

# WAS HE DRUNK?

## A VISITING LICENSEE. REMARKABLE EVIDENCE.

### THE ACCUSED FINED.

An extraordinary case occupied the attention of the City Bench nearly the whole of this morning. Michael Gorry, publican, of Kensington, was charged with being drunk on the licensed premises of the Britannia Hotel on Sunday, August 10th. Sub-inspector M'Hugh, Licensing Inspector, prosecuted, and Mr Gaunson defended.

Constable Hall stated that on August 11th he was on Sunday duty with Constable Thomas. About 7.30 in the evening they visited the Britannia Hotel. They were admitted, along with several other men, by the licensee. They saw the defendant sitting down at the bottom of the stairs in the passage. The licensee said to them, "Are you travellers?" Witness said, "No," and the licensee then said, "Well, get out of this." Witness said, "I want to know who these men are," and the licensee replied that they were boarders. Gorry jumped up excitedly, and said, "I'm Tom Lyster, and I'm on as good a— just as just are, I have been a policeman myself, and I will take a fall out of you." Witness took no notice of him, but as he kept trying to get at him with his umbrella, he arrested him on a charge of being drunk. The licensee then said that Gorry was his brother. Another man tried to pull defendant away from witness, and when they got out in the yard Gorry lost his balance and fell. As there were signs of trouble Constable Thomas then went out and returned with two uniform police.

Mr Gaunson: Did you have an order to visit the hotel?—No.

Then why in the name of the law did you not get out when the licensee told you?—We were in a bit of a hurry, but we were going to take Gorry.

Your impudence is past belief. Why did you throw Gorry in the yard?—Neither me nor Thomas struck him or tripped him up.

Didn't you say to the licensee, "Now you are a d— smart, we will show you what we will do?"—I said nothing of the kind.

Do you ever use a big "D"?—Not as a rule.

Not as a rule. Was this the exception?—No.

Did you pull a paper out of your pocket and say you had an order to visit the hotel?—No, but we did pour 30 orders in front of other hotels, and in order to show our bona fides I said to Thomas, "Show him these orders."

Constable Thomas gave corroborative evidence. Constable He took one of the two uniform constables he brought in to assist, and said that Gorry was not very drunk, and got very angry.

Mr Gaunson: He was in that delirious condition of mind, I thought. Didn't you threaten this man?—No, I tried all I could to pacify him.

That is something new. Tell us how you did (???) went out and got two constables. (Laughter.)

Oh, Lord! I could have you try and pacify a man. (Laughter.) Constable Hall said he did not think he was very sober. Has he not a good deal of experience?—I don't think he has had much experience.

Is he not one of the so-called salaried constables he has been to?

Oh, Lord! And he has not had much experience?—What are you giving me? (Laughter.) What are you giving me a question, and I'm proud of it.

What did you do when Hebbens said he was too drunk?—I, I think he was a bit tipsy.

And of course when a constable said that the matter was settled.

Constable Hughes stated that in his opinion Gorry was drunk.

Mr Gaunson: In your opinion. That is a fair way of giving evidence, for drinks cases is always a matter of opinion.

Sub-inspector M'Hugh: Call Constable Ryan.

Mr Gaunson: Hold on. Where is Constable Hebbens?

Sub-inspector M'Hugh: We could not

find him. (Laughter.)

Sub-inspector M'Hugh: We could not bring the whole case.

Mr Gaunson: This is disgraceful. It is not a matter of fact that says the man was not drunk, and he is not called. Only the man who will know that he is not drunk is called. This is maladministration of justice.

Constable Ryan stated that he was in the watch-house when defendant was brought in. He was drunk and abusive. Shortly afterwards Mr McCarthy, J.P., wanted to bail him out, but witness refused, as he was too drunk.

Constable Thomas stated that he was also in the watch-house. Defendant was very drunk. He was too drunk to be bailed out when the first application was made. He was allowed to walk five paces, and he staggered.

Witness, continuing, said that when defendant started to walk he staggered up against a fence. Then he straightened up a bit. Mr McCarthy then had some conversation with him, and said, "I believe you are suffering from influenza." He was not bailed out till about one o'clock in the morning. He appeared to get worse.

Mr Gaunson: What? This is simply awful. Do you tell me the police made the man walk five paces?

Witness: No, Mr McCarthy did.

Mr Gaunson: Oh, if the magistrate did it, it is all right. He was quite right in satisfying himself that the man wasn't to be bailed out after being locked up. Witness saw him trying to get off the floor of the cell half an hour after being locked up, and he fell over backwards, his boots going in the air. Mr McCarthy said at first that he was fit to be bailed, but the watch-house keeper would not allow it.

Mr Gaunson: A magistrate said he was fit to be bailed out, and a policeman said he was not. I would like to know whether your Worshipships have any power in the community, or are you merely henchmen and tools for the police force?

This closed the case for the prosecution.

Mr Gaunson, addressing the Bench, said that from first to last the conduct of the police was inexcusable. A hotel-keeper at Kensington merely visited a brother publican. In these degenerate days it was even as Rudon and Gomerah to be seen in an hotel on Sunday. It was utter damnation. In the opinion of some people there was no salvation for the man who on Sunday went into an hotel. The defendant had every right to pay a friendly visit, but the two constables had no right on the premises. The constables only had a right on the premises if they were on duty, if either of them had an order. But to justify their being there they picked a quarrel with Gorry. Then came an extraordinary part of the affair. A justice of the peace came to bail Gorry out, but a policeman said he was not to be bailed out. No doubt if their worshipships had been there they would not have taken "no" for an answer. But it was the impudence and brazen effrontery of these men—paid officers of the law whom they had to find money to support—that he could not understand. They had the audacity to keep a man in custody when a justice of the peace in the execution of his duty went to bail him out. He would draw the attention of the bench to the fact that a policeman said on the spot that Gorry was not drunk. Was it not singular that policeman that would tell against him and none that would tell in his favor was called. That was maladministration of the law. That was maladministration.

Sub-inspector M'Hugh: I have sent for that constable and he is here now, and I will call him if the bench desires.

Mr Gaunson went on to say that he knew Mr M'Hugh was forced to stick up for the police.

Sub-inspector M'Hugh: No, I have not, if they do anything wrong.

Mr Gaunson: Since the Commission of 1883 the officers have not a goal to call their own in licensing cases. They know a record is kept, and that another Commission will come some other day. They

know the men keep a list of the cases in which the officers are not up to the mark and in which they have not prosecuted. The officers cannot call their souls their own. Like a corporation, they have neither a body to be kicked nor a soul to be damned.

Sub-inspector M'Hugh: If such a book is kept I do not know of it.

Mr Gaunson: I do, and I know I am well within the mark in what I am saying.

Cornelius Loon, licensee of the Britannia Hotel, stated that on the Sunday evening in question he opened his side door in response to a knock, and the two constables rushed in. There were four men in the hotel at the time, Gorry, Johnson and two boarders. Johnson and Gorry had come in two or three minutes previously. Neither had had a drink, and Gorry was not drunk. He had some conversation with Constable Hall. He told the constables to get out, as it was Sunday night. Hall then said, "You are so d— smart, we will let you know what we will do." Then, pulling a paper out of his pocket, Hall said, "We are police, and we have got an order to visit this hotel." They then began shaking the door, and Gorry said, "Don't break the man's d— door." Hall replied, "Mind your own business." Gorry then said, "Mind yours. You are exceeding your duty if you are policemen."

Mr Gaunson: That is where the shoe pinches. You incited the police. You should go down on your knees when you talk to a policeman.

Continuing, witness said he told the police that Gorry was a brother of his. They pulled Gorry off the stairs, and Hall said, "We will arrest this man for being drunk." Gorry said: "No, policeman can arrest me for being drunk, but I am not drunk." In the back yard Constable Hall threw Gorry down, and witness said to him: "You should not do that. I will report you to your superior officers." Hall replied: "He tried to trip me."

To Superintendent M'Hugh: He did not hear Gorry abuse the constables, but he found him say he was a policeman before Thomas was born. Gorry had had a few drinks. When witness said Gorry was his brother he meant "brother publican." (Laughter.)

Alphon Johnson, licensee, gave corroborative evidence. In the back yard Constable Hall said to him: "Get you for him trying to trip me." Witness replied: "No, but I saw you try him."

To Sub-inspector M'Hugh: Some four o'clock that afternoon Gorry and I had four drinks each.

Defendant gave similar evidence.

Sub-inspector M'Hugh: Did you tell Hall you would take a fall out of him?—He took a fall out of me, but he never told me he was going to do it. (Laughter.) I might have said it would take a better man than him to take a fall out of me.

Edwin McCarthy, Justice of the Peace, said he attended at the watch-house to bail Gorry out. He got Gorry to walk four or five paces. He did not stagger or attempt the fence, and, after seeing him walk, witness was satisfied he was a fit subject for bail. The policeman, however, said he would not allow him to be bailed out till 11. Witness attended again about one and half hours out.

The Chairman of the Bench (Mr Cook) said the Bench considered the charge proved, and fined defendant £5.