senior Constable McGuffie obtained stolen balloon tires from Saunders for use on his (McGuffie's) car is absolutely untrue.

*Allegation that a stolen Fiat car was taken to Schofield's garage at Balaclava for the purpose of outfitting another Fiat car at the same place owned by Constable Davis.*

Constable Davis bought a "509" Fiat car early in December, 1931, from Mr. A. McE. Forbes, of Preston.

The history and complete identity of this car was traced through various owners from 1927 to the 2nd June, 1933, when it was inspected by Sub-Inspector Gorey with Mr. Forbes and Constable Davis at Footscray. It was then owned by Mr. A. D. Gray.

In March, 1932, while the car in question was owned by Constable Davis, it was taken by Davis to the garage of Mr. Schofield at Balaclava for repairs, and several months later it was taken again to the same garage for further repairs. Details of the repairs effected were given by Mr. Schofield, who stated that this "509" Fiat car owned by Constable Davis was the only "509" Fiat car that ever came to his garage, and it was quite untrue that he used the parts of another Fiat car to repair or improve the car of Constable Davis.

I find that there is no foundation for the statement that the parts of a stolen Fiat car were used in the repair of the Fiat car owned by Constable Davis.

*Allegation that the prisoner Richard Charles Mortimer, after his arrest for stealing an Essex motor car, was approached by Constable Davis and asked to "shove in" or "push in" Duignan for the lamps, in return for which Constable Davis would see that he (Mortimer) got out of the charge laid against him.*

It appears that on the 29th August, 1932, Constable Davis and others recovered a blue Essex car at Murrumbena, and on the 30th August a green Essex car was also recovered. The blue car had not been stolen, but parts of it were identified as belonging to the green car when it was stolen. Later, Mortimer and Lever were questioned about the parts of the blue car, and Mortimer said he got the parking lamps then on the blue car from Duignan. He was confronted with Duignan, and told Duignan that the lamps came from him.

On the 15th November, 1932, when Mortimer, Lever, and Duignan were charged at the St. Kilda Court with stealing the car, Mortimer gave evidence in Duignan's defence, and said he had made a mistake and wished to retract his statement to Constable Davis that he got the parking lamps from Duignan. Duignan was discharged, and Lever and Mortimer ultimately convicted.

The first time Mortimer alleged that Constable Davis wished him to say he got the lamps on the blue Essex car from Duignan was when statements were being made by prisoners at the prison at Pentridge.

I am satisfied from the whole of the evidence given, after a searching examination of this matter, that there is no truth in the allegation of Mortimer.

*Allegation by the prisoner Alan John Duignan that he paid £10, he thinks, to Constable F. C. Lee, as an inducement to register a stolen motor car.*

Duignan stated that he was asked by a friend of his to register the motor car stolen from Dr. Prendergast. He went to the Motor Registration Branch, and told either First Constable Ethell or First Constable Lee that a friend of his wanted to register a car, and asked if it would be all right. He was told "yes", and he thinks he paid then and there £10, and thinks he paid that sum to Lee.

Both Ethell and Lee deny that Duignan spoke to them about registering a car which was afterwards found to be the stolen motor car of Dr. Prendergast, and deny that Duignan paid £10 to induce them to register the car.

I find that this allegation is disproved.

*Allegation by the prisoner Alan John Duignan that he gave to the prisoner John Francis Kelly £17 for the registration of a Ford car, £10 of which was to be paid to First Constable Ethell or First Constable Lee to facilitate the registration of the said car.*

At Pentridge John Francis Kelly stated in evidence that a Ford tourer car came through the Goldberg Manufacturing Company and was taken to the Motor Registration Branch for registration before being taken to Campbell's Motor Auctions for sale; that he paid the prescribed registration fee, and that he did not pay to First Constable Ethell or First Constable Lee any sum of money to facilitate such registration.

First Constables Ethell and Lee deny that they received a sum of £10 as a gratuity for registering the Ford car above mentioned, which was in fact registered in the ordinary course of the business of the branch.

I find that the allegation suggesting that £10 was improperly paid to First Constable Ethell or First Constable Lee is entirely disproved.

*Allegation by the prisoner John Francis Kelly that one Golding, under the name of Turner, registered a Chevrolet motor car at the Motor Registration Branch; that Senior Constable Barron obtained the registration certificate for further inquiries; that First Constable Ethell said that First Constable Lee would "fix it" for £10; and that after the registration certificate was returned, Kelly paid £10 to First Constable Ethell with a request that he should pay the money to First Constable Lee for his services.*

On the 26th October, 1931, Golding drove a Chevrolet car to the Motor Registration Branch and registered it in the false name of "Turner." Senior Constable Barron looked at the engine number of this car, and believed it to be an altered number. He obtained the registration certificate and directed Golding to drive the car back for further inquiry. Golding, at this time having removed the car to the gate, immediately drove away, adding further to the suspicions of Senior Constable Barron.

John Francis Kelly said he was in the vicinity when Golding was registering the car in the name of "Turner," and that he returned the certificate to Senior Constable Barron. Next day Kelly asked Barron what was the matter with Turner's registration. Barron replied that he thought it was a stolen car and asked where it was. Kelly answered that it was Barron's business to find it.

Kelly said that he afterwards spoke to First Constable Ethell, who said that First Constable Lee was dealing with the matter. Kelly asked Ethell to see what could be done for him, and Ethell said "All right." He saw First Constable Ethell next morning, and was told "Lee will fix it up for you when Barron comes back from his leave." Kelly then says he thinks he asked Ethell "How much does Lee want?" and First Constable Ethell replied "£10."

After Senior Constable Barron returned from his leave of absence, Kelly says he saw First Constable Lee about the certificate, when Lee told him that the certificate was not available as Barron had it, but advised Kelly to pay 2s. 6d. then and to come up next day, when he would fix it up. Kelly says he then paid 2s. 6d., and next day got the certificate in his name, and transferred it back to Turner, and later gave First Constable Ethell two £5 notes for transmission to First Constable Lee.

Senior Constable Barron said that he explained to First Constable Ethell his reasons for withholding the certificate, but gave no instructions to Ethell as it was Ethell's business to inquire into suspicious matters and altered engine numbers.

On two occasions Kelly applied to Barron for the registration certificate of "Turner", saying that he had provided the money for registration and desired to have the certificate as security. Senior Constable Barron told him that the matter was held up until First Constable Ethell had completed his inquiries and was now in his hands.

Senior Constable Barron was absent on leave of absence from the 13th to the 16th November, 1931. Before going on leave he says he asked First Constable Ethell and First Constable Lee once or twice had anything been done in the matter, and was told nothing had been done.

The day Senior Constable Barron returned from leave Kelly again asked him for the certificate. Barron spoke to Lee about the inquiries, and was told they had gone as far as they could, and that the certificate was being transferred back to Kelly's name. First Constable Lee, he thinks, told him it was not a Victorian car, and it might have come from one of the other States. Senior Constable Barron says he thought the car was genuine, and handed the certificate to First Constable Lee.

First Constable Ethell said he had nothing to do with this certificate, except that to oblige Barron he sent Constable Lee to inquire for Turner at the address given in the certificate, and reported to Barron that Turner was not known at the address given.

The accounts given by First Constable Ethell and First Constable Lee of the statement made to them by Senior Constable Barron accounting for the certificate remaining in Barron's hands are almost identical, but make a very insufficient story compared with Barron's account.

I have been unable to ascertain the truth of the matter. The fact remains that the certificate of registration of a stolen motor car was returned to Kelly on the 27th November, and transferred from "Turner" to Kelly, and next day, the 28th November, was again transferred from Kelly back to "Turner."

At the time the said certificate was held up by Senior Constable Barron and subsequently transferred as above stated, there appears to have been no reasonable understanding between members of the Force concerned as to their duties.

Senior Constable Barron said it was First Constable Ethell's duty to inquire into matters relating to altered engine numbers, while Ethell said his duty was to inquire into files relating to registration, renewals, and transfers. He says he did not then know whose business it was to inquire into suspicious cars brought for registration. This confusion has now been altered, but may have contributed to the neglect which arose over "Turner's" registration certificate for a stolen car.

The whole matter is very unsatisfactory in respect of the conduct of First Constables Ethell and Lee. I find, however, that the evidence is insufficient to prove that Ethell received £10 from Kelly to be transferred to Lee because of improper services rendered in the registration and transfers of the Chevrolet motor car referred to in this allegation.

*Allegation by the prisoner John Francis Kelly that he gave to First Constable Ethell £35 to be paid to First Constable Lee for assistance received in removing the suspicion of Campbell's Motor Auctions in respect of a car sold there at auction by Kelly under the name of "Hardy" for £138, payment for which was delayed owing to such suspicion.*

John Francis Kelly, under the name of "Hardy," sold at Campbell's Motor Auctions in November, 1931, a stolen Chevrolet motor car. During the sale, when the bidding reached about £120, Kelly or "Hardy" aroused the suspicion of Mr. Ashdown, the salesman, by asking him to knock it down.

The car was sold for £138 to Griffin's Motors, and when asked for a receipt for the car Kelly produced a receipt from Melbourne Motors, a defunct and suspect company. After the sale Kelly was told that the car was a hire purchase car, and it would require some time to inquire into it. This was said without such information being received, but for the purpose of delaying payment to Kelly pending such inquiries.

Kelly, Golding, and Saunders said they were at the sale, and told a story, evidently fabricated, that the owner of the car claimed it while the sale was proceeding. Kelly said he told First Constable Ethell that there was trouble over the sale of a Chevrolet sedan car at Campbell's, and that Ethell told him he knew about it as he had been at Campbell's, but he could do nothing in the matter as First Constable Lee had the inquiry. He would see Lee. The following morning Ethell told Kelly he had seen Lee, and it would cost £35.

After the sale Mr. Ashdown examined the number on the engine and thought it was all right. General Motors, by whom Chevrolet cars are imported into Victoria, were then communicated with. They could not trace the engine number on their records.

Later, First Constables Ethell and Lee went with Mr. Ashdown to Griffin's Motors, where Lee examined the Chevrolet car sold on behalf of Kelly, thoroughly. There was no chassis number, and the engine number appeared lighter than is usual with American cars. First Constable Lee did not know at that time where to look for secret numbers on Chevrolet cars.

Mr. Campbell described the seller of the car to First Constable Ethell, and they went to the finger-print Branch, where Campbell identified the photograph of Kelly as being that of the man "Hardy," for whom the car was sold. First Constable Ethell ascertained that the money had not been paid over, and asked Mr. Campbell to detain Kelly when he came to be paid, so that he could interview him.

When he inquired from Mr. Campbell he was told that Kelly had brought a valid receipt and had been paid. Kelly in his evidence said he produced a second receipt to Mr. Campbell and was paid.

There was a considerable conflict of evidence in respect of this allegation, as indeed there was with regard to many allegations. The events occurred two years ago, and it is not surprising that the memory of witnesses should be clouded by the lapse of time.

I find that there is evidence of neglect of duty on the part of First Constable Ethell. The allegation that First Constable Ethell received £35 to be passed on to First Constable Lee for services rendered to Kelly to enable him to be paid by Campbell's Motor Auctions the proceeds of the sale by them of a Chevrolet car on behalf of "Hardy" or Kelly has not been proved.

*Allegation that Constable Delmenico asked £50 from the prisoner Clarence Matthew Lever, upon payment of which Delmenico was to abandon proceedings against Lever in respect of a Chevrolet truck then at Russell-street.*

Clarence Matthew Lever stated that he asked Constable Delmenico what he was going to do about a truck which had been taken to Russell-street; that Delmenico said if Lever liked to "work" him £50 he would "work" the truck back to Lever, and give him a month to find



the money. Lever further stated that in consequence of what he was told he went to Constable Delmenico and said he had only £20, and Delmenico gave him another fortnight in which to get the money. At the end of six weeks Delmenico charged Lever and his brother in respect of this truck because he did not have the money.

The first interview between Constable Delmenico and Lever in respect of this truck took place on the 25th November. Lever and his brother were charged on the 28th December. In the meantime inquiries had to be made, and the Brief prepared.

Constable Delmenico denies having asked for £50, and said Lever on the 27th December offered him £20 to let the matter drop, and that he gave evidence of the attempted bribe by Lever at the City Court and at the Criminal Court when Lever's case was heard, and that no question was then asked of him in respect of the delay and his alleged demand of £50 from Lever.

I find that there is no proof of the allegation that Constable Delmenico demanded £50 from Lever to abandon proceedings against him and his brother.

*Allegation that Senior Constable Madin was paid £10 by the prisoner Richard Charles Mortimer to release a Rolls Royce chassis seized by the Wireless Patrol and to stop any further action in respect of that chassis.*

The only evidence in support of this allegation is that of Richard Charles Mortimer. He stated that in November, 1931, a member of the Police Force seized a Rolls Royce chassis which was in his possession, and took it to Russell-street; that he then made an appointment to meet Senior Constable Madin at a certain hotel, where they met, and Mortimer paid Madin £10 to release the chassis and to stop any further proceedings about it.

The chassis was seized by Senior Constable Capuano and brought to Russell-street. Sergeant Downey of the Wireless Patrol was there at the time. He obtained several Rolls Royce experts, who failed to identify parts of a stolen car on the said chassis, which was released to Mortimer.

Later, Senior Constable Madin and others having further information searched the premises of R. C. Mortimer and his father C. M. Mortimer for the chassis, without success.

I find that the allegation that Senior Constable Madin received £10 to release the said Rolls Royce chassis and to stop further proceedings in respect of it is disproved.

*Allegation by the prisoner Richard Charles Mortimer that he paid through his solicitor to Senior Constable Madin £20 to have the evidence of identification of a Packard motor car body broken down at the Malvern Court when R. C. Mortimer and his father C. M. Mortimer were charged in respect of such motor body.*

Richard Charles Mortimer stated that he wanted a Packard body to build it on to a Rolls Royce chassis he had bought, and arranged with Duignan to find him one. Duignan found a Packard car, and sold it to Mortimer for £20. Later, Mortimer and his father were charged at the Malvern Court with stealing a Packard car, the property of Mr. Clymer. Mortimer's solicitor informed him that Senior Constable Madin wanted £25 to "squash" the matter. After argument, Mortimer agreed to pay £20. He was told that Mr. Clymer would be satisfied to get the chassis of his Packard car returned to him.

C. M. Mortimer stated that he wrote and signed a cheque for £20 while at the Malvern Court, which was cashed at his bank in the city by his son's wife, brought to the Court, and handed to the solicitor to be paid to Senior Constable Madin.

The Packard car was identified at a body-builder's place in the city, by a small hole in the roof, which had been filled with candle grease, and by a dent in the body. The small hole and the candle grease were seen at the time of Mr. Clymer's inspection and identification by Sergeant Downey and other members of the Wireless Patrol. They said the hole was in the roof over the driver's seat, and was pointed out to them by Mr. Clymer, who spoke of it before the inspection.

At the Malvern Court Mr. Clymer said that the hole was at the rear of the hood; that he found it larger than he expected; and there was no candle grease in it; and that it appeared to be some inches further from the edge of the hood than his memory of the hole indicated.

R. C. Mortimer further stated that while the car was at the Malvern Court he enlarged the hole and removed the candle grease while Senior Constable Madin kept watch.

Mr. Clymer's identification evidence at the Malvern Court broke down, and the accused Mortimers were discharged.



Mortimer's solicitor said that a cheque was drawn by Mortimer senior, and that Mrs. Mortimer went to a bank and returned. He further said that he heard the Mortimers speak of some one who was present at the Court and to whom he believed the Mortimers owed money, but he does not know what was done with the money. He did not receive it, and did not hand any money to Senior Constable Madin.

I find that there is no proof that Senior Constable Madin received £20 from Mortimer's solicitor or from any person for the purpose of conspiring to break down Mr. Clymer's evidence of identification of a Packard motor car body so that the Mortimers might be discharged.

*Allegation by Richard Charles Mortimer that he and Duignan met Senior Constable Dunn near Brighton-road, where Duignan paid Dunn £10 to induce Dunn to "fix up" a case at the Malvern Court next day when Mortimer was to appear, charged with his father for stealing a motor car.*

Richard Charles Mortimer and his father were charged at the Malvern Court in respect of a Ford motor car about two years ago. The hearing was set down for a Monday.

R. C. Mortimer said that he met Duignan by appointment on the Sunday previous, and that Duignan took him to meet Senior Constable Dunn, also by appointment. On the way to the meeting place with Dunn, Duignan asked Mortimer for £10 to give to Senior Constable Dunn for his assistance.

They met Senior Constable Dunn. Duignan had some conversation with Dunn out of hearing, and Mortimer said he saw Duignan give Dunn some money.

Duignan said he and Mortimer had been to Mortimer's solicitor, and met Dunn on their return on the Sunday referred to. His reason for seeing Dunn was that he had done up the Ford car for Mortimer, who wished him to give evidence next day, and he wanted Dunn's advice about giving evidence for Mortimer. He got no money from Mortimer to give to Dunn, and does not think he gave any money to Dunn.

Senior Constable Dunn denies meeting Duignan and Mortimer near Brighton-road, and denies getting any money from Duignan. He said he met Duignan at a certain hotel, when Duignan said Mortimer wanted him to give evidence at the Malvern Court, and Dunn told Duignan to please himself, but not to get his fingers burnt with Mortimer.

I find that the allegation by Mortimer that Senior Constable Dunn received £10 from Duignan to "fix up" a case at the Malvern Court has not been proved.

*Allegation by the prisoner Richard Charles Mortimer that he was informed by Duignan that Senior Constable Dunn required £100 to "squash" the matter of a civil interpleader claim between Mortimer and the New Zealand Insurance Company at the City Court in respect of a Buick car.*

Richard Charles Mortimer said that, before the interpleader claim was dealt with, Duignan told him that Senior Constable Dunn wanted £100 to "squash" the matter. Duignan and Senior Constable Dunn had a conversation at the Goldberg Manufacturing Company apart from Mortimer and his father, who were waiting. Duignan returned and said the thing would have to be fixed up that night or that Mortimer and his father would be arrested for it. Mortimer told Duignan that as the car came from him he had better look after things any way he could and see his own way out of it.

It was in respect of this car that Mortimer made a lying accusation against First Constable Rosewarne and Constable Halsall, previously dealt with herein.

The evidence of Mortimer is not supported by Duignan, and is denied by Senior Constable Dunn.

I find that there is no truth in the allegation of Richard Charles Mortimer in this matter.

I desire to place on record my appreciation of the excellent services rendered to the Board by Mr. T. W. Smith, learned Counsel assisting the Board; Mr. R. H. Beers, the Secretary of the Board; and Mr. P. Dugard, Chief Government Shorthand Writer, and his staff.

Dated at Melbourne this first day of December, 1933.

A. ALDRIDGE KELLEY,  
Chairman of the Board.

[*Transcript of Evidence not printed.*]