

1889.

NEW ZEALAND.

REGINA V. LOUIS CHEMIS

(PAPERS RELATING TO THE CASE OF).

Laid on the Table by the Hon. Sir H. A. Atkinson, with the Leave of the House.

His Honour the CHIEF JUSTICE to the the MINISTER of JUSTICE.

SIR,—

Judge's Chambers, Supreme Court, Wellington, 22nd July, 1889.

On Monday last, the 15th instant, at the criminal sittings held here, Louis Chemis was convicted of murder before me, and I thereupon passed upon him sentence of death.

I have to report, for the information of His Excellency the Governor, that the conviction was obtained in due course of law, and, except as may hereafter appear, I am not aware of any reason why the sentence of death should not be carried into execution.

The verdict was, in my opinion, justified by the evidence. This statement is not intended to convey any conclusion of my own on the evidence as to the prisoner's guilt.

I enclose herewith a copy of the notes of the evidence taken by me at the trial.

At the trial an application was made to me by Mr. Bell to admit evidence of statements made by Mr. Hawkings, the person alleged to have been murdered, of grounds for fearing Louis Chemis, so much so as to cause him to procure a revolver for his protection. I did not admit that evidence, as I was of opinion that it was not legally admissible. I mention this application, as His Excellency may be of opinion that the alleged facts, though not legally admissible as evidence at the trial, ought now to be investigated.

It will be seen from the notes of evidence that there can be no doubt that Mr. Hawkings was murdered on the evening of the 31st May, at probably about a quarter to six in the evening, on the road leading from the Hutt road, near Kaiwara, to his house, and at the spot on the road about forty-five or fifty yards from a bend in the road nearer to the Hutt road. The evidence appears conclusive that very near this bend Mr. Hawkings was first struck by a bullet from a firearm fired from the left side of the road going up, probably from amongst the gorse bushes there, Mr. Hawkings being on the right-hand side of the road; that in loading this firearm portions of newspaper were used in remarkable quantity; that the bullet striking against a knife in Mr. Hawkings's pocket glanced off and did not wound, though it bruised him; that he probably fled down the hill pursued by his assailant; that in the course of his flight he was stabbed at by a sharp-pointed instrument, and eventually stabbed to death by a sharp and double-edged instrument; that, either in the course of his flight or afterwards, he was shot in the back with a firearm loaded with No. 4 shot, and newspaper being used as a wad or otherwise in loading; that the portions of newspaper used in loading the firearm from which the bullet was fired, as well as the firearm from which the shot was fired, were of the first, second, and third columns of the second page, and first and second and third columns of the fourth page of the *Evening Post* of the 23rd May, 1889; that the assailant was actuated by motives of revenge; that, suspicion having been directed to the prisoner, his house (situated about a quarter of a mile, or a little more, from the spot of the murder), in his presence, was searched on the following day, about four o'clock in the afternoon, and he was found to be in possession of a dagger, which, from the post mortem examination, corresponds in every particular as to dimensions and strength with the instrument which must have been used; that he was in possession of a muzzle-loading gun, of which one barrel had certainly been recently fired off; that as to the other barrel, whether that had not also been recently fired off was open to doubt, inasmuch as, though the inside of the left barrel was found four days after the 31st rough and rusty, while the right was sooty and greasy, this difference might be accounted for by the inside of the left barrel, near its muzzle, having been wiped or otherwise interfered with, while the right barrel had not been wiped or interfered with; that the prisoner was also found in possession of several cast bullets, which, being too small for the barrel of the gun, would, if fired from that gun, have required some material to be wrapped round it, and that paper would have been a suitable material; that a shot-pouch was also found in his possession containing No. 4 shot, mixed, however, with No. 6 shot, the latter largely prevailing in numbers; that this shot was greased; that this is a device for causing shot not to scatter; that portions of the same columns of the same newspaper used in both loadings were found in the prisoner's house, either in the locked drawer (of which the prisoner had the key) in which the stiletto, bullets, and shot were found, or on a shelf in the parlour.

The prisoner accounted to the police officers who searched his premises for the appearance in the gun of having been recently fired off by saying he had fired at some quail. The police, though they made a search of the premises for evidence, and the search therefore may be believed to have been minute, found no powder-flask or powder, no percussion-caps, no wads or wad-cutter.

The jury, no doubt, credited the evidence, and concluded that the possession of the paper by the prisoner was proved, and that it connected him with the crime. It was proved that the prisoner had returned home that evening shortly before five o'clock; that his residence was about a quarter of a mile from the spot where the murder was committed; that he had the means of knowing that Mr. Hawkings had gone into town that day, and had not returned at five o'clock, and that Mr. Hawkings's usual hour for returning was before six o'clock.

There was some evidence of motive, and of expressions of the prisoner of ill-feeling towards Mr. Hawkings.

At the trial, in the cross-examination of witnesses for the prosecution, there was much suggestion on behalf of the prisoner that other persons bore ill-feeling towards Mr. Hawkings. It did not seem to me that anything came out in this cross-examination.

In the course of the case it appeared that at about five o'clock in the afternoon of the day of the murder a man with a gun was seen proceeding along a public track on the Kaiwara hills, first in a direction away from Hawkings's land, and afterwards towards Barber's slaughter-yard; this slaughter-yard is on the Kaiwara side of the prisoner's house, and not far from it. Who this man was was not shown at the trial. From one of the witnesses called by the Crown it was proved that early in the morning after the murder a person living on the Ngauranga road saw a man, a stranger to him, running up that road towards Johnsonville.

The prisoner was not arrested till the 5th June; it was not till the 6th that the shot-wound was found to contain portions of the newspaper of the 23rd May. At the trial the police officers were closely questioned by the counsel for the prisoner for the purpose of showing that the paper said to have been found in the house might have been in truth found on the spot; the jury, however, were, in my opinion, justified in concluding that there had been no mistake in this matter. The stiletto found in the prisoner's house on being examined by Mr. Skey bore no traces of blood. It appeared, however, that before being examined by him it had, in the course of the post mortem examination, been inserted into some of the wounds and made bloody, and afterwards washed in cold water. The fact that no blood-stains were discoverable by Mr. Skey was therefore quite consistent with the supposition that it had been used in the murder.

Accompanying this statement are the plans produced at the trial; the photographic copies of the portions of newspaper relied upon as connecting the convict with the crime. The originals are in a box with the Registrar, who, of course, will deliver them to any person you appoint to receive them from him. The stiletto, shot-pouch, bullets, &c., are also in the possession of the Registrar.

I have, &c.,

JAMES PRENDERGAST.

The Hon. the Minister of Justice.

P.S.—It has not, I think, been usual to give a detailed account of the case when reporting in reference thereto for His Excellency's information. As, however, the evidence is very lengthy, and much matter of little importance introduced by the cross-examination, I have thought that the foregoing account, which cannot be looked upon as exhaustive, might aid His Excellency in considering the case.

Enclosure.

REGINA *v.* LOUIS CHEMIS.

Murder.

Mr. BELL, with him Mr. M. RICHMOND, for the Crown.

Mr. BUNNY, with him Mr. DEVINE, for the defence.

NOTES OF EVIDENCE.

IN THE SUPREME COURT OF NEW ZEALAND, }
WELLINGTON DISTRICT. }

ARTHUR COOPER, Registrar of Supreme Court, Wellington District, examined.

1. *Mr. Bell.*] I produce papers in action *Hawkings v. Chemis*. Writ sealed 22nd December, 1888. I produce also statement of defence filed in January, 1889. Warrant to defend also filed. Mr. Devine was solicitor for the defendant; Mr. Chapman for the plaintiff. Evidence for plaintiff taken 15th January, before the Chief Justice, without jury. Evidence for the defence on the 19th January. Mr. Hawkings was called as a witness; also the defendant, Louis Chemis. He gave evidence on the 19th. When all the evidence was taken it was adjourned for further consideration. It has not been set down by either party.

JOSEPH ANDERSON, Authorised Surveyor, Wellington, examined.

2. *Mr. Richmond.*] I have made survey of the scene of the murder of Mr. Hawkings. I was employed by Mr. Bell. I have made the survey. This plan shows the result of my survey. I went along the ground. I made a traverse along the Hutt Road up to Mr. Hawkings's house. I crossed to Khandallah Station; then from Hutt Road to Chemis's house; then following a track leading up to the ridge around, joining Hawkings's road again, about 8 chains above the pegs marked 19-24.

3. Did you make any other traverse?—I made another traverse from peg 5 near Chemis's house, shown by a green traverse joining it in to the previously-described traverse at peg 12. Continuing along the previously-described traverse you come to peg 14; then down a hollow in the side

of the range joining the rifle-butts track at peg 4, following down the butts track to peg 6, then leading up a hollow to Hawkings's road, at a spot indicated, to peg 20, where I was told a piece of the knife was picked up.

4. How far is it from Kaiwara Village to the road leading up to Chemis's?—From the bridge to Chemis's road is $44\frac{3}{4}$ chains. From the road leading to Chemis's house to Dimock's is 24 chains. From the bridge to Dimock's is $68\frac{1}{4}$ chains. From Dimock's to the spot pointed out to me as the spot where the body was found, $20\frac{1}{2}$ chains, and 2 chains further up is the spot pointed out as where the knife was found, *i.e.*, peg 20. Peg 19 is where the body was found.

5. How far from peg 20 is it to Hawkings's house by the road?—Very nearly 31 chains; in a direct line 21 chains. The distance from Chemis's house to peg 20 is, by the traverse marked green, 44 chains 12 links. Along the green traverse there is a beaten track I have numbered from 1 to 8 in Roman figures; adjoining it is described as "sienna track," coloured so on the plan; it continues along the sienna track for 12 to 14 chains, ordinary figures. From peg 14 the green traverse leads off down a gully; no track there until it joins the butts track at peg 4; then along the butts track from peg 4 to peg 6. Then the green traverse leaves the butts track up a hollow to the upper range until it joins peg 20 on Hawkings's road. The 44 chains is as you walk, following all the inequalities.

6. Does the green traverse follow any other beaten track?—No, only where it follows the sienna traverse and the butts track. The sienna traverse follows a beaten track till you come to peg 27 on the sienna, and there it is grassy flat, no well-defined track.

7. What is the nature of the ground along the sienna traverse?—From Chemis's house up to peg 8 is a cut track about 3ft. or 4ft. wide, having a rising grade of 1 in 8 and 1 in 5, and from 8 to 12 it goes up 1 in 2 and 1 in 3. The last two chains go through bush, and then a small patch open to peg 13. We are now on the top of the dividing ridge; you continue along through bush for 4 chains; from that point to the end of the track is all open with easy grades except one short piece between 20 and 21, 2 chains being 1 in 3.

8. What is the highest point on the track?—392ft. above sea-level at peg 24 on Hawkings's road. It is all easy inclination all along except the short space between 20 and 21. The distance along the sienna traverse from Chemis's house to peg 20 on Hawkings's road is $2\frac{1}{4}$ chains. From peg 20 as crow flies to Khandallah Station is 53·71 chains. The distance I have given along the sienna traverse is the distance you would have to walk. I have marked the track from Kaiwara to Khandallah; "Short-cut" it is called on the plan. As you go along the sienna traverse from peg 16 you can see Hawkings's house, and from no other part, and you can see no other house.

9. *Mr. Bunny.*] I made the notes of my distances at the time. Was it from your notes you made the error as to distance of Chemis's house from Kaiwara?—What I stated when I corrected myself was right. I mistook the deduction. My second answer is correct. I am sure that from the bridge at Kaiwara to peg 9 at Chemis's road is 44 chains. I went over the country myself with three men—my own men—and a police officer with me. I speak of a track from Chemis's house; I mean a beaten track. It is pretty rough country. It is not easy to travel over in parts on the ridge. It is pretty easy; you go down a gully, over a stream, up a hill. I ascended a saddle near a cowshed at Chemis's, and came out higher up at track leading to the butts. There is no bush, but pretty steep; going along sienna track you do not see Khandallah Station; you see the station near peg 29, not elsewhere. [Large Plan D put in.]

Re-examined.

10. *Mr. Bell.*] I have also prepared plan of the bend on a larger scale. [Small plan E.]

WILLIAM SANDILANDS, Solicitor, examined.

11. *Mr. Bell.*] Am solicitor at Feilding. Before going there was in Chapman and Fitzgerald's. [F lease, 9 acres 13 roods 1 perch, Hawkings to Chemis, 18 years, from 1st August, 1883, at £14 per annum.] I see this lease; I attested the signature; it was Louis Chemis's; it was the man who leased the land from Mr. Hawkings—land mentioned in the document.

CHARLES BOWLES examined.

12. *Mr. Richmond.*] Am a labourer, reside with Mrs. Hawkings at Kaiwara. Carterton is my residence. On 31st May I resided at Hawkings's. Had been there since 27th March. Am cousin to Mrs. Hawkings. I came down to get married; was so on 15th April last. I had known deceased fourteen years last May. He lived 15 chains off the present house. Old one pulled down, now lives in new house. Farm is about 500 acres. He used not often to have business to do in town, only on Fridays. He used to go in on Fridays. He delivered his butter regularly on Friday to Dixon. He used to go in with horse and cart. He had the mare eight years. He used to drive that mare. He never used to ride, he always walked up alongside the mare. On the 31st we were cutting firewood, I and young lad Norman—firewood for the house all afternoon till quarter to five. After that we got the cows in, and were milking till a quarter to six, then went in and had tea about six o'clock. Hawkings left for town about ten o'clock in the morning, driving the trap and mare. I never saw him after that alive. We were about half to three-quarters of an hour at tea. Norman had tea with us. He had nine children, and Mrs. Hawkings. They were all at home that evening. Age of the eldest boy eight years. He usually got back at six, hardly ever later in winter. After tea I said to Mrs. Hawkings, "It is strange he has not come in." She said she had expected him. We kept waiting. We waited till ten minutes to eight. She said, "You had better go down the hill and see if you can see him." I looked at the time. I got the lantern. I went about six or seven chains from the house to where there is another house; there I found the mare and trap, this side of where they are living. The near-wheel was in the paling-fence. I looked, I called for Mr. Hawkings. I found the reins tied up at the front board of the

trap, as he always did at the bottom of the hill. I got the mare out of the fence; I took the horse and trap home, and gave it to Harry Norman. It is a dwelling-house, unoccupied. I then went down to look for Hawkings. I followed the road right round until I came to where I found Mr. Hawkings. I found him laid straight across the road, feet towards the bank, head towards the gully. I found him lower down than the bend—forty or fifty yards lower down. I took hold of his wrist. I turned him over on his back. I put my hand on his stomach. I found he was quite dead. I left him lying on his back, and I went down to Mr. Dimock's. Before I got there I saw young James McCallum leading a horse up to Mr. Cate's stables. I asked him to go back and tell Mr. Dimock that I found Mr. Hawkings dead up the hill. I waited with the horse until Mr. Dimock came up where I was standing with the horse. It was William Dimock and Victor Dimock. Victor went up with one or two more to where I found the body, and William Dimock and myself went to the telephone at Dimock's. I informed him to telephone to Dr. Martin. Dr. Martin was not at home. Dr. Cahill came out. I should say it was half-past eight. I cannot say what time it was Dr. Cahill came out. I went up the hill with him and five or six more. It was a very cold, windy night. It was starlight; not dark; no moon. Wind blowing direct up the gully. We call it south-east wind. Mr. Dimock and young McCallum and Dr. Cahill and myself went up. The doctor looked at him, and we brought the body down the hill. Police had not arrived up to then. Dr. Cahill followed us down to Mr. Dimock's. Police came out fifteen to twenty minutes after we brought the body down. We had the body down the hill before the police came, but not into the express. When the police came they borrowed Mr. Dimock's express, and the body was, by order, taken to the morgue. I stopped down at the bottom of the hill till half-past twelve. Mr. Dimock and the police took the body into town. Before Dr. Cahill went into town he and Constable Carroll went up and saw Mrs. Hawkings. They came down before the body was taken away. Carroll rode in the express. I did not see Mrs. Hawkings that night. I did not go to sleep that night. I did not go into the house till six the next morning. Then I saw Mrs. Hawkings. Next morning we milked the cows—about a quarter to seven. I went down to where Hawkings had been lying. It was light. I only took notice of the blood. No one there at first. I had just started to leave the spot when Constables Carroll and Healy came up. I then went back and met them at the spot where Mr. Hawkings had been lying, and the two constables came up to Mrs. Hawkings's house. They were ten minutes looking at the trap and mare. They left. I did not leave with them. I stopped at the house. Same morning about ten I passed again the spot where the body was found. I drove Mrs. Hawkings to the morgue. At that time no one where the body had been. I returned about half-past three or four o'clock. I drove Mrs. Hawkings back. As we returned, Inspector Thompson and Constable Campbell were on the bank at the bend of the road. That is where the trap generally rested. They were picking up scattered paper, and cloth that had been shot off Mr. Hawkings's clothes. They were on the left-hand side as you go up at the bend and amongst the gorse. The gully runs out there. A little way above the bend there is a gate across the road two chains or so up from the bend. The gate was open the night before when I went to look for Mr. Hawkings. He would generally shut the gate if there were cattle, but there were no cattle at this time in there.

13. *Mr. Bunny.*] I came down on the 27th March. I came down before that—last Christmas. I stayed a few days. I went back on New Year's Day. I used to come down at holiday-time. I had been working for him for five years some years ago. I do not believe his habits have been broken. His habits same some years ago as at 27th March. He never missed a Friday. He would go in other days if he had business. During the visit at 27th March I had been into town several times. We used both to walk up the hill. He was generally home not later than six if he had a horse and trap.

14. Will you swear that he was not in the habit of coming home later than six o'clock?—Yes, and that is why I became anxious. I expressed anxiety two or three times, and my wish to go out and look for Hawkings.

15. Did she not prevent you?—No. Yes. She said to me not to go for two or three minutes. She said "not" two or three times. Even when I went I said I was going. She said, "All right." They all got uneasy. The widow was the least uneasy. It was a very light spring cart. The trap was all right, back-board was up.

16. Why did you think he had lost a parcel?—I do not know. The trap was not empty; there were one or two pumpkins. I saw the pumpkins. I saw no parcels. There was a bag containing pumpkins. I do not know how many. Half a bag full. I had a ship-lamp with me, a circular one. I caught hold of the sack to pull myself up. I did not look at the other articles in the trap. The sack was not tied. I cannot say why I looked into the sack. I could not tell why he was not in the trap. I thought he had dropped a parcel because he was not in the trap. The sack was at the front part of the trap. The sack was not upright, it was lying down. The trap had just passed one of the steepest pinches. I took the trap up to the house. I did not go in. I gave it to Norman.

17. When you found the gate open, did you not think he must be on the other side?—I did not know what to think. Yes, he mostly shut the gate. I thought perhaps he had gone through with the trap, and gone down through the gate again. It did strike me as peculiar that the gate was open. As I was going down I was looking on the road and alongside the road. I was looking for Mr. Hawkings. I then found Mr. Hawkings close to peg 19.

18. Why did you not go on to Dimock's and report the matter?—I guessed I could trust to him. I held the horse. I was very close to Dimock's, it is true, but I thought the young "chap" could tell them as well as I. I was not much upset. I felt the stomach. I saw at that time congealed blood on the neck. I did not see any blood at that time on the coat. I went up to the body with the doctor. I waited at Dimock's till the doctor came. It was something about half-past ten when the express left. I stayed there till half-past twelve, with Nichols, in his tent. He works at the slaughterhouse. I stayed there two hours. Then home. I did not go in. I believe there was

a light in Mrs. Hawkings's bed-room when I returned. I did not try to go in. My wife in there. I did not go into the house. I was not asleep. Harry Norman usually slept there. There was a bunk there. Norman was awake. I sat on his bunk all the night. I swear I had no sleep that night. I tried to sleep. I could not sleep. I had nothing to wrap round me.

19. Why did you not go inside?—I did not like to see the woman that evening (meaning Mrs. Hawkings). I saw Mrs. Hawkings before I went down in the morning. I went in and lit the fire. The youngest child is ten months old. There are two, between the child at eight and the child at ten months. The other children range up to sixteen. Six o'clock was the usual time we always sat down to tea, whether he was home or not. He sometimes came home early from town on these Fridays. Sometimes early in the afternoon.

20. Did you ever hear of a German named Lidden?—There was a carpenter of that name, a German. He is up at Foxton. He was at the wedding; that was the first time I knew him. He was not a friend of mine. I had not seen him previous to the wedding. Mr. and Mrs. Hawkings invited him. There was a letter written. They told me they had written. Mr. Hawkings told me he had written the letter. He stayed at the wedding three or four days. He had no words with Mr. Hawkings that I have seen. I know he had not.

21. Had Mr. Hawkings told him he had not to come to the House?—Never; he has always invited him. I swear Hawkings never had words with him. Lidden arrived again, Thursday after the burial. He always came down by steamer, not by train; I am sure of that. I am still living at Mrs. Hawkings's. I heard no shots fired that night. Wind was south-east, blowing straight up the gully. We feel the south-east at the house.

22. Does not the wind draw up the gully?—Yes; but it does not reach the house. We feel the south-east direct from the south-east. We felt the south-east yesterday, but not that that came up the gully. I heard no gunshot that evening. I have a cousin, George Bowles, who is Mrs. Hawkings's brother. He came down a week ago last Saturday. He does not frequently come down. He was not in the habit of going to Hawkings's. He was not on very good terms with them. I do not know the cause of the quarrel. I do not know about their business. I remember George Bowles becoming bankrupt, and bringing down 200 sheep to Hawkings. I do not know that he gave them into Hawkings's custody. I know the sheep came down. I know the creditors did not get the sheep. I know nothing about his asking Hawkings for the 200, and only getting 100 sheep. I do not know anything about it. I do not know whether he only got 100 back. George Bowles's mother lives at Ngauranga. I was never present when any disturbance took place about the sheep. I was never present at a row. I never heard Hawkings say he would shoot Bowles as a dog. I know they were not on very friendly terms; that is all I know. On the morning after finding the body I saw a dead hare, three or four chains from where I saw Hawkings's body, at peg 24, nearer the house than the gate, on the grass, two or three yards away from the road. It had been dead for two or three days. I found it with all the hair off. I did kick it over with my toe. I had not been down on the road before on the Friday. I just kicked it over. I did not tell any policeman about the hare; some one spoke to me about one. Mr. Miller told me about the hare. He had come down on the Sunday. He noticed it at once. I went into the morgue. Mrs. Hawkings did not go in; she wished to go in. I am sure Thompson and the others were picking up cloth and paper—a good lot of paper and cloth. I stayed talking with them about five minutes. First thing in the morning I did not notice a good deal of paper there; it was dark. I might have seen it if I had looked for it. I did not notice on the road or about there any paper. I did not on the way down. I saw no stone with blood on then. I believe I have been twice into the Rainbow Hotel since. I do not remember once bursting into tears before Jenkins, the landlord. I do not know him; I never did, I am sure.

23. *Mr. Bell.*] Lidden's name is William. He is a carpenter at Foxton. George Bowles lives at Carterton, at a saw-mill.

24. Where was Bowles on the 31st May?—I do not know. I did not see him when he was down last. I do not know that Bowles's debts have been paid. I have nothing to be afraid of. At the spot where the body had been lying I found in the morning a pool of blood. I saw it again in the afternoon. The police saw it morning and afternoon. I do not know if my hands were marked with blood. I saw none on my clothes or hands. When I returned with Dr. Cahill to the body he gave me Mr. Hawkings's watch, which I saw him take from the pocket—a silver watch with a gold albert chain. It was taken from his waistcoat. That is all I received.

25. *Mr. Bunny.*] I did not feel the pockets. I noticed no pocketbook. I do not think Dr. Cahill searched the trouser-pockets. If I remember right, the watch was out of pocket.

SECOND DAY.

FREDERICK BOLTON, Clerk to Mr. Chapman, examined.

26. *Mr. Bell.*] Saw prisoner at his house on 19th December last. I took a draft-lease of some property comprised in an agreement between him and Hawkings. I told him I had brought a draft-lease. He said he did not want to have anything to do with it. I described the land. I said it was the land in the agreement between himself and Mr. Hawkings. I asked him if he would sign a lease. He said No; nothing else then. I next saw him on 24th December, on the road leading up to his house. I had a writ in the action, *Hawkings v. Chemis*, with statement of claim attached [Exhibit A.] This is it. I told him it was writ in action praying performance of the agreement. I asked him to take the writ. He declined to do so. I told him that service by bringing the writ to his notice was as valid as on him. I brought it to his notice and flung it down beside him. Then he picked it up and flung it back. Then I went down the path towards the road. I returned again to him; I picked up the writ and flung it down again

beside him, and then I came away. I was present at the hearing of the action. Hawkings gave evidence.

27. *Mr. Devine.*] I thought, perhaps, he did not understand the nature of the document I had given him. Evidence was finished in January. I heard the evidence given by Mr. Hawkings. Bowden, Hawkings's brother-in-law was examined. I do not know that there was a great discrepancy. My firm had not set it down for argument. After the hearing there were offers of settlement. I understand that our offer was declined. I think a letter was written, but I do not recollect an interview with Mr. Devine.

28. *Mr. Bell.*] There was a good deal of bargaining about the amount to be paid. After the hearing we offered to settle for £50. So far as I recollect, two offers from the defendant were made; one before action, one before hearing.

JAMES MCCALLUM examined.

29. *Mr. Richmond.*] I live on the Hutt road. On 31st May I was at Dimock's. I was taking a horse up Hawkings's road to Cate's stables. I met Bowles coming down with a lantern. It was a little after eight. He asked me where was Dimock; to run and tell him Hawkings was dead. I saw two of them, William and Victor, and told them.

30. *Mr. Bunny.*] I was going to put the horse in Cate's stables; this was close to Dimock's. He asked where the Dimocks were—whether at home. I said I did not know. He said Hawkings was dead. Handed the horse to Bowles. I never saw Bowles before that I know of. He did not seem excited. I did not take that much notice. I took the horse from him when I went back. Bowles was at the place I left him. One Dimock went for a lamp; the other to telephone. I told him to telephone to a doctor and police. No one made this suggestion to me. I did not remain a minute or two. Bowles was at the same place when I got back. I told him I had told them to telephone. Before I went down from Bowles I said to him we had better telephone to a doctor and police. I did not on my return tell him that they had telephoned. I do not remember saying anything on my return. I took the horse and went to the stable. After I had put the horse in the stable I returned to Dimock's. William was then telephoning. From the time I asked them to telephone to the time I returned was about five minutes. They were telephoning when I returned. William Dimock and Bowles were there when I returned. I supposed Victor had passed. I was two or three yards through the gate after I got over the bridge. The stable is at the back of the slaughter-yard. I knew Mr. Hawkings. I never had a row with him. He never hit me; he threatened to. We had a few words. I and my brother up the hill at the same time. He threatened to beat us. Hawkings was talking to Chemis at the gate by the bridge just spoken of. One of us called out "Holloa, Tom!" It was not this year. I cannot say if it was this year or the year before. I will be nineteen in six months. I came from Ngauranga. I came along the Hutt road, and then Hawkings's road. I do not recollect meeting any one. We were cutting titree. He said if he caught us again he would lay the whip round us.

Dr. THOMAS CAHILL examined.

31. *Mr. Bell.*] Am Doctor of Medicine, Wellington. On the 31st May I went out to a little beyond Kaiwara road. I was summoned by telephone from Dimock's. I got the message about twenty minutes to nine. I was in. I started at once after getting a few things. I arrived, I should say, five minutes past nine. I met the two Dimocks at the gateway, at the entrance to Hawkings's road from Hutt road. I met William Dimock and two or three others—I think Bowles amongst them. I went with them up this road to where the dead body of Hawkings was on the road, lying on his back, head up hill and towards gully, lying across the road. Blood about 6ft. or 5ft. lower down the road. This accounted for by Bowles, by saying he had turned the body over. It was a pool of blood soaked into the dust on the road. We had a lantern; could not have found our way up without one. I examined the body. I could not make complete examination then because of light, and I did not think it necessary. I asked to have the body taken to Dimock's. I went with them. I remained by the body till it was handed over to the police. I observed when on the hill two incised wounds on either side of neck, from which blood was issuing. Constables Carroll and Webb came out. I delivered the body to them to take to the morgue. Before removing the body I removed a watch from body. It was going, and indicated a quarter past nine. I gave it to Bowles. Having given the body to the police, I took one of the police to examine where the body had been lying. I went up and examined the cart. I there saw Mrs. Hawkings. I then returned down hill with Carroll to Dimock's, the body still there in charge of the other constable. I then left. I was at the Police Office that evening. I went there about eleven o'clock or soon after. Up to that time I had not communicated any suspicion to any one except to Dr. Robertson. I saw Sergeant-Major Morice there at eleven, and told him suspicion. Next day I saw the body at the morgue, shortly after ten. I removed clothing, assisted by the police—three constables—Carroll was one. I handed clothes to the police. The other constable was Healy. Then I examined the body. During the day and at two different times Drs. Hassall and Robertson called at the morgue and saw the body. I did not complete the post mortem on Saturday. It took the greater part of Sunday. Having removed the clothes, I found deceased a well-nourished man, between forty-five and fifty. *Rigor mortis* well marked; face, neck, and chest covered with blood, and clotted. Small contusion on left cheek, an incised wound in front of left ear, which passed through the soft part and fractured the jawbone, and opened into the mouth. The wound $\frac{3}{4}$ in. in length: it was a clean fracture of the jawbone. There was an incised wound $3\frac{1}{2}$ in. deep and $\frac{3}{4}$ in. in length; it ran downwards, forwards and inwards, across the neck on the left side, and ended by opening into the pharynx. A wound in the lower part of the neck on the left side over the region of the carotid vessels, passing through the soft part, it divided the left internal jugular vein, and ended by striking the spine: this wound is $\frac{3}{4}$ in. in length and $2\frac{1}{2}$ in. deep.

There were two incised wounds behind the right angle of the jawbone, ran downwards and forwards through the muscles, and ended by striking against the spine: one of these completely divided the process of one of vertebræ. There was an incised wound behind the left ear $\frac{3}{4}$ in. in length and $\frac{3}{4}$ in. in depth: this was wound over mastoid process. An incised wound $\frac{3}{4}$ in. in length and $2\frac{3}{4}$ in. deep, downwards and forwards, on the right side of the neck, dividing external jugular vein on the right side, and passing through soft part, and ended by striking against the spine. These were all about the neck. As to the trunk: beneath the left armpit were found six clean incised wounds and one angular wound, the angular wound evidently made by two thrusts of same instrument, one opening into the other. The wounds varied in length from $\frac{5}{8}$ in. to $\frac{7}{8}$ in., and from $\frac{1}{2}$ in. to $4\frac{1}{4}$ in. in depth. I measured the depth with a probe. There was a more or less contused wound on the left, just beneath the ribs, in the region of the stomach, about $\frac{7}{8}$ in. in diameter. There were three incised wounds in the lower part of the chest on the left side, $\frac{3}{4}$ in. in length by $1\frac{1}{4}$ in. in depth; three incised wounds in the back, about $\frac{3}{4}$ in. in length and $1\frac{1}{4}$ in. deep; and two were $1\frac{1}{4}$ in. in depth. There were other incised wounds on the arms and shoulders all of the same character. I have given you the appearance of the wounds on the outside. As to the wounds on the back, they ended by striking against the spine. Having opened the chest, I found the left pleural cavity filled with blood and clots of lung-collapse, and I now found that the wounds previously described beneath the armpit had entered the upper lobe of the left lung—six of them. The right pleural cavity contained blood and clots, and the apex of the lung had a small circular wound, which had evidently been made by a small pellet of shot, the position being in a direct line with a gunshot-wound.

32. I want to know about the wound in the heart?—Any of the wounds in the jugular would cause death. I opened the pericardium, which contains the heart; it was full of blood and clots. On upper part on the left side there was an incised wound $\frac{1}{2}$ in. in length; a similar wound $\frac{1}{4}$ in. in length opened into the left auricle of the heart. The distance between the inner wound in the heart and the outer wound on the surface of the body which passed through the lung was 5in. That wound corresponds with one of the six wounds under the armpit. I measured the depth with probe. As to the jagged wound on the back, it was on the back of the right shoulder, close to the spine and above the angle of the shoulder-blade; that not incised was a ragged round hole, circumference $1\frac{1}{4}$ in. by $1\frac{1}{4}$ in. There were a large number of shot-wounds outside this hole. The shot had passed into the body. I traced that wound in the interior; it passed slightly upwards and outside to the right. One pellet I presumed had passed into the lung. As to the flesh that had been injured by the jagged wound, I took out the mass, put it in a piece of paper, and carried it home on the Saturday. This was on the 1st June—Saturday. I got the paper out of my bag. I brought the bag from home. The paper was in the bag when I left home on the morning of Saturday. I put it into the bag that morning. It was newspaper. I remember putting it in my bag. I got it from one of my rooms. I do not know what paper it was. I do not keep files of the paper. I do not preserve them. I do not think I had had a *New Zealand Times* that morning. It is not my habit to have old papers. Sometimes half a dozen. I have the *Post* and *Press* regularly.

33. As to the incised wounds on the body?—They were all clean incised wounds, clean cut at both extremities. I mean that they were made by a double-edged instrument. The wounds on the surface of the body were about $\frac{3}{4}$ in. on the surface. The wound on the pericardium $\frac{1}{2}$ in., and on the heart $\frac{1}{4}$ in. That shows that the instrument with which the wounds were made tapered. The distance between the inner wound and outer was 5in.; therefore the instrument must have been at least 5in.; besides that, I have not made any allowance for distance through the clothing. Having regard to the wound severing the jawbone, the instrument must have been a very strong one. The mass I took from the shot-wounds I took to my house and produced it at the inquest. I took it home again. I had not changed the wrapping. I took it home on Monday, 3rd June. I dissected it on 6th June. Before that I had not taken the shot out. On 6th June I opened the parcel. The whole of the wrapping did not come away. When the inside mass was taken from the body it consisted of particles of clothing, flesh, blood-clots, paper, and shot, the whole substance being saturated with blood. When put into the wrapping the blood, of course, gravitated to and wetted the wrapping on the part it was standing on. The whole of the paper came away clear, except a piece about the size of a shilling or half-a-crown remained on the mass. In order that the paper should not get confused I burned the piece that remained. I endeavoured to remove by soaking in water, and I believed had removed it all, but on reconsideration I think it is possible a small portion of the wrapper might have remained adherent to the mass. If it did remain it would have been only a very small portion of the paper I had removed from the wound; if it did remain adherent it went with the remaining portion of the paper found in the mass and taken from the wound. Having removed the wrapper I dissected the mass. I separated from the mass blood, paper, particles of clothing, and shot.

34. What did you do with the paper and particles of clothing?—I cleaned them and dried them and put them in a box, and handed them to Mr. Tasker. There were two boxes. In the first box I took to Mr. Tasker was paper; there may have been shot. The whole of the paper found in the mass, and, possibly, part of the wrapper, I put into a box and took it to Mr. Tasker. I went first to Inspector Thompson. I did not deliver the box to him: he did not touch it. I went with him to Mr. Tasker and delivered it to Mr. Tasker.

35. Look at this box, do you find any memorandum of yours in that box?—Yes; I find a piece of paper with a written memorandum of mine on it.

36. *Mr. Bunny.*] When did you make that memorandum?—I made it on the 6th June.

37. Did you put that piece of paper with that writing on it into the box which you gave to Mr. Tasker, and was the piece of paper in it when you gave it to Mr. Tasker?—Yes.

38. What else was in that box?—Merely the paper that I had teased from the substance extracted from the wound.

39. Did you give more than one box to Mr. Tasker?—Not on the 6th June.

40. Did you on any other day give any box to Mr. Tasker?—No; there was a second box I had which I produced at the examination before the Resident Magistrate. In it were particles of clothing and shot which I had teased from the wound. I only gave one box to Mr. Tasker that had the paper I had teased from the wound and the memorandum in my writing. This box is the same size and material as the one I delivered to Mr. Tasker. It has same lid. I had put my name and the writing on it that is now on it before I gave it to Mr. Tasker [marked G]. I produced another box at the Resident Magistrate's Court.

41. What does this box produced to Court by you contain?—The shot and clothing taken by me from the wound of Hawkings, small particles of flesh and paper, on the clothing. One parcel in this box contains shot teased out of the substance in the gunshot-wound—that is a white paper parcel. The other parcel in brown paper contains shot removed from the wounds made by single pellets. This box I identify from general appearance. As to the paper parcels which I put into the box the handwriting is mine. I put the parcels for convenience into the box [marked H]. It is called a 2oz. box; the other is just the same size. I left the box and parcels with the Clerk of the Resident Magistrate's Court, Mr. James. I did examine pieces of paper that I teased out of the flesh before I delivered them to Mr. Tasker. One piece contained the words "Nelson" and "Havelock," and the word "Hudson," and dates "22nd and 23rd May." It was evidently part of a shipping column of a newspaper—that piece was about $\frac{1}{2}$ in. to 2in., squared or rectangular. That was not the largest piece; there was a smaller piece of a shipping column, and, as well as I recollect, the word "Rotorua" or part of that word on it. The larger portion of the paper taken from the wound was part of an advertisement in large letters, but I do not remember what it was about. There were a large number of small particles of paper besides these three.

42. Look at the stiletto. Had you this at any time during the post mortem?—I had it on Sunday, the 2nd June. I believe all the incised wounds and the fracture in the jaw could be made by this instrument.

43. Did you insert this into any of the wounds?—Yes, into some of the wounds on the arm and in the left side. The instrument passed into the wound. I have measured this stiletto. I observe that the point is slightly bent. It was so when I first saw it on Saturday evening, the 1st June. It was in a sheath. It seemed to me about 6in. long in the blade and $1\frac{1}{4}$ in. in width. I examined it for blood before I inserted it into the wound. It had no marks of blood. There was no loose rust on it, but rust such as there is now on it.

44. *Mr. Bunny.*] You say you went up to the spot to examine when the body had been found?—Yes; I cannot say it was 6ft. off. It was a few feet off. It is difficult to judge the distance at night by a lantern. It might have been only 3ft. or 4ft. It was a few feet from where the body was. I suppose I formed the opinion at the time that it was 6ft. off. I stayed at Hawkings's house five or ten minutes. I did not inform Mrs. Hawkings that her husband was dead. We told her he had been taken to the hospital. She was not particularly excited. She took our statement to be a correct one. I formed an opinion on the spot that he had met with foul-play. I told Sergeant-Major Morice I thought a murder had been committed. I think he said he would send out men the following morning. I first discovered the gunshot-wound at the morgue on Saturday. I had constables during the whole of the post mortem. I left at dusk. I never left the room in which I was conducting the post mortem examination all day, and when Detective Benjamin, during the forenoon, wanted to know what instrument, I said, "Gun, and stabbed." This would be about eleven. I understood Benjamin was sending a message as to what weapon caused death, and I sent word, "Gunshot and stabbed." I do not know what constable I sent word by, whether Carroll, Healy, or Gleeson.

45. You examined the clothes?—Yes, carefully. I noticed the trousers. There was a ragged tear close to the pocket on the left side. It seemed to me these tears near the pocket were accounted for by the supposition that the substance in the waistcoat-pocket, as the pocket-knife driven out by the bullet tore the trousers. The tear was a considerable one. I think this both possible and probable. Anything that was in the waistcoat-pocket and hit by the bullet would be carried away by the bullet. I do not think the tears look as if made by a struggle. I do not think blood from the jugular vein would spurt out. I do not think it necessary that a person stabbing would have blood spurted on to him. If the wounds on neck were first made there might have been spurting-out. If a person stabbing stood close to the person stabbed I do not think that blood would have spurted on the stabber. No large arteries were cut. I think it would escape slowly. There would be no spurting-out from the jugular vein—not more than 3in. or 4in. I do not think blood would spurt over the hand of the stabber. The instant you withdraw your hands you get free from it. No occasion for the hand to get bloody at all. There were small muscular branches of arteries severed while flowing. I do not think there was the slightest squirting of blood from body. I formed no opinion there was a struggle. I came to the conclusion there was no struggle, I do not think. I suppose from $\frac{1}{2}$ in. to 1in. would have to be allowed for clothes for the stab to go through. When I first saw dagger there was verdigris at head of hilt to $\frac{1}{4}$ in. I do not think it necessary verdigris should be rubbed off if it was weapon. I do not think the friction caused by clothes sufficient to have removed verdigris. There were something like 21 stabs. [Attention called to fact—blade $5\frac{1}{2}$ in.] I still say wound was 5in. long, and this instrument may have been used. The pressure on body given by force of stab would account for that. Verdigris may not have been removed. It was not that all wounds were 5in. deep. I inserted this instrument in some of the wounds. As well as I could judge, all wounds might have been caused by an instrument like this: nothing inconsistent with that having been used. I do not think I compared shot found in body and shot shown me by police. The larger kind of shot in the pouch might correspond with the shot found in the body—only means would be to weigh shot. Smaller shot did not agree with that in body. Last wound I inspected was wound from the shot. I took the mass out. Then want of light prevented me from continuing. I put paper in my bag to wrap wadding in. It was perhaps half newspaper. I cannot tell what paper it was. There was nothing to make it seem like a foreign paper. I took no other paper but what was wrapped round the wadding. When I

took mass out of wound I put it on slab of washhand-stand. I washed my hands to open the bag, and then took out paper. This was evening of June 1. Looked at it on Monday, 3rd June. It was not then that I discovered that it was part of shipping column. I did not examine it at all till 6th. I began examination on 6th about ten. I had not formed any idea what newspaper paper belonged to. The dates 22 and 23 were a portion. I knew there was paper in the mass when I removed it from the wound. I might have made a casual mention to Inspector Thompson that I had found part of paper of 23. I believed I had removed all the paper. It was very difficult to remove it. I had to remove it in small pieces. I believed I had removed the whole until I saw in the paper that part of paper of 31st May was found amongst the papers taken by me from wound. It is quite possible that pieces of size shown in photograph may have been left in the mass, though I had tried to remove the whole of the paper completely in which it was wrapped. I never intended to convey that the paper was not doubled or more than doubled. I did not remove adhering part in layers, but in small pieces—some, pretty big pieces. I do not swear that this piece of paper was not in wound. I put memorandum loosely. I did not gum memorandum into box. I did not inspect gun. I asked for it—either Benjamin or Thompson. I asked for it on Saturday evening, 1st June. I asked for gun because they had shown me dagger and shot-pouch. They said they had not brought it from Chemis's because it had not been recently discharged. I am not certain whether I said they ought to have it. I think I asked them to get it next day. I noticed these words on the pieces of paper on 6th. I suggested to the police that prisoner should be examined. There was a skin-wound on one of the legs. It was as if he had slipped down. I observed no blood-marks. I am not much of a sportsman—little.

W. JAMES examined.

46. *Mr. Bell.*] Am Clerk in Magistrate's Court, Wellington. I took the depositions in the case against the prisoner. This box was marked by me No. 4, and with my initials. It was received by me from Dr. Cahill, and is produced by me now. It was kept locked up ever since.

WILLIAM DIMOCK examined.

47. *Mr. Richmond.*] Am bacon-curer. I live beyond Kaiwara, at junction of Hutt road and Hawkings's road. On 31st I saw Hawkings. He came up to the house about half-past five in the evening. He came for his bread; his horse and cart were below. He only stayed two minutes at outside. I saw him go away. The next I heard was he was dead. That was about eight. I heard it from J. McCallum. I telephoned for doctor and police. Dr. Cahill came. I did not go up till Dr. Cahill went up next morning about eight. It was light. I went up to a place where Hawkings was found. Two constables there—Carroll and Healy. My two brothers were with me. We had a look at place. Then two little boys came up—McCallums. They said there were some papers further up the road. We went up to look at paper. Where we saw paper was 40 yards further up the hill from where the body was. I saw also two buttons, and what looked like a piece of waistcoat-pocket. I picked them up. I gave them to Carroll. It was on the right-hand side going up on the side of the road. I picked them up. The buttons were on the grass on the side of the road in a little water-worn channel. I saw part of a knife picked up by my brother Victor. He picked that up on right-hand side of road on grass, two or three yards from buttons. Knife was given to Carroll. I also saw pieces of paper. They had marks as if gun shot off, lead marks were the paper had been rammed on to the gun, also blackened by lead. Paper also on right-hand side of road. There were some in the bushes. I did not pick that up in bushes on left-hand side of road. I gave the papers I picked up to Carroll. I picked paper up on right-hand side of road. I was there perhaps half an hour. Then home. I did take notice whether any paper picked up on left. Nearly every one there picked up paper, little pieces. All the pieces that were picked up were given to Constable Carroll.

48. *Mr. Bunny.*] Carroll got the lead-marked spots. I called his attention to this. Carroll would get into town about half-past nine or ten. We could hardly help seeing Hawkings going into town or out again. He generally went in on Fridays; possibly other days. He was a little late that night. He generally would get home before dark. He generally returned before dark. He may have returned at times earlier. I remember buying some beef off him. I do not know that it was a Friday. He generally drove, very seldom rode, into town. He was my landlord. We generally get on well with him. Road was broken down by cattle. He said unless we would keep the road in repair he would close the road. Cattle belonged to Cate. He said if we did not keep the road in decent repair he would close it. I do not remember any other matter. I believe one of Cate's cattle got on to his place, and Hawkings claimed damages. It was settled. I was never summoned by Hawkings. I cannot say if brothers were.

49. *Mr. Bell.*] The men were working at Cate's place late that night. There were dogs there. The men were there all evening. I hardly think it would be likely for any one to go up without dogs barking. The dogs did not bark. I do not think it possible that a stranger could go up.

50. *Mr. Bunny.*] When they bark much we notice it. They would bark a good deal if a person went up to the slaughterhouse. I do not think a person could go up the road without being seen. Men were working close against the road. If they bark much we should notice them. If strangers passed they would bark. If they barked we would pass a remark. Dogs seldom bark unless some one is about, or something gets out. We are close to the Hutt road.

51. When McCallum came down I telephoned myself. Bowles came down. The telephone is away from the house. Bowles was at the house before I left it. Bowles went with me to the telephone. I went with Bowles to the telephone. I did not go up to Bowles; he came down to the house.

VICTOR DIMOCK examined.

52. *Mr. Bell.*] Am a bacon-curer, corner of Hawkings's road. I saw McCallum in the evening at twenty past eight. I got a lantern and went up the hill. I went up to the road. I took one

with me and one caught me up—two fellows. We found the body. I came down again and went up with the doctor. I did not move the body. I spoke to Bowles. I am not sure if I went down to see him. I just went to the room to get a lantern. I asked Bowles if it was right what the boy said. Next morning I went up with my brother to the spot where the body was found. The two McCallums (Malcolm and Donald) came up; they said something about paper. We went further up the hill, to where some boys were standing. There was paper. It was just past the first portion of gorse on the left. It was the knife I saw first. I know the bend. It was on the right-hand side. I picked up one portion of the knife. It was lower down than the bend. There is a bank on the left. On the right it is level and grassy, and some big boulders. Where the knife was picked up was three, four, or five feet off the road, on the grass, on the right. There was some paper strewn right across the road, some on the right. I do not think any piece of paper was so large as a halfpenny. I did not pick up any. I saw Carroll pick up some. The boys might. I did not see them. I picked up two pieces of knife. Two within 2ft. of each other.

53. Could you form any opinion as to how the papers got there?—I thought it had been shot out of a gun. It was black. These are pieces of the knife. I saw a small piece of blade in waistcoat when we took the body to the morgue. [Piece of knife produced. Exhibit 1.]

MALCOLM MCCALLUM examined.

54. *Mr. Bell.*] I am a son of Samuel McCallum. He is a currier. I live nearer Kaiwara than Chemis. I went up in the morning up Hawkings's road with Donald and the Dimocks. I saw a pool of blood, and went further up the road. I called out. I saw some bits of rag and paper lying in the midst of the road. My brother was with me. Carroll came up where I was. He picked up the bits of cloth and paper. I saw some bits of paper in the furze-bushes on the left as you go up. I saw no paper on the right. I did not pick up any paper. I saw Victor Dimock and Constable Carroll pick up some paper. I believe Victor picked up some paper and gave it to Carroll. I then went up the hill. I found nothing else.

DONALD MCCALLUM examined.

55. *Mr. Richmond.*] Am a son of Samuel, brother of last witness. Went up with my brother on Saturday up Hawkings's road. I saw Dimock and Constable Carroll there. I saw blood on the road, and after that some pieces of paper above the blood. I picked some of it up, and gave it to Carroll. I did not see any one else pick any up.

MALCOLM MCCALLUM recalled.

56. *Mr. Bunny.*] I saw Chemis on Saturday morning, going round with his milk as usual. I got milk from him as usual. I asked him if he had heard about Mr. Hawkings. He said some one in Kaiwara told him about it. He said he had heard about it in Kaiwara. This was early in the morning.

JOHN ALFRED KOCH examined.

57. *Mr. Bell.*] Am ledger-keeper at the Bank of New Zealand, Wellington. I knew Hawkings and his signature. This is his signature. It is a pay-in slip of 31st May, signed by him. It is for £6. It went to his credit on that day. It is five notes and one sovereign.

MICHAEL GREEN examined.

58. *Mr. Bell.*] I am a labourer, in Wellington. On 31st May we were laying a gas-main. There were ten of us. Capling was one of us. We were working at end of road at Kaiwara, a little way past the bridge from here, one hundred yards other side of Rainbow Hotel. We were six or seven weeks on road altogether; about a week at Kaiwara. I just know the prisoner by seeing him spreading metal. I saw him on 31st May spreading metal, a little way past Taylor's shop, further from Wellington than Rainbow Hotel. He was working on the road. He knocked off at half-past four o'clock. He knocked off before us; we knocked off at twenty minutes to five. He went towards Ngauranga when I saw him. The gasmen all knocked off together. We came to town in a spring-dray; the clock just striking five as we passed Government Buildings. The horse walked part of the way and trotted part.

59. *Mr. Bunny.*] I have seen prisoner there later than half-past four o'clock. If he had a load to spread he would stop and do it. I know he was spreading all the afternoon. I am sure. I think they were taking blinding from where the school is. I saw prisoner at the school. I saw him particularly leave work this day. Not more particularly that day than any other day. I did not see the cart that prisoner was working with go away.

CHARLES CAPLING examined.

60. *Mr. Bell.*] Am a labourer, living in Lorne Street, Wellington. On 31st May was working at Kaiwara, laying gas-pipes, near against where the butcher's shop is, the other side of the Rainbow Hotel. We knocked off about half-past four o'clock. I did not see prisoner knock off. I saw him that day spreading metal on the road. I came into town in Miller's cart, with Green. The clock struck five as we got to the Government Printing Office. I knew Mr. Hawkings. We met him just this side of the Railway Hotel; this side of Pipitea Point. We were then coming into town. He was driving his cart. No one in the cart with him. I saw him.

61. *Mr. Bunny.*] I was putting away tools for all. I did not see prisoner leave work.

JOHN TAYLOR examined.

62. *Mr. Richmond.*] In employ of Thompson and Co., drapers, Wellington. Saw Hawkings on 31st May at our warehouse. He came to purchase drapery and hosiery. He paid for it by cheque. He said he had not sufficient with him. He pulled out a few shillings, and said that is all.

63. *Mr. Bunny.*] He had a cheque-book with him, and he used it. I believe he entered the amount in the book. I am sure he had his own cheques.

ROBERT MACKIE examined.

64. *Mr. Bell.*] Am a storekeeper at Kaiwara, and agent for the *Evening Post* there. I knew prisoner. He deals at my store, and he buys the paper. He calls for it, or some of his family. He has been ten months taking the *Post*. On the 31st May I saw the prisoner. He came for the *Post* about half-past four o'clock, and got it. He was in his working-dress. I knew Hawkings. He got his *Post* from us. He called on the 31st May for his *Post* and two loaves. That was about half an hour after prisoner was there.

65. *Mr. Bunny.*] We have between seventy and eighty subscribers to the *Post* in Kaiwara. That is more than the majority of householders in Kaiwara.

GEORGE LEE examined.

66. *Mr. Bell.*] Am a carter, and drive a cart on the Hutt road. Am in the employ of the Hutt County Council. I live half a mile up the Ngauranga road. I live with my brother. Thomas Martin and Walter Wilmerson also lived there. All sleeping there on the night of the 31st May. On that day I was carting stone in the forenoon, and gravel in the afternoon. Prisoner was spreading it. I carted it from Ngauranga Quarry. I put it down in front of the Rainbow Hotel. I took none up to the school. I got gravel from the school for blinding. I put gravel where stone was. Chemis spread blinding. I took Chemis home in the cart. It was something to five when I took him up. Last week the last work we had done was blinding. I did not see him put on his coat. He had his coat on. He picked me up. I had to pick up horse-feed in front of the Rainbow Hotel. I just had to load up this after Chemis left off work. I did not see where Chemis went; and he picked me up after going half a chain. I dropped him at his gate. I saw him walk up the road. Next morning I saw a man going up the Ngauranga road coming from the Hutt road. Walter Wilmerson saw him before me. He spoke to me. Walter said something. I came out at once. I saw him running up the road. He had no gun. I was going out to feed my horse. I went out to see who he was.

67. *Mr. Bunny.*] It was strange to see a man at that time. I watched him past the house. I could see he had no gun. I could see if he had a gun. I told this to my father, and then communicated to the constable at Johnsonville. I have not said he had a gun after I had heard of Hawkings's murder. Couller had brought out some pollard and bran from town for me. Prisoner helped me to pick up the pollard. It took five minutes to load up after we knocked off work. It was getting on towards five when we finished loading. I generally gave him a lift. I always left him at the gate.

67A. *Mr. Bell.*] There were five sacks. It would take ten minutes to load up five sacks. My father told the constable. I told my father the same morning at the quarry. It was Monday morning. My father told me he had told the constable. I never spoke a word about the death of Hawkings, or any one to me. I did not see Mrs. Chemis since.

THIRD DAY.

Dr. CAHILL recalled.

68. *Mr. Bunny.*] You said yesterday that Dr. Robertson and Dr. Hassall called in at the morgue?—Yes; they took no part in the examination.

69. *Mr. Bell.*] Dr. Hassall saw the incised wounds at outside of body.

GRAY HASSALL examined.

70. *Mr. Bell.*] Am a legally-qualified medical practitioner in Wellington. Was at the morgue on the 1st June, in the afternoon, Saturday, about five o'clock. Saw the body of Hawkings, and wounds on the body.

71. Were you able to form an idea of the form of weapon with which the wounds were inflicted?—Punctured wounds, evidently made by a double-edged instrument.

72. What wounds were not punctured?—The shot-wound; all others I spoke of as punctured wounds.

73. *Mr. Bunny.*] I was not engaged specially to examine it. It was daylight. I do not know what time it was. It was daylight. I was invited to go in. I just took a casual observation of the wounds on the body.

MARY HAWKINGS examined.

74. *Mr. Richmond.*] Am widow of Thomas Hawkings. Married eighteen years on 24th May last; lived at the farm ever since marriage. Mr. Hawkings left at twenty minutes to ten. He had the butter-box. He had £7 15s. or £7 17s. in money. I put it into his pocketbook and gave him pocketbook. He had some papers—Native papers and odds and ends. There were about six notes and one or two half sovereigns, the rest silver. I put it all in the purse. He generally gets home from town before six in the evening. He did not return on that day. We had tea at a quarter to six. Only my family and the man Norman at tea. They were all in at a quarter to six; all there at tea remained in house up to seven o'clock. Bowles wanted to go to look for him. I said, "He will come home all right, sober enough." I did not notice the exact time he went out. He (Bowles) went out a quarter to eight or so. I saw him come back with trap seven minutes after. Bowles gave Norman the horse. Norman put horse away, and went to look after Bowles. I did not see Norman till after I had seen Dr. Cahill. My mother came up and told me my husband was killed—this after Dr. Cahill left. My husband carried only a small knife, mother-of-pearl handle. He always carried it with him in his pocket. This looks something like it; it had handle like this. I did not see body till Monday morning at morgue. I knew Lidden well; he was at wedding of

Bowles. My husband's fiftieth birthday was celebrated on the same day. He was a great friend of my husband's. My husband had known him five years. He came from Foxton. He went away by steamer on 17th; he left our house on 16th. There was no quarrel. He was carpenter at Foxton, working at flax-mill. He asked the master, I believe, to give him three days off. I telegraphed to him to come home. He often comes to our place to stay from Saturday to Monday when in Wellington. I thought he would be in time for funeral; he did not get telegram till Tuesday. He came up on Thursday, and went away on following Monday to Foxton. There was no quarrel between him and my husband. George Bowles is my brother. I do not remember his bringing sheep to our farm. I know nothing of any quarrel between my husband and George Bowles about sheep. There were no words, no quarrel. There was ill-feeling, but not about sheep. I think ill-feeling was that he thought my husband could have helped him more than he did. I never heard my husband threatening George Bowles in any way; I never heard them going into these matters.

75. *Mr. Bunny.*] I am not aware that George Bowles ever fetched sheep to our place. There were sheep came down by truck. My husband bought them in Wairarapa. I believe it was 200 sheep. Not just prior to his bankruptcy. I have still a lot of sheep on farm now. Chapman and FitzGerald know all about it. I am sure George Bowles did not get back 100 of sheep. George Bowles was paid for them. I can swear he was paid for them. I cannot tell how much. Eight shillings per head. They were not brought down for the purpose of protecting them for Bowles while going bankrupt. I know it was not about sheep that they had words. I am not aware that my brother complained that my husband had treated him badly about sheep. He was going to meet Maoris at twelve. There was to be a Land Court—Native Land Court. I do not know that other papers were of any importance. I do not know of his going to effect a lease. My husband wrote to Lidden to come down. Lidden did not know of wedding till he came. I have heard of the name James Nairn. I do not know him. I am not aware that my husband had any dispute with Nairn about land. I am aware that Dominic Hobbs, twelve years ago, went to law twice with husband about land. My husband won actions. I know nothing about Nairn. I do not know Mr. Alfred Tyer to speak to. They both live at Ngauranga. I do not know of a quarrel between Tyer and my husband. There was no row about road. It has not been settled yet. There has been a dispute between Road Board. I know Mr. Thomas Harlen. There was no disturbance. He paid all to my husband he owed. The rent Harlen borrowed from Mr. Hassall. He did not blame my husband. I do not know how Hassall came into matter. I do not remember a row between my husband and Bowden about work, and that my husband sent Chemis half a sheep as a recompense for Chemis's interference. There was a disagreement between Bowden and my husband, and a letter from England reconciled them. I often send them in mutton and pork. He used to go to town other days than Friday, generally on his pony. He mostly returned home before six. He was often home by five. He sometimes went for letters and evening paper. I felt anxious myself after Norman said my husband was not there. I went a little way off house and called out to my husband. Dr. Cahill came about quarter to eleven. I was suffering from bad knee. I went a little way across paddock and called out. Mrs. Bowles stayed with me. I and my mother and Mrs. Bowles were up all night. During the night I asked if Bowles and Norman were returned; my mother said not.

76. Did your husband complain of persons coming there shooting?—There are lots of people shooting. My husband objected, but I cannot say if he expressed his feelings. There was never any row.

77. *Mr. Bell.*] I was not on bad terms with my husband. I am sure there was no dispute with my husband and me. I had asked him to get all things he got. All that I wanted him to get he brought back—the groceries, hosiery, and stuff material. Our farm is 400 acres leasehold and 100 acres freehold. Freehold is No. 7 in plan. Our landlords are Maoris. No. 5 is leasehold.

FREDERICK WILLIAM LIDDEN examined.

78. *Mr. Bell.*] I am from Finland; am a carpenter. I live at Foxton just now. I knew Mr. Hawkings; he was a great friend of mine. I have known him six years. I put up a little addition to house that had been let to Angus. I came down to Hawkings's birthday-party. I was invited. I got letter. I believe I have letter at Foxton; a few lines on other side from one of children. I came down Sunday before Easter holidays. I stayed from Monday till Tuesday. I was in town the rest of time. I went to say good-bye on Easter Monday. Hawkings took my horse and put him in stable. I never had any words or difference with Hawkings at any time. He never told me to leave house. He was always pleased to see me. On 31st May I was fourteen miles other side of Westward's flax-mill. I had been three days.

WILLIAM DURRELL examined.

79. *Mr. Bell.*] I work at Newton's soap-works, close to the bridge at Kaiwara. I get milk from Chemis, prisoner; have so for eighteen months. I pay prisoner monthly. Once I was not able to pay; it was in March of this year. I saw Chemis on the subject. It was at my house; he was serving milk. I told him I could not pay all account. I explained I had had a lawsuit, and case would very likely cost me £10 or £12. He said that was nothing, if he had lost his case it would cost him £50 or £60, and God knows if it did it would ruin him. He said it was case of Hawkings. I asked him if it was not settled, he said No; that was all. I got bills on first of month, unless it came on a Sunday, then they would come on a Monday. I used to get them that always happened to me. As to May month I got that on Monday, 3rd. He would bring the bill and collect money.

80. *Mr. Bunny.*] This has been the case ever since I started with Chemis. I have invariably had the monthly bill from Chemis. It was invariably delivered on first of month, unless it was a Sunday. I always knew the bill was there. I used always to go and get it. On last Friday in

June I asked him to let me have bill on 1st July; my wife was going away, and I thought they might not bring it. I was employed at Foxton Hotel cooking, or anything they wanted. I knew Mrs. Mullum. I do not recollect borrowing £20 of her. I got £2 from her. I had that money stolen from me at house. I asked her for it, no other sum of money. There was a £1 she gave me on the night money was stolen. I was Chairman of the Committee. I laid the information myself.

JOHN TUCKER examined.

81. *Mr. Bell.*] Am labourer at Newtown with Mr. Harlen, milkman. He lives on Adelaide Road. I was in Harlen's employ last Christmas. I saw at door of Harlen's house prisoner on Sunday before Christmas last. He was talking to Mrs. Harlen as I came out. I did not hear what was said. After that he spoke to me; gave me time of day a few feet from the door. He came away from Mrs. Harlen. We walked across road together. He told me he had come there for some deed that would do him a great deal of good, he thought. He said he leased some land off Hawkings; it was forty or fifty acres; that he wanted to chuck it up; that it did not pay; that Hawkings did not want him unless he chucked up house and land he was living on to make a slaughterhouse. He said, "The son of a bitch wanted to do him same as he had done one or two more." I asked him, "Do you think Hawkings will get away with you?"—I meant to get better of him. He said, "If he get better of me I will fix bugger so that he will get away with no other." The subject dropped. I went away and got stuff for horse. I came back again, and had more talk with him about cows he had bought. I asked him if there was any work for me on road. I said I thought of going to Hawkings to get some work. Chemis said, "I would not go to that son of a bitch; that man wanted to get hold of you long enough." Subject dropped. I went and washed milk-pans. I had seen prisoner. I had spoken to him two or three times. I was then on land leased by Harlen from Hawkings. I used to be in Harlen's service twelve or thirteen years, at Khandallah. I had seen Chemis on land. He had asked me if I had seen a bull.

82. *Mr. Bunny.*] When did you tell any one about this?—Not till yesterday in Court. Detective asked me yesterday if I had any conversation with Louis Chemis. I was on ground at Harlen's when detective came. I said if I was in the case it would look a little bit different. I thought nothing of it at the time or since.

EMMA HARLEN examined.

83. *Mr. Bell.*] My husband is Thomas Harlen; he is a dairyman in Adelaide Road. I used to live at Khandallah, next station. We leased it from Mr. Sharp, and some from back of Hawkings. We do not occupy land there now. I have seen prisoner. I saw him at our house at Adelaide Road; it was near Christmas last. Prisoner did not come inside till after my husband came home. I spoke to him when he came. He wanted me to lend him some papers, which concerned lease of land we held of Hawkings. He said he thought they would be of use to him. I said I did not care to lend them. He said he was going to Court with Hawkings. He waited for my husband. Chemis was outside in yard. Husband returned some time after—three-quarters of an hour, or longer. Tucker was working there; he attends to cart when it comes home. Tucker came in to his dinner after he put horse away.

84. *Mr. Bunny.*] My husband saw him (Chemis) on his return. My husband leased some cows and land from Hawkings. I do not think there was any dispute between them. They exchanged some land together. Hawkings thought it would be more convenient for us. My husband had no row with Hawkings. Hawkings sued him for rent twice; settled each time out of Court. He had things of Hassell. We were sold up, but not by Hawkings. We got money from the house we are now living in. Hassell sold us up for money due for corn.

JOHN BATES examined.

85. *Mr. Richmond.*] Am a labourer at Kaiwara. I was one of the party that was employed to make a survey, by Mr. Anderson. I picked up a miner's right near peg 21, in the water-table, on side of road on right going up. I picked it up on evening of 18th of last month.

WILLIAM HUNT examined.

86. *Mr. Bell.*] Am a fellmonger at Crofton. This is my miner's right. Have been at Kaiwara since I came back. I had it in my possession on 7th June. I do not know about losing it. I was on the spot of the murder on the 17th.

JOHN MAY examined.

87. *Mr. Bell.*] Am a fish-curer. I live at Johnsonville.

WILLIAM WILSON examined.

87A. *Mr. Bell.*] Am a shorthand writer, lately on *Evening Press*. Was so in March and beginning of June. On 1st June I went out to Kaiwara between ten and eleven in the morning, on business of paper alone, up Hawkings's road. I went to house, and returned with Norman to gate on road between house and bend in road. A little below gate I saw Detective Campbell and one of Dimock's. This would be before twelve o'clock. I came down and had lunch at Dimock's with Campbell. I picked up a piece of paper; it was a piece of newspaper. It had on it that D Battery of Artillery would hold picnic next day. I put it in my pocket, and afterwards, being asked, I went to the police-station and gave it to some one there. I also had another piece of paper. I got it from Norman, on same side of road, a little way lower down. The piece Norman gave me was dirty. It was this piece; about 8in. or 9in. long. The first piece looked as if it had a piece torn out. On right-hand side of road I saw one or two small fragments; they looked blackened and folded up. I saw two or three of them, these on right-hand side, and ten yards below the bend. This piece, marked "K 1," is the one I picked up myself. The other, "K," is the piece Norman picked up, I believe.

88. *Mr. Bunny.*] I had an idea that D Battery. I said at Resident Magistrate's Court that I recognised it as piece of paper of 23rd May. I did so because I knew there was going to be a picnic on the 24th. It was after I met Campbell I picked up. It is evidently a piece of paper of 23rd May. I wrote paragraph on the picnic of 24th May. I was under the impression that it was 23rd May till a date was pointed out.

STEPHEN WILLIAM GREEN examined.

89. *Mr. Bell.*] Am a bookbinder, living at Newtown. I went up Hawkings's road on Sunday, 2nd June. I picked up some paper clinging to gorse bushes at turn. I kept pieces of paper till 17th June. I handed them over to Detective Benjamin. It was in bushes nearest to road I picked the pieces; three were each about size of hand, with rough edges. They were open. This is one piece. I identify by date, 17th November, and by shipping column. I recognise a second piece; it joins on advertisement, Wilson and Richardson. I do not recognise this third piece. I am not positive about this.

90. *Mr. Bunny.*] I did look at pieces of paper. I did not notice anything in the third piece.

PETER JOSEPH examined.

91. *Mr. Bunny.*] I work on Ngauranga line. I remember the evening of the 31st May. I was going home. I generally go a short cut from Kaiwara to Khandallah Station. I left work at twenty-five minutes to five. I work on Ngauranga road, between Ngauranga and Johnsonville. I came a short cut from near my work to a track which leads from near Khandallah Station to Kaiwara. I live at Kaiwara. I generally go the same way. It generally takes me forty-five minutes to go. I left at twenty-five minutes to five. I got home as twenty minutes past five. On that evening, 31st May, I noticed a man. The first person I met was a young man going to Johnsonville. I met him near the railway-line. I saw a man going towards the summit where the track crosses the summit. He had a gun. He had no dog. That would be very near five. I gained on him a lot. I came close to him. He came over to Barber's fence and Hawkings's. He left the track. I should say the last I saw of him was from five to ten minutes past five. He left the track at the fence between ten and twelve (on plan), and went towards the left as you go to Kaiwara. Hawkings's house was visible from the trig. station. I could to a certain extent describe person's clothes. The prisoner was not that person. I made this circumstance known to the police.

92. *Mr. Bell.*] I communicated this to the police a fortnight ago—to Detective Benjamin. This was my first communication. I told one person of this on the 2nd June—Sunday. I told James Flaws of this. He is a labourer in the tan-yard. I told him this on the 2nd June. I went up to where the murder was committed. I told him as we were coming back. I said I had seen a man crossing the hill with a gun. I told him where the man left the track. I told him—Flaws—that the man left the track at the fence that divides the land of Hawkings from Barber. This was while we were on the Hutt road. There were a great many people on Hawkings's road. The next person I mentioned it to was my master, the day before I went to the police. He told me to go to the police. The man was not a tall or a short man; just about 5ft. 6in.; in light moleskins or tweed trousers, dark coat, and a grey tweed hat. I was about 100 yards from him when he was on the track ahead of me, at about five to ten minutes past five. There is a bushy gully he went into. There is a track to Barber's slaughterhouse. I am a carter on the Hutt road. Have known Chemis six years. I have bought milk of Chemis. I did not live at Kaiwara till the 19th May. I am lately married. I only met Mr. Green; he says he saw no one on the track that night. It was not dark, only getting dark. I was not close enough to see his features, but I could see colour of his hat. I first met Green at railway-fence. I think it must have been impossible for Green to see man.

CECILIA PHILLIPS examined.

93. *Mr. Bell.*] I live at Kaiwara, at Junction Hotel. Am barnmaid. Knew Mrs. Chemis a little while. I know Mr. O'Dowd. I believe he is Mrs. Chemis's brother. I have known Mr. O'Dowd two months. I took a walk with him on the 31st May. I met him at Greaves's gate, two miles north from the hotel. My appointment was a quarter to seven. O'Dowd was living at Mrs. Greaves's. He kept appointment. At a quarter to seven I went for a walk with him. Was with him till eight. I saw him in the morning. He did not have dinner at the Rainbow. Nothing extraordinary about his manner.

WILLIAM SKEY examined.

94. *Mr. Bell.*] Am analyst to the Government. I have had things for examination—a stiletto and sheath and knife. This is the stiletto and sheath. I examined it for blood and found none. I removed no verdigris or rust. I removed some rust and examined that. I also looked at clothes; also some papers. Detective Campbell and Carroll brought me papers. The paper brought by Carroll I examined for carbon or soot. I found stains of carbon or soot. It looks like gunpowder stains. I handed the paper back to Carroll in the same condition as I received it. I simply added reagents to paper, and Carroll took them away.

95. *Mr. Bunny.*] I examined the sheath; it was handed to me cut open. I think the weapon might have been used for stabbing, and signs of blood removed by washing in warm water, or by rag. You must rub a long time to get off stains of blood, and it would brighten up the blade. If warm water was used it would have to be rubbed and wiped. I think in that case the blade would be bright. In such a process rust would be rubbed off.

HENRY NORMAN examined.

96. *Mr. Richmond.*] I remember the night of 31st May. We had tea at a quarter to six. I took parcels out of the cart the same night, and took the horse out; then went down the road,

Five minutes elapsed from the time Bowles left after bringing the horse and trap to the house. I saw Dimock standing by the side of Hawkings's body. Next day, in the morning, there was a detective there. Campbell was there about four in the afternoon. Going to the house.

97. *Mr. Bunny.*] I went to Dimock's that night. I got home about ten. I went into the house. The doctor had been up. I went to bed about twelve. Bowles came into my room that night. He came three-quarters of an hour after I came to bed. He stayed in my room till five, I think. He was sitting down.

HENRY BRADFORD examined.

98. *Mr. Richmond.*] Am Government Armourer, Wellington. Detective Benjamin brought me a double-barrelled muzzle-loading gun. I placed a finger in the muzzle of each barrel. On drawing the finger from one there was a slight deposit, but from the other no deposit; it felt rough. I cannot say which barrel had a deposit. In the lower Court it was the right barrel that had the deposit. I drew the plug of the barrels to enable me to see right through. I tried to get them out in the ordinary way. I could not, so I put them on to the fire. It did not follow that the nipples were in the fire. One of the nipples was exposed to the same heat as the breeches. They are both rough now. After recently-fired powder there is a greasy feel. When the gun was handed to me in the lower Court it was right-hand barrel that was smooth and had deposit. There is a difference in the nipples: one is red rusty—the right-hand one—and the left has some verdigris on it. I should not call it so. When I examined the gun the left nipple was much more covered with verdigris than when it was examined in the lower Court. I did not attach much importance to it: it only shows that an old copper cap had been left on. I do not think any importance can be attached to that, as regards the question of firing off the gun. I hardly think the left-hand barrel had been fired off on the 31st May. The barrel that was smooth I got no soot out in the lower Court. I did not expect to get any more soot after putting my finger in it. The gun was brought to me on the 4th—Tuesday.

99. *Mr. Bunny.*] Have been twenty-six years armourer to the Government. Verdigris was as if a discharged copper cap had been left on. I thought one barrel had been fired off much later than the other. I formed the opinion that the two barrels had not been fired off last on the same day. I arrived at that conclusion from finding deposit in one barrel and roughness in the other. I now find a rough substance in both barrels. I cannot form any opinion as to how long the gun would take to get the roughness spoken of; it will depend on various circumstances. I have had experience as armourer in sporting guns. I know breech-loading guns and cartridges. It is easily loaded by paper cartridges. You can make a good cartridge with paper wads: I have made them myself that way. I have here some with *Evening Post* wads. I loaded them the moment I read Mr. Bell's address. I went off at once when I heard him say it must have been fired from a muzzle-loading gun.

100. *Mr. Bell.*] When I took off both barrels I looked through them. I could not have said that both barrels had been recently discharged. I was asked, "Can you tell when they were last fired off?" I said "No." I do not think I told Benjamin that they had been both recently discharged. What I told Benjamin was that I could not tell when they had been fired off; but they would see that they had been fired off lately. The gun was very dirty; it had not been cleaned. I mean by lately within a week or a month. That they had both been fired off lately could be seen by both barrels. The one that had deposit did not feel rough. I could not say how long before the one that had oily deposit had been fired off.

101. Supposing one barrel loaded with ball and the other with shot, would that make any difference as to the residuum on the finger?—I hardly think so.

102. Supposing one loaded with shot and the other with ball, but a covering of paper to ball to make it fit, would that make any difference?—I do not know that it would.

103. *Mr. Bunny.*] Powder would go out last; it is that that leaves black deposit.

104. *Mr. Bell.*] The right nipple seems to have been fired last, because there is a deposit of rust.

FOURTH DAY.

JAMES ALEXANDER SALMON examined.—[No questions.]

GEORGE BOWLES examined.

105. *Mr. Bell.*] Am brother of Mrs. Hawkings. At present labouring-man, working at Carterton. In May last I was at Bunny's farm, near Gladstone, nine miles from Carterton. I was not out of the Wairarapa in May or June. I did not come to the funeral. I had conveyed some lands to trustees to my wife and children in 1884; James Taylor, the trustee. I became bankrupt in July, 1885. I and Hawkings were not good friends for some time. Charles Bowles is my cousin. The disagreement did not arise out of sheep. If Charles Bowles said so, he said what was untrue; it was owing to money-matters between us. I did not send down 200 sheep from my place. Two hundred sheep were taken from my place. Hawkings himself took them. I had no dispute with Hawkings relating to those sheep. I never wanted any of them back, nor ever had any quarrel with Hawkings. It was referring to land through money in 1886.

THOMAS HARLEN examined.

106. *Mr. Bell.*] I know Tucker; he has been off and on in my employ thirteen years. I saw Chemis at my house one day, when I got home—last Christmas, at Newtown. He was in the yard. He came to borrow a paper. He had spoken about it before. He asked if I would lend him the lease. He said he had got a law-job with Hawkings, and it might be useful. I told her she might lend it to him. She did so.

107. *Mr. Bunny.*] I leased some land from Hawkings. I know it was on a Sunday in December. I was sued once or twice for rent by Hawkings. Some of his sheep and cattle used to get on my land. I used to complain when I paid my rent.

108. *Mr. Bell.*] I do not know that Hawkings was a bad landlord. There was £3 due from me for milk, and there was three months' rent due. I did not complain of it.

THOMAS JAMES TOLLY examined

109. *Mr. Richmond.*] Am a gunsmith, in the employ of Mr. Denton, Wellington. I have been a gunsmith fifteen years. I do a large amount, especially in shooting-season. I have had more to do with muzzle-loading than breech-loading guns. I often try guns by firing them off.

110. If a gun were brought and you were asked to see if it had been recently fired?—I would put my finger in the muzzle, and it would come out black if it had been recently fired off. If I could not find out that way, I should put down a piece of rag. If it had been fired off a little time and not cleaned there would be rust in the barrel.

111. If you found there was rust, with what degree of accuracy could you tell when it had been fired off?—I do not think you could tell. If it was rusty I could not tell when it had been fired off. It would be possible, if it was fired off within a day or two, that it might be rusty. If it had been kept in a cold dry place it would not rust so quickly as if kept in a warm dry place, where it would dry quickly. The heat would dry up the sweat; then, as soon as dry, the effect of warmth would be that the saltpetre on the barrel would cause it to rust. Then, the rusting would be delayed longest in a cold, dry place. If the damp air could get to it, say, the cold, damp night-air, you would find it all rusty in the morning.

112. What would be the effect of putting the finger in and removing the black?—It would rust sooner when the black was rubbed off. When the black was rubbed off it might rust twelve hours after. In two days it would be bound to show rust.

113. Supposing a double-barrelled gun in a generally dirty condition, could you say when it had been fired off most recently?—Yes, if brought to me within four or five days after. If a person never cleans his gun, and a wad of felt is used in firing, it cleans the gun much more than paper would if used as a wad. If one barrel was found black and sooty and moist, and the other dry and rough, I think I could certainly say that the two barrels had not been fired off last on the same day. The fact that the gun had been, before firing, kept in a dirty condition would not prevent me from forming an accurate opinion to this effect. I should not arrive at that conclusion from the appearance and feel of the barrel at the muzzle alone, but I should try the two barrels with a rag if one came up damp and the other with red rust. You would find the dampness more apparent lower down, and the rust would begin earlier nearest the muzzle. In my opinion, even after two days, the feeling to the finger would not be of roughness. A red rust would come off on the finger, but you would not detect it by the feel.

114. Supposing both barrels rough and both fired, and then in one a finger inserted so as to take off the black, would that one still have the roughness?—In my opinion it would; but in the other the greasy powder would obscure the old rust. If the gun was kept dirty you would not remove the old rust with one shot.

115. If verdigris were round and upon the nipple, and a cap fired off upon it, would you expect the verdigris to be thereby removed?—No. If verdigris on the square of the nipple it would not be removed by firing the gun. If half the gun was placed on a fire to warm the breeches so that they could be extracted, that would burn off the verdigris, and it would have to be pretty warm to get off those breeches. You could not tell whether the gun had been fired off recently from verdigris on the nipple, after it had been on the fire. If cap left on the nipple it turns to verdigris. If cap taken off it turns whitish after it gets dry; a dirty white round the nipple, and shortly after it would go to a rust. [Witness looks at shot in white paper, Exhibit H (out of the large wound); also shot in brown paper, Exhibit H.] The shot in both papers is No. 4 shot. I believe I could tell by weighing with No. 4 shot. The shot in the flask is No. 6. There are about 60 or more shots. Fourteen of them No. 4, and one larger, and the rest No. 6. [The bulk of No. 4 shot came out of flask last.] Some of No. 4 were stuck to the flask because they had been greased to carry close. If in a wire cartridge it would have same effect. That is an ordinary scheme of sportsmen.

116. *Mr. Bunny.*] If the cap left on and the hammer down it would verdigris in two or three days. Verdigris would increase till it started to rust. If it stopped a week or two the verdigris disappears and red rust appears.

117. *Mr. Bell.*] You can buy shot mixed. Dealers keep it separate. You can mix it yourself. If rusty gun fired off, and one muzzle cleaned with finger, you could not tell from muzzle which barrel fired off last.

MARGARET COOK examined.

118. *Mr. Bell.*] Wife of Cook, labourer, at Kaiwarra.

119. *Mr. Bunny.*] I have been in the habit of taking milk from Chemis six years two months. I have been in the habit of paying accounts monthly. I received monthly accounts for the last twelve months. I have not received bills at any particular date that I can call to mind. I have received them from the 1st to the 6th. I do not know that I ever did after the 6th.

120. *Mr. Bell.*] I received the May bill on the first Monday or Tuesday in June.

LAWRENCE CARROLL examined.

121. *Mr. Bell.*] Am police constable at Wellington. I went out early in evening of 31st May towards Ngauranga to serve a summons. On way back I saw two persons near Barber's fellmongery—a lady and gentleman. This was about seven. I should not know them again. Later on in evening I went to Dimock's. I was instructed to go. Constable Webb went with me. I started between quarter and ten minutes to nine. I got to Dimock's at quarter past nine. I walked. Body of Mr.

Hawkings was on a stretcher in Dimock's yard. Dr. Cahill was there, and Charles Bowles was there, and Messrs. Dimock. I asked doctor if he was dead. He said "Yes." I went up to Mrs. Hawkings's with Dr. Cahill. Charles Bowles remained with body. I saw pool of blood as I went up. I pointed out to surveyor where pool of blood and a stone put on bank as spot. I think Mr. Bowles put stone there. Surveyor put a peg. I was not there at time. I remember a little stick being driven in at a bend on right-hand side of road after inquest. When I went up with Dr. Cahill I inspected cart—some parcels of groceries. I did not take much notice of them. I looked for blood-stains on wheels. I heard doctor speak to Mrs. Hawkings. I returned down hill with doctor. Webb then had body in express. I went to town with it. I took body to morgue. I searched it when I got there. I found pocket-handkerchief, a memorandum book—not a pocket-book. I found no pocket-book. Saw scraps of paper with memos. on it, and part of blade of pocket-knife in left vest-pocket; also a letter addressed to Mr. Hawkings from Messrs. Bannatyne and Co.; 9s. 6d. in silver in right trousers-pocket. No cheque-book; also some string. I did not take off clothes that night. I returned to station. Next morning I went out to Hawkings's with Constable Healey. I started at six. We went up hill together. Charles Bowles was standing some distance above pool of blood; not so far as a hundred yards above. I got there quarter to seven. It was light then—not broad daylight, but light. I began searching about from spot where pool of blood was. We found nothing there. While there no one came up road. After being at pool of blood we went up to Mrs. Hawkings's house. We examined cart again and horse. Bowles was with us. We found marks of blood on one of felloes of wheel. It did not seem recent. No marks on horse. We came down hill again. Bowles did not come down. We returned to spot where pool of blood was. We there found [No. 1 parcel produced by Carroll, containing handkerchief]. We there found stone eighteen yards further down than pool, and eight yards off the road on left side going up. There is a drop into a valley there. This found in valley. Blood was fresh. Also Constable Healey found two smaller stones stained. On same side, about eight yards opposite where pool was constable also picked up this button (coat) near blood. It corresponds with missing button on Hawkings's coat. Where pool of blood was were stones like these. William Dimock also picked up these two small buttons further up. After we picked up two stones. No one else there. Dimock's came up immediately after. Three Dimock's. They stopped and spoke to us. We were about pool of blood at that time. Two McCallum's came up after they passed us. The little boys called out, and then we went up. We stepped it. We made it from forty-five to fifty yards. Dimock picked up two buttons. Before that there was some paper picked up. Peg put in where paper was found. First things picked up were small pieces of paper, on right-hand side of road, and cloth. All picked up on right, off road. To right, land is level with road, and gorse on bank on left. Also picked up a portion of a pocket-knife on right. Also two buttons picked up by William. I picked up some of the pieces of paper. Constable Healey picked up some. William Dimock picked up some. What Healey and Dimock picked up they gave to me. This was about eight in the morning. All in my possession at eight. Small pieces of paper. They were about 2in. square. They had the appearance of being blackened and crumpled up. We continued to search about. We found nothing else. I and Healey picked up nothing on left-hand side of road at this spot, nor William Dimock. I and Healey returned to town. We arrived in town at twenty past nine. I had put pieces of paper in right-hand coat-pocket. Nothing else in pocket when I put it in. I think there were ten or twelve pieces of paper. There was cloth and pieces of paper lying about on road together. I showed them, when I got in, to Sergeant-Major Morice. I then took them to morgue to see if tweed corresponded with Hawkings's coat. I got to the morgue between eleven and twelve that morning. Before I went to the morgue I wrapped paper in brown paper, and locked it in my house at May Street. I did not leave it at the station. It was never out of my charge till 5th June. I took it to Mr. Skey on 5th June. I received same paper back from Mr. Skey. I had shown it to Inspector Thomson on 5th June. He told me to take it to Mr. Skey. He never touched it. On 6th I received back what I supposed to be same paper; and on 6th I took paper to Mr. Tasker. I delivered it into his hands. I helped to take off clothes of deceased. Mr. Tasker returned me cloth on 12th June. I gave Mr. Tasker paper wrapped in half-sheet of foolscap. The pieces of cloth were similar to coat. I only gave one parcel of paper to Mr. Skey and one to Mr. Tasker. I delivered no other parcel to Mr. Skey or Mr. Tasker.

122. *Mr. Bunny.*] Norman went up with me as well as the doctor. Cart was in shed in yard. A mark on felloes of blood as large as width of four fingers. It did not seem recent. It seemed greasy. Pool of blood was about one to one and a half feet square. There were not marks for several feet just there. I noticed one piece of paper particularly as blackened. There were some shreds of cloth left on ground. I saw one piece of paper in gorse-bush on left. I only saw one piece. I did not think it of any importance. It was about as large as my hand. I took paper and cloth to morgue. They were mixed together.

123. *The Court.*] I did not unfold pieces of paper. I could not identify them.

124. *Mr. Bunny.*] I kept them locked up till I was instructed about this on 5th June. I never looked at them again till 5th after locking them up at home. At morgue I held them in my hand. Dr. Cahill not there when I went between eleven and twelve. At morgue Constable Gleeson there. Body had not been disturbed. Post mortem had not commenced. I saw hare by side of road. I left it there. I just looked at it. I was present at post mortem. I received the message from Benjamin as to instrument. Benjamin there before post mortem commenced. He wanted to know what instruments. First answer sent out was stabbed with a sharp instrument. Dr. Cahill had been there only a short time at that time. He had not observed gunshot-wound. Afterwards Dr. Cahill sent out message that it was stab and gunshot. I told Benjamin of the signs that there had been shooting on the ground. Before Cahill came to morgue I saw vest and coat torn. For all I knew there might have been a wound. I told Benjamin I thought paper had been fired out of a gun. I spoke to doctor after he came in about shot-marks. He had not clothes off body then. Message

he gave first was stabbed with a sharp instrument. It would be before twelve that Dr. Cahill sent out second message. At that time Benjamin was not there. Dr. Cahill did not tell him to telephone. Man—either Gleeson or Healy—went outside and returned in a few minutes. I did not tell Dr. Cahill that Benjamin had left. Benjamin did not say he would wait, or that further information should be sent to him: I swear.

125. *Mr. Bell.*] By shot-marked I meant blackened. I did not notice it was indented. It was blackened. Hare was at house-side of first gate nearest house. It appeared to be recently killed—killed a day or two; hind part had been eaten away.

126. *Mr. Bunny.*] I went to Chemis's house on Wednesday with Benjamin, Campbell, and Healy. I remember a revolver was taken that day. It was handed to Healy by Benjamin. I did not hear Healy say he was going to fire it off. Mrs. Chemis wanted to see how many barrels were loaded. It was pointed out that there were three loaded.

FREDERICK HEALY examined.

127. *Mr. Richmond.*] Am a constable in Wellington. On the —th June I went to the scene of the murder with Carroll. We went to the house first. We came and searched about. I picked up pieces of paper and cloth-tweed, and two small stones. I gave the papers to Carroll. Saw Dimock pick up papers and cloth, and a piece of knife, and two buttons. They handed some to me, and I gave them to Carroll. Dimock handed some to Carroll—small scraps of paper, some of them black-lead colour—marked lead-colour, sort of black.

128. *Mr. Bunny.*] Something like lead-pencil colour—lead from shot. On the —th June I went to Chemis's with Benjamin and Carroll, and took a revolver away. I should not think it had been recently fired by the look of it. Benjamin gave it to me. I did not suggest firing a shot off. Mrs. Chemis did not prevent me, I think. I went up again to the Elbow on the 6th—Thursday—with Benjamin, Campbell, and Carroll. We fired some shots up there. We fired on the right-hand side up-hill, not from the left-hand side gorse-bushes. Benjamin at the same place.

JOHN BELL THOMPSON examined.

129. *Mr. Bell.*] Am Inspector in charge of the Wellington District. On the 1st June I went with Detectives Benjamin and Campbell to Hawkings's road. It was nearly three o'clock when we got there. We went out by the two o'clock train. I picked them up at Kaiwarra. Saw Benjamin between one and two o'clock at the station. I saw a pool of blood. At a bend in the road I observed a number of very small pieces of paper too small to be from tearing. They appeared as if from explosion of gunpowder; also some fragments of woollen cloth. I also saw what appeared to be paper in the gorse-bushes on left-hand side. These pieces were larger than those that were on the road. Those on right very minute. I picked no very small pieces on gorse—about the size of 1s.—they were impaled on gorse. I left Campbell there. The paper I picked up on right and on gorse-bushes I took a sheet of notepaper, and put those small pieces in the envelope. I wrote word "gorse" on back of envelope. This is the same envelope. I continued putting them in, as many as I could, of pieces of paper. I wrote the same evening, on my return to office, "found on gorse-bushes. I put the envelope with the paper in it in the back pocket of my coat. I had satisfied myself that that pocket was empty before I put envelope in. While I was on bank Bowles came along, leading horse and cart, and Mrs. Hawkings in it. I spoke to Bowles as he passed. I asked him a question. I tore off two pieces off what I had picked off gorse-bushes, and let it go, and the wind took paper towards gorse-bushes, but a little to right. They did not lodge in the gorse. The wind was S.E. We then went up to the house of Mrs. Hawkings. Had some talk with her. Benjamin went for search-warrant. We waited for Benjamin at Hawkings's. Then all three went through scrub to Chemis's house. When we reached there Chemis was outside. Search-warrant read. Norman showed us the track. We saw prisoner some time before we got there. When warrant was read he said, "All right." He entered into no conversation. We searched him particularly for blood-spots; none found. On entering house, prisoner called to his wife, "Police have come to search house." She made no remark. Benjamin and Campbell went to search. I remained in kitchen, so did Mrs. Chemis. I sat opposite fireplace, Mrs. Chemis at table. Benjamin and Campbell took him into a room which leads into a bedroom. There was no passage. After a short time Benjamin brought out a double-barrelled muzzle-loading gun. He put his finger into one of the barrels, and said, "it looks as if recently discharged." His finger was blackened. After searching some time, Benjamin brought out to kitchen a white handkerchief tied up in a bundle. I opened bundle. I found it contained a considerable number of documents, and a few fragments of torn newspaper. I placed the fragments of paper on one side, and looked through the memoranda. After that examination the ivory-handled dagger and shot-pouch brought out at same time; also a revolver, rusty. It had the appearance of not having been used for some time. After examining documents, I took the fragments of paper and put them into an envelope. That envelope I placed in left-hand breast-pocket, with fragments of paper in it. I had no fragments of paper in my pockets. The same night, when I got to the office, I made a memo. on the envelope, on the fly. [Ex. N.] After they had searched inner room I searched a pocket of a coat hanging in kitchen, and in one pocket of the coat I found several fragments of torn newspaper. These I put into a third envelope, and one placed that in my right-hand breast-pocket. [Ex. O.] I also marked that envelope the same night, and made memo. on that envelope. I am certain that paper I first put away was paper brought to me by Benjamin; and I am certain that I put that into the left breast-pocket. I put into the right breast-pocket the paper got from the coat. I marked the envelopes as they are now in the evening. I did not interfere with envelopes for some time. I then, after an hour, took the envelopes out of the tail-pocket, and marked on the flap what there is now; and marked second as now; and did the same with the third; I marked flaps. I am certain contents did not get mixed. I found the key of my press mislaid. I placed them back in the pockets I had taken them from. They remained

there some time. I went to the private residence of Major Gudgeon. I returned, made a search for the key; I found it. I put them in the press, and locked it up. On either the Sunday or Monday evening I put them in my pocket to examine them at home. I took out the one marked "gorse." I took some of the contents out. My first intention was to examine them. I abandoned the idea of examining them, and handed them to Mr. Tasker on the 5th. I took no papers out of the other two envelopes, only the "gorse" one. I took the papers on the 5th to Mr. Tasker, each in its turn, into a clean envelope. I marked each of the fresh envelopes as former ones had been marked. This is the envelope in which the paper found at the gorse and on the road was in when I handed it to Mr. Tasker. [GG.] This is the envelope to which I transferred the papers brought by Benjamin and Campbell in Chemis's house to me, and which I handed to Mr. Tasker. [FF.] This is the envelope in which I transferred the paper found in the coat-pocket, and which I handed to Mr. Tasker with paper in. [DD.] When I got to the office I found some of the paper had got out of the envelope in the coat-tail pocket, and I replaced them in the envelope. The pocket had been empty when I put it in. I replaced the paper in the envelope at the office. At the inquest I saw the flesh in the hands of Dr. Cahill, with shot, paper, &c., mixed up in it. Dr. Cahill brought on the 6th a round wooden ointment-box. He took the lid off and showed me the contents. They were small fragments of paper. I did not touch it. I did not take possession of it. He went with me to Mr. Tasker, and in my presence he handed the box and contents to him. I had delivered my paper to Mr. Tasker on the 5th. I had not examined the papers I found. I only once looked, as I have said. I only once saw the mass of flesh—there at the inquest, in Dr. Cahill's hand. Before the 6th June I had not received any communication from Dr. Cahill as to what he had teased out of the flesh. I saw him once before. He told me he was about to make a careful examination of the mass. I was at his house once—two nights before the 6th—between the date of the inquest and the 6th. I was not at his house at all on the 6th. When the mass of flesh was at the inquest the outer wrapping was brown paper; the inner wrapping was newspaper.

130. *Mr. Bunny.*] I believed Benjamin remained at the morgue till about ten o'clock. He told me after one o'clock he had just come back from the morgue. I had directed Benjamin to wait at the morgue till he could get the result of the post mortem; this was about ten a.m. Some time after one he came back to me, and told me that Dr. Cahill had sent out a message to him that the deceased had been murdered with some sharp instrument. Then I directed him to go out at once. I marked the envelope "Gorse" in pencil before I put the paper in. I did not look to see what paper they belonged to. I did not notice to what paper they belonged.

131. Why did you not go into the bedroom yourself?—I thought it better to send the detectives in. I told them to secure any fragments of paper, to look for blood-stained paper, and to look for the pocketbook. I do not remember telling them to bring out all pieces of paper. My theory was that there had been a gunshot, but at that time there was nothing to support it. It was in consequence of seeing the pieces of paper and cloth. All that Benjamin mentioned was that it was by some sharp instrument, nothing about a gunshot. I am not sure that I had been informed before I went out that paper had been found by Carroll in the morning. I think the first I heard of the paper was when Campbell pointed out on the spot where paper had been picked up and the knife. The stiletto was in the same bundle as the papers. There were spots of rust on it. I immediately examined the stiletto. I have no remembrance of saying, "This thing is rusty, but we can see better in daylight." There was $\frac{1}{2}$ in., or less, of verdigris down the hilt from the cross-piece. I saw Benjamin put his finger in the gun once. I cannot say whether he did in both barrels. I did not take the gun away that night. I did not because I had no positive knowledge at that time that he had been shot. I think it was Campbell brought away the shot-pouch.

132. Was it not because you were then under the impression that the gun had not been recently fired?—Certainly not. I did not give instructions that the gun should be left behind. I do not think so. I have no remembrance of saying so. I did not look upon the gun as an important feature at that time. I saw Dr. Cahill on the Saturday night. I showed him the stiletto. I expect I told him what I had seen at the house. He may have asked why I had not brought the gun. I do not recollect that he did or did not. I do not remember his saying I ought to have brought the gun. Benjamin or Campbell, I do not recollect which, was present. This was at nine or ten p.m. There was a third person present. I marked the first "Gorse," so that I should remember it. I put the second in left-breast pocket of my coat. I did not mark either of the last two with pencil. I think it was about six, or past, when I returned to the police-station from Chemis's. I was, I dare say, an hour and a half reading the evening paper. I marked them before I went to the Commissioner of Police. After reading the paper I marked the envelope. I marked the envelopes when the whole matter was fresh in my recollection. I am sure that paper that was brought out by Benjamin in bundle was put into the left-breast pocket, and the other into the right-breast pocket. At the Commissioner's I did not produce the envelope. I told him what had taken place. I told him there that I had taken papers off gorse-bushes. I did not show him the contents of either of the envelopes. I did not offer to show them to him. I left his place after nine, I should think; not so late as half-past ten; not ten. On Sunday or the Monday. I only opened one of them, the one marked "Gorse." I did not take notice of what pieces of paper they were. I thought it would take more time than I could give to it. The pieces I found were nearly torn, lacerated. Those I took from the gorse were impaled. I had to tear them from the gorse. They are not like the paper taken from the house.

133. *The Court.*] Some of the paper brought out by Benjamin was as small as a shilling; most larger; but the smaller not distinguishable from what was found on the roadway. What was picked off gorse was torn by getting it off the thorns. The first intimation from Dr. Cahill was on the 6th, when he said that he found the word "Hudson" and the date. Mr. Tasker furnished me with no report. Information was laid on the night of the 4th June. It was not determined to lay the information because of what appeared in the *Evening Press* of the 4th. It had been arranged

to lay the information before that. I believe O'Dowd's house was searched. I believe at that time only two search-warrants were out. I and the detectives never had the papers, and comparing.

134. *Mr. Bell.*] No information has been withheld from the defence. Since the papers have been in Tasker's possession I have seen the paper, but not examined it. The police searched O'Dowd's house. The matter as to O'Dowd was carefully investigated.

FIFTH DAY.

LIONEL BENJAMIN examined.

135. *Mr. Bell.*] Am chief detective of station at Wellington. I went to the morgue shortly after ten a.m. I was waiting there till nearly twelve o'clock. I had to go away, and I then returned and found the morgue closed. I knocked at the gate. Carroll came to the gate. I said I wanted to go in. Carroll said he would ask the doctor. He said, "The doctor says you are to wait for his report." I waited ten minutes, then Carroll came and said, "Doctor says it is a murder." I said go back and ask him what instrument has been used. Carroll returned and said, "A sharp instrument like a knife." I then left, and came to the station, and informed the Inspector of Police. I went to Kaiwara first. In the afternoon, about two o'clock, I went to town of Kaiwara; to the road leading off to prisoner's house. I went in sight of house; not to house. I was coming back to get a search-warrant to search Chemis's house, and I met Inspector Thompson and Campbell. They went on another way; towards Hawkings's road. I next saw Inspector Thompson at Hawkings's house. I went up Hawkings's road. I saw blood on the road. I made no inspection. We all went to Chemis's house. Bowles showed the way. When we got there he was chopping wood—between four and five [on map]. He was at work on the Hutt Road when we went out at two o'clock. I told him I had a search-warrant for his house. I read the warrant. I then went with him to his house. Inspector Thompson and Campbell went also. Campbell and I searched prisoner in the kitchen, and we took him outside to have a better light. We found no signs of blood. We returned to the house. Inspector Thompson stopped in the kitchen with Mrs. Chemis. I went into accused's bedroom with Campbell and accused, and I saw a double-barrelled gun hanging on the wall. I was taking it down, and accused said, "I fired that gun off about three days ago at some quail." I took the gun out to Inspector Thomson in the kitchen, and put my finger in one of the barrels. It was black and wet when I took it out. I left the gun in the kitchen, and returned to accused's bedroom. He and Campbell were there. I tried the top drawer of a chest of drawers. The right-hand drawer was locked. I did not try the other. I said, "This drawer is locked." Accused produced a key, and unlocked and opened it. He also opened the left drawer. I cannot say he opened it. Campbell was searching the drawers that had been locked; I the other drawer. Before doing so I went behind Campbell and placed a pocket-handkerchief on the bed. I found two or three pieces of paper in the drawer I searched; small pieces of newspaper about the size of palm of hand. Two or three pieces. I placed these in the pocket-handkerchief on the bed. Campbell found a number of pieces of paper and a number of documents in the drawer he searched. He put them on the top of the drawers. I took them up and placed them in the handkerchief on the bed. He also found a shot-pouch containing a few grains of shot; a revolver [produced] loaded in three barrels; four bullets; this small knife, in a case; and the stiletto, in the sheath. I took the stiletto off the drawers, and drew it out of the sheath. Prisoner said it had not been out of its sheath for six months. The bullets and knife have been in my custody till produced by me. I produce revolver, still loaded in three barrels; the shot-flask that was handed into Court yesterday. These are the bullets; four bullets, cast in a mould. I put everything into the pocket-handkerchief. I took it by the four corners, and took it into the parlour. Detective Campbell and the accused were there. We found on the shelf, in the corner, two or three pieces of paper. I put these also in the handkerchief. I took the four corners of the handkerchief together. I took it out to the Inspector in the kitchen, and put it in front of the Inspector on the table there. The pieces on the shelf, I believe, were torn pieces. I cannot attempt to describe the pieces of paper found in the drawer except that they were pieces of newspaper, apparently torn, about 5in. or 6in. square, but irregular in shape. All the pieces of paper we found in the drawers and on the shelf were put into the handkerchief—no other paper. I saw the Inspector putting some pieces of newspaper into an envelope and put it into the breast-pocket of his coat. I saw the Inspector take papers out of prisoner's coat—this was after I saw him put the pieces of paper in the envelope. The coat was hanging on the wall. We then searched the children's room at the back. We picked up more paper there; then in the kitchen, and picked up more paper. I have heard since that a whole newspaper was amongst it. We got a good-sized bundle of paper 3in. in diameter. What we found in the kitchen and the children's room Campbell took to police-station, and he gave it me at police-station, and I locked it up at station. I delivered the whole to Mr. Tasker on the 6th June. None went to Mr. Skey. I had not untied the bundle. I found no gunpowder, no powder-flask, no caps. The children—one girl one boy—three of them; the eldest about nine—a girl, the boy about five or six. I did not take away the gun. I did not arrest the prisoner. I took away the stiletto, pocket-knife, shot-pouch. On Sunday, the 2nd, about ten a.m., I went out and got gun. I told him I had come for gun, and he handed it to me. He said, "I do not like the police coming about so much, because it looks bad, this having happened." I said, "I suppose it is in consequence of something he had himself said." On the 5th June I arrested prisoner. This just before ten a.m. He was working on road. I called him on one side. I said I had a warrant for him. He said nothing. I took him to Cook's shop, and read the warrant to him there. He said, "All right." After a short pause he said, "It is all damned lies. I won't be there long. I wish I had better clothes to go in." That is all he said. He was brought to station. I searched the house again on the 5th, and I found more paper there. That paper all locked up in office, and given to Mr. Tasker on the

6th. Mr. Tasker sent for me, I think, on the 17th. He gave me a piece of paper, and I left it with Skey. I went and fetched it on the 18th, and brought it back to Mr. Tasker. I and Healy and Campbell, on the 6th, went to the spot of the murder. We had searched about, and dug up a quantity of earth. We were looking for bullet. I had my revolver with me. I fired two shots out of it. I and Campbell had revolvers. We determined before to try them. I fired at a distance of fifty yards. I had no purpose except of trying revolver. On the 5th the revolver was taken from Chemis's house. Healy said it would be safer to carry load extracted than loaded.

136. *Mr. Bunny.*] When he said that Mrs. Chemis said, "Do not fire anything off," and she looked to see how many chambers were loaded.

137. *Mr. Bell.*] I know Stephen Green. He brought paper to the station on 17th June. I handed it to Tasker on 18th June.

138. *Mr. Bunny.*] Inspector Thomson did not send me to the morgue. I think I went into his office and told him I was going. All I know was what I had seen in the paper. I had not seen Carroll. He had not spoken to me. Sergeant Morice was, I suppose, at station. I went to the morgue shortly after ten. I left there between twelve and one. I did not see the doctor arrive. I was away when he arrived. I went away for a short time at ten minutes to twelve. I heard nothing about there being a gunshot wound. When the doctor sent out word that it was a sharp instrument I considered that conclusive, although I heard that Carroll had picked up paper. I was anxious to get hold of paper because I was instructed to do so by the Inspector. I told Inspector Thomson the doctor said it was a sharp instrument. But Mr. Thomson told me to pick up all paper. I brought away the pouch and bullets; everything but the revolver and the gun. I put my finger down only one barrel. I told the Inspector that the prisoner said he had fired it off three days before. Prisoner did not show me quail in a tin. We searched the house. No quail there. None pointed out by the wife. I have seen lots of quail about the country there. I had seen the portions of cloth that Carroll brought, and that it corresponded with the coat. It was evidently in the mind of Carroll that a gun had been used, and when I and the Inspector were walking to Chemis's, and it was said about the paper, &c., he had found, Carroll showed me at the morgue the parts of shreds of coat. Prisoner did not say the right-hand drawer was kept locked because of the children. There were things there that the prisoner said were dynamite caps. He did not say why he kept the drawer locked. They were not like gun-caps. I could not say that the sheath was covered with dust. There was no noticeable dust on it. My impression is there was no dust. He did not say that the stiletto had been there for five or six years. I saw no dust on it. Will swear there was no remarkable dust on it. Prisoner did not refer to any dust. I did not see a wad-cutter there. I saw no such thing in the house. Dr. Cahill was at the station on the evening of the 1st. He asked to see the stiletto. I have no recollection of his asking to see the gun. Gun was mentioned that night. It was not at his suggestion that the gun was sent for. It was sent for when we heard there was a gunshot-wound. I asked him, Chemis, on the Sunday whether he came straight home on Friday. He said, "Yes; I never went out afterwards." I got no message from either Gleeson or Healy at the morgue.

Re-examined.

139. *Mr. Bell.*] I should have thought the paper I brought out of the bedroom and parlour was more than would go into an envelope.

140. *The Court.*] It might, if wrapped up close. The barrel I put my finger into was consistent with its having been fired off the day before, or three days or a week before.

141. *Mr. Bunny.*] I saw Inspector Thomson putting newspaper into an envelope and into his breast-pocket. I did not see him taking paper from the bundle and put it into an envelope. I cannot say he put it into right-hand pocket.

Inspector THOMSON recalled.

142. *Mr. Bunny.*] Did you receive a report from Constable O'Farrel, at Johnsonville, as to some man being seen going up the Ngauranga line?—No. I think the first I heard of that was the evidence of Lee, in the Magistrate's Court. I subsequently sent word to see if Cook, the baker, whom Lee said had come down just after the man, and he said he had not seen any man.

143. *Mr. Bell.*] After Lee spoke in the Court the baker said he had not seen anybody, and the butcher did not come down till nine. It was a dark coat I took the paper from at the prisoner's house.

WILLIAM CAMPBELL examined.

144. *Mr. Bell.*] Am a detective, stationed at Wellington. On 1st June, in the afternoon, I went up Hawkings's road. I accompanied Inspector Thomson. At bend in road I picked up paper on right. I did not count them. They were very small pieces. I put them into my pocket, and when I got to the station I put them into an envelope. This was not till after I had been to prisoner's house. About the size of a shilling, and some of them blackened. Single pieces, and pieces of cloth scattered about amidst pieces of paper. I should say I picked up ten pieces of paper. I went to the prisoner's house. I heard warrant read and helped to search prisoner. I took him into bedroom off kitchen. Benjamin with me. Inspector left in kitchen with wife. I tried drawers. I found top right-hand drawer locked. I asked prisoner to open it. He at once produced key and unlocked it. I found in drawer a revolver, stiletto, shot-pouch, number of bullets, and a quantity of newspaper and some documents. More documents than paper. The first thing Benjamin did was to take gun down from rack. I did not examine it. Benjamin returned immediately and assisted to search the drawers. He took out the handkerchief. After Benjamin took out stiletto from sheath prisoner said it had not been out of sheath for six months. I heard nothing else said about the stiletto. He said he had some dynamite caps there while searching the

drawers. I did not notice Benjamin taking anything out of the other drawer. Benjamin took handkerchief to Inspector. Before that we had searched the sitting-room, and two small pieces of paper were taken off the shelf, or cupboard, in that room and put into the handkerchief. This handkerchief was given to Thomson. I cannot say I saw Thomson put paper into envelope. We found no gunpowder, or flask, or gun-caps. That evening I put the paper from my pocket into the envelope. There was no other paper in the pocket. I kept that locked up at my own home till the 15th. I gave the paper to Mr. Skey. He took the paper out of the envelope and put into a piece of paper. He marked the paper. I received back pieces of paper from Mr. Skey in the paper he had marked. I took it over, on the 6th, to Mr. Tasker, in the same paper that Skey had marked. I did not go to with Thomson.

145. *Mr. Bunny.*] I went first to scene of murder on Saturday, 1st June. "I went out alone. Dimock was there, he pointed out the place. I then picked up small pieces of paper.

146. *Mr. Bell.*] There was one piece of paper that I picked up which was as large as the larger piece produced by Tasker (size of two hands). It was crumpled up, and had holes through it. I picked up some paper on the left-hand side of the road. The piece of paper with the word gunpowder on it is like the paper Skey put the paper into. I believe the word gunpowder is in Skey's writing.

147. *Mr. Bunny.*] I did not count the pieces of paper I picked up. I think I found the large piece on the left-hand side, opposite where I picked that on the right up. I did not pick it up off the gorse-bush. It was near the gorse-bushes. I recollect undoing it. It was crumpled up, with holes through it. It was lying out on the green. I looked about where the paper was picked up when I was with Thomson in the afternoon. I only picked up one or two small pieces in the morning. I went out to ascertain whether Hawkings was killed by accident or otherwise. I did not hear that Carroll had picked up paper when I first went out. All I knew when I first went out was that there was a suspicion of foul-play. I first discussed with Benjamin about going out, between nine and ten. Nothing then said about a gun. I saw shreds of cloth lying about amongst paper. I met Mr. Wilson up there, up Hawkings's road. I saw him looking about. When I arrived he had not found anything. I did not tell him I was going to look for paper. When I was at the bend he came down to the bend to me. We picked up a piece of paper considerably above where I picked up paper. I do not know that he said it was the 23rd May, but he made a remark that he knew of the date by an advertisement. He may have said part of the *Post* of 23rd May. I did not show Wilson the paper I found. I did not look carefully at the paper I found. I opened the large piece and found a number of holes in it. When I found them I put them in my pocket, and then I came back to Wellington, and then went out again. I kept the paper still in my pocket—in trousers-pocket.

148. *The Court.*] I felt the pocket to see no other paper in it.

149. *Mr. Bunny.*] I and Benjamin walked out; we met Inspector Thomson at Kaiwara. I had the paper then with me. I was not wearing the same coat as now. It was a sac-coat I was wearing. I put it in trousers-pocket because safer—safer than coat-pocket where handkerchief is kept. I had, I believe, keys in the other trousers-pocket. I had not made a careful search for paper at my first visit. When I first went I did not know he had been murdered. On my second visit I understood he had been stabbed, not shot. It appeared to me as if a gun had been used. I saw also the pieces of cloth. Benjamin was not with me at second visit. If there was dust on the stiletto-sheath I noticed none; if there had been I should have noticed it. I saw no dust on it. That was not the cause of prisoner's remark that it had not been out of the sheath for six months. I will not go so far as to say that there was not dust on it. I did not notice the Inspector drawing it out of the sheath. If he made any remark I did not hear it. Everything was put into the handkerchief—an ordinary-sized pocket-handkerchief, and from the front sitting-room only two pieces of paper. I took a bundle of large-sized paper from the kitchen and children's room; some might have been whole, some parts. I handed it over to Benjamin at the station. I carried it in my hand the whole way. I believe I met Green—he who found the piece of paper on the Sunday, 2nd June; he gave me a small piece of paper he said he had picked up. It had the name Cook written on it. Cook said it was a small piece of newspaper he had sent a parcel out in to Hawkings with the word "Cook" or "grocer" written on it; he said it was his writing. It was about half the size of a man's hand. I informed Inspector Thomson of it. I took no more notice of it. I went later on to Cook's about it—a day or to after 2nd June. I may have it still. I do not think I have it here; I may have it. I do not know where it was picked up. The name may have been Bowden; he is employed at Cook's. I will not swear whether it had the name of Bowden or Cook on it.

SKEY recalled.

150. *Mr. Bell.*] I received some pieces of paper from Campbell, it was the 9th or 10th June. I only got paper once from him. I do not know how long I had it; a few days. I returned it to him same as I got from him.

151. *Mr. Bunny.*] I think it was in the month of June I got it; the date is noted in the office.

WILLIAM CAMPBELL, continued.

152. I found the piece of paper in my coat-pocket at home—the coat I was wearing when I received it. [This piece of paper was newspaper of 17th November, 1888.]

WILLIAM BOWDEN examined.

153. *Mr. Bell.*] Am assistant to Cook, grocer, Molesworth Street. I see this piece of paper; it is my name on it. A man named Russell put the name on it. It would be marked Bowden because going to my house at Kaiwara. It came from there. I cannot account for its being up

there at Hawkings's. I occasionally visited there. Am his half-brother. My children were often with me; and his children often came down to my place. We had a coolness for some time at the death of my father, three years ago. Not on bad terms since we made it up. I simply came away.

154. *Mr. Bunny.*] I have known Chemis twelve or fourteen years. I knew him before he was married. I always respected him. I always found him a quiet, respectable man. I spoke with Mrs. Chemis as to his being in custody. I said I thought I would go up and see Chemis if I had time.

LEE, recalled for Jury.

155. *Mr. Bell.*] I do not remember what trousers he (Chemis) had on. I cannot tell what colour coat was.

MACKIE recalled.

156. *Mr. Bunny.*] Prisoner seemed dressed as usual. I could not describe them. I saw him every day till the night before arrest. He seemed to me to have the same clothes on all the time.

157. *Mr. Bell.*] I did not notice. I should be more likely to notice if there was a change in his dress.

RICHARD HERMAN examined.

158. *Mr. Bell.*] Am photographer on Lambton Quay. I went on to Hawkings's road. I took this view from Hawkings's road; it shows bend in road and gorse-bushes.

DAVID ROSS examined.

159. *Mr. Bell.*] Am photolithographer in employment of Government Printing Office. I made photograph in the gallery of the printing office. Mr. Tasker brought me matter to be photographed. Mr. Tasker did not allow the matter out of his possession.

160. Is this a set of the photos you took?—Yes.

161. You also photographed a newspaper?—Yes, but with that exception, this is five photos, full set. I photographed Mr. Tasker's paper with the small pieces attached. I photographed and also photo-lithographed portions of the *Evening Post* of the 23rd. The portions that I photo-lithographed and photographed had upon them the marks round each piece. I photographed portions of evening paper with outlines drawn upon it, brought to me by Mr. Tasker, and I photo-lithographed them.

SKEY recalled.

162. I received the papers from Detective Campbell on the 5th June.

JOHN TASKER examined.

163. *Mr. Bell.*] I am a clerk in the Government service in the Police Department, in the General Government Buildings, in the Commissioner's Office. I have nothing to do with the detection of crime, no relations to police office here. I have received papers from different individuals connected with this case. I have noted either on the outer wrapping or the envelope from whom received, and the date of the receipt. I produce a bundle of papers [AA]. I received this bundle from Detective Benjamin on the 6th June. It is the whole of that bundle. This is another bundle brought by Benjamin to me on the same date [BB]. This is the whole of that bundle. From bundle AA I took out a piece of paper, which I now produce [CC]. I produce some pieces of paper in box marked DD. I received these pieces of paper in an envelope on the 5th June from Inspector Thomson. The envelope marked containing pieces of paper taken from coat [this is all paper of the 28th May]. I found it to be parts of a paper of the 28th May. EE is one piece of paper received from Detective Benjamin on the 6th June. Envelope is a marked piece of paper from Chemis's coat [28th May]. EE is evidently part of same issue as DD. [Two pieces of 28th handed to jury for their inspection. This is only of importance as confirming the evidence of Thomson that he did take the piece of the 28th from the pocket of coat, and therefore that he took *[Sic.]* FF is paper brought to me in an envelope, also produced by Inspector Thomson, on 5th June, about four in afternoon. I examined the contents of envelope FF. The first piece on the left is piece of *Evening Post* of 23rd May, portion of columns 1 and 2, page 2, part of the shipping-column and adjoining advertisement. The second scrap is part of the same paper of the same date, columns 1 and 2, page 4. Next is small piece of *Evening Post* of 12th November, 1888. To the right of that is a piece of printed paper appearing to relate to the Langworthy case. The fifth piece is a piece of paper I cannot identify as belonging to any particular paper. GG is a large envelope received from Mr. Thomson on 5th June, and the contents consisting of pieces of *Post* of 17th November, 1888, also pieces of 23rd May, 1889. Two pieces of 23rd May. I have separated two pieces of 23rd May, and these are they, GI. H is eight or nine small pieces of paper received by me from Constable Carroll on the 6th June. HH. This is all I received from Carroll. It is all paper of one date, 23rd May, 1889. I pieced the scraps together as well as I could. The parts at the left I piece in as forming part of page 4, column 1, of May 23; and the three pieces at letters 1, 2, 3: 1 and 2 are parts of shipping-column of *Evening Post* of same day, the 23rd May, and page 2, column 1, and little piece of column 3. No. 3 is part of column 2 and part of column 1, same page. 2 of *Evening Post* of 23rd May. II is scraps of paper received from Detective Campbell on 6th June. These scraps I identify as parts of paper to the left—as portions of 17th November. Scraps to right, pieces of *Evening Post* of 23rd May. All from page 2—two of them from column 3, one from column 4. Also some small fragments in a pen-box, that I have not been able to piece. Box marked I. I got no other paper from Detective Campbell. J is fragments of paper I received from Dr. Cahill. They were in a small wooden box—ointment-box. He came to my office on the 6th June, about two. I handed that into Court. It contained a lot of small fragments of paper; nothing else; no cloth. These small fragments I have taken one by one to piece together.

There are some still remaining in the box. I have taken out pieces and put them together on sheet J. Part of *Post* of May 23, page 2, columns 1 and 2; and some fragments of *Post* of May 31, Friday, page 2; columns 7 and 8 being the pieces shown at foot of J. At the time J was handed to me I had had no communication with Crown Solicitor, so that a number had been gummed. Since then I have used thread for piecing them together. The pieces forming J are very brittle; they break easily. K I received from Detective Benjamin on 7th. From Wilson L on 17th June, as received from Green. I made a chart showing where these same exhibits would come in the *Evening Post* of 23rd May. I have this chart. This is it. It is what was photo-lithographed. The large piece (6) on the chart is left-hand side piece of F, handed to me as coming from bedroom. No. 1 is piece given me by Carroll in H, that is connected by "from"—the edges correspond, and the other side correspond. No. 2 is also from Carroll. 1 fits on to 2; 2 connects with 6; it goes through F. It goes through "south." 4 is piece from Thomson G 1. 4 fits on 1 and 2, and 3, 1, and 2 fit on to 6, and 4 on to 1. As to J—those from Cahill—I have not charted out the whole of J. The lowest piece on left-hand corner of J. It fits on. 7, 8, 9 are all given to me by Campbell. Then, as to page 4: This is a photograph of another portion of same paper of same day, 23rd May, report of proceedings of Petone Borough Council. 16 is section-piece on photograph F. 10, 11, 12, 13, 14, brought by Carroll and shown in photograph H. 15 was given by Thomson. Piece given by Thomson brought from spot. I have not in any way altered the condition of the papers as they reached me.

164. *Mr. Bunny.*] I have not had any special experience in this class of work. I am the junior clerk in the department. There are five, including the Commissioner. On the 4th of June I received instructions that I should have to deal with the newspaper. Major Gudgeon gave me the instructions. I have been there seven years and three months in the office. I have always been a clerk. Once in Armed Constabulary. I was once in the shipping line.

165. When these persons came with the paper, did you give receipts?—No.

166. Did you take any note of their arrival?—I marked on the envelope as I received it. This bundle is a bundle with my sketches. Thomson was the first to bring me an exhibit—about four o'clock on Wednesday. This was on the 5th. None from any one but from Thomson on the 5th; the next morning from Benjamin, Carroll, and Campbell. I was told that certain papers had been picked up on the ground, and in the house, and to see if they agreed. Nothing said as to what papers. Major Gudgeon spoke to me on the 4th. I had no indications given me as to what part of the papers I should find would fit. Thomson gave me portion 4. Gudgeon did not say Thomson had communicated with him. The last exhibit I received on the 18th June. I commenced examination on morning of the 6th. I opened the different envelopes, and put them on sheets of paper. I took out one at a time. I took all from Thomson, and put that on a sheet of paper by itself. Then another one. The first I started with I gummed them down. I took each out of its envelope, and put each on separate paper. I generally pinned them. I never had them all opened out together; only two or three opened out together. I had a set of pigeonholes. I completed the examination about the 20th of last month. I remember you and the Crown Solicitor going together, and you looked at the papers, and amongst them the papers brought by Dr. Cahill. I said I had found all. I thought I could identify them. As to piece with Kaitangata on it, I did search to see if it belonged to paper of the 23rd May. I found that it belonged to paper of 31st. I had seen this before. It did not seem same type as shipping-column. It was because I thought it did not belong to shipping-column I did not commence to search to what it would correspond. I think I would have found it out if you had not come. When you asked for the pieces got from the wound I showed you that they were gummed, and said then that they were pieces I could not make anything of. I probably had the boxes opened two at a time. I marked them as they came in. I made a list on the second day. Each was kept on a separate sheet of paper. I had nothing to identify the papers except the memos. on the parcels. I was very careful to put them back to the parcels I took them from. The first clue to the 23rd May was Friday night after the Wednesday I got them. I think I told them on the 8th. After I told Thomson on 8th. I received some exhibits on the 18th. I am certain I made no mistake as to the dates I received the exhibits. I received from Cahill on 6th at 2. I received Thomson on 5th. It was not the same day I received from Cahill, but the preceding day.

GREEN recalled.

167. *Mr. Bell.*] A little boy gave me a piece of paper that had "Bowden" on it. The boy said he picked it up close to where I picked up the other piece.

168. *Mr. Bunny.*] I showed it to several in Kaiwara, and gave it to Campbell.

CARROLL recalled.

169. *Mr. Bell.*] I made a search at prisoner's house on 5th June, on afternoon after his arrest. I took a piece of paper from trousers of prisoner. I took the paper and put it in my pocket. The trousers are at station now. Trousers were hanging up in the bedroom. I gave it to Benjamin at Detective Office. He was present when it was found.

170. *Mr. Bunny.*] I am sure it was in trousers-pocket.

SIXTH DAY.

BRADFORD, recalled.

171. *The Court.*] What was condition of left barrel?—It was very foul, as if fired off last, sometime before, foul with dirty old powder. There was a cake of powder over the whole surface of the metal. In my opinion, though the left barrel was left habitually unused and dirty, it is not possible that it would present the appearance it did on Tuesday if fired off with bullet or shot on preceding Friday. In Magistrate's Court the left-hand barrel-nipple was full of white powder, not only the cup of the nipple was full, but the vent. I did not notice this powder when I examined gun on Tuesday. I account for the fact that the nipple was covered with verdigris. If this vent had been full of this white powder when brought to me on Tuesday it would have been some evidence that that nipple could not have been fired off very lately.

172. *Mr. Bell.*] There was no difference in condition of the barrels at the breech. Looking down from the breech I could see no difference in condition of the two barrels. Neither barrel was rusty. I did not feel the left barrel with finger, except at muzzle; there it was caked. I judged that it was caked similarly all the way-down. To the eye the left presented no difference to right in appearance. You can only judge of the caking by the feel, not by the eye.

173. If you had not felt either barrel at all, but judged only from appearances looking down the breeches, could you tell whether or not they had been fired off at different times?—No.

174. *Mr. Bunny.*] Looking down the barrel from the breech, after having been heated, would not that cause them to have the same condition?—There was no heat applied, only sufficiently warmed.

Dr. CAHILL, recalled by the Court.

175. I think the account given by the police as to the dagger is correct. I used the dagger, and Mr. Skey, looking after, found no blood. It was washed first by one of the constables in cold water. I examined the dagger for blood myself. The constable wiped the dagger with a piece of rag at the morgue; this was on the Sunday before the examination by Mr. Skey.

176. *Mr. Bunny.*] I placed the dagger into the wound several times right up to the hilt. I merely wanted to see if it fitted the outer wound. I measured it with other means. The wound was not just right up to the wound in the heart. I passed it into two or three of the wounds on the side.

[Crown closes its case.]

WILLIAM ALFRED FITZHERBERT, examined.

177. *Mr. Devine.*] Am Engineer of the Hutt County Council. As such employed prisoner. I formed a very high opinion of prisoner. Was a very good workman. His moral character was good. Was first employed as an ordinary labourer. I promoted him to be foreman.

178. *Mr. Bell.*] As far as I know, I heard a good character of him. I never heard of his being a violent man or using threats. He was married between nine and ten years ago. I do not know the children.

WILLIAM BURGIN, examined,

179. *Mr. Devine.*] Resided at Kaiwara. Have so thirty-five years. Know the prisoner at the bar eleven or twelve years. Am member of Local School Board. Formed a very good opinion of him. Has a very good reputation in Kaiwara as honest, industrious, and sober.

180. *Mr. Bell.*] Never heard of his showing temper or using threats. I believe his children attend the school. Married ten years. His eldest girl, to my judgment, about nine years of age. There are five children.

Verdict, after four hour's retirement, Guilty.

STATEMENT OF LOUIS CHEMIS.

[TRANSLATION.]

To His Excellency the Governor of New Zealand.

22nd July, 1889.

I have pleasure in making an explanation to your Excellency with regard to my misfortune. I begin from the last day of May. On that day I was working opposite the Rainbow Hotel before twelve o'clock. After twelve o'clock I was working at the Government school: the work consisted in helping a young man of the name of Lee to put some gravel in a cart, and afterwards going with it opposite the hotel. I was five minutes arranging it, and then went again near the school to help Lee. I stopped work at half-past four, after having assisted Lee to put four bags of oats on the cart. I went into Cook's shop, and I took the newspaper. I came out and went on the cart, and I went towards my house. I came down from the cart opposite my gates; it was then ten minutes to five. A few minutes after I arrived at home. My wife was milking the cows. I gave them some hay, and after I went to take my horse on to the hill, and, after having fed him, I washed and cut to pieces a barrelful of mangold, and sent the cows out of the stable. I went into the house to make tea. It was then past six o'clock. This work I have done always. I get up every morning, together with my wife, at four o'clock to milk the cows, and afterwards go to Kaiwara to distribute the milk. It was half-past-six a.m. when a man to whom I was giving some milk, named John Mack, told me that Thomas Hawkings was dead on the road near his house. This was the first news I received. This Saturday, during the day, I received several pieces of news concerning the crime. This day, 1st June,

being Saturday, I went home at half-past-three. I was outside the house chopping firewood when three detectives came near me, and said they wanted to search the house for a pocketbook that had been robbed from the dead man. I said, "All right, look for it as much as you like."

In the beginning they looked at me and looked at my clothes very carefully. I went with them into my room, and as soon as we entered Detective Benjamin took my gun and brought it into the kitchen. He came back, and then started to look in my chest of drawers, together with Campbell, and from it they took a knife, several lead-bullets, and the pouch in which I kept my ammunition.

Having searched this room, together with the others, and not finding the pocketbook, they asked me to go with them "to the stable of the pig," and other places; and, not having found the pocketbook, the three went away. On the 5th June I was at my work, as usual; when Benjamin and Campbell arrested me. This same day, at three o'clock, I was in gaol. When the doctor came to visit me he made me take off my clothes till I was naked, examined me carefully, and, after an examination of my clothes, not finding any stain of blood, I dressed myself again. He asked me if I was wearing the same clothes on the last day of May. I said Yes.

It is true that there is a question between me and the dead man, but this question is in the hands of the Judge, and his death does me neither good or bad. I have many times seen this man going home before I left work, and so how could I know if he was past when I was working near the schools? This Thomas Hawkings had quarrels with many others, especially "hunters." As soon as he saw one with a gun he called him all the bad names he knew.

Detective Benjamin swore in Court that he had not seen powder in the chest of drawers, when there was half a flask of it. He said also that he had not seen caps, and there were two boxes—one full, the other half full. He has not seen the wad-cutter, although it was near the knife and other things. He also saw four quail which were in the kitchen, and this also he denied. As for the wad-cutter and the quail, there is the blacksmith in Kaiwara, William Daehl, who bought the wad-cutter for me on 1st April; and the same morning I killed the quail I was in his shop and told him I had shot these quail. As for the bullets, a young man, named James Gibson, gave me a dozen twelve months ago, because there were wild pigs on my land.

If I was a thief and a murderer—as such I have been condemned—the County Council would not have kept me twelve years in their employment. Thank Heaven I am innocent of this murder: and, if your Excellency does not give me grace, I die contented. The only thing I am sorry for is my family.

LOUIS CHEMIS.

MEMORANDA.

I recommend that the sentence be commuted to penal servitude for life.

(Signed) H. A. ATKINSON.

| | | |
|-----------|----------|-------------------|
| I concur. | (Signed) | T. FERGUS. |
| I concur. | (Signed) | E. C. J. STEVENS. |
| I concur. | (Signed) | E. MITCHELSON. |
| I concur. | (Signed) | G. F. RICHARDSON. |
| I concur. | (Signed) | T. W. HISLOP. |
| I concur. | (Signed) | FRED. WHITAKER. |

Commuted.

(Signed) ONSLOW.

6th August, 1889.

In Council, 6th August, 1889.

(Signed) ALEX. WILLIS,
Clerk of the Executive Council.

DEPOSITIONS IN RESIDENT MAGISTRATE'S COURT.

DANIEL GEORGE ARTHUR COOPER, on oath, saith as follows: I am Registrar of the Supreme Court of the Wellington District. I produce the papers in an action in the Supreme Court between Thomas Hawkings and Louis Chemis. No. 1, writ of sum and statement of claim annexed; No. 2, statement of defence; No. 3, præcipe to set down case for trial, filed on 9th January this year.

Mr. Bunny: Judgment was reserved for further argument and consideration.

Re-examined: Trial was first commenced on 15th January, and concluded on the 19th January, and case was reserved for further consideration by His Honour. It has not been argued.

FREDERICK GEORGE BOLTON, sworn, saith: I am a solicitor and a clerk in Messrs. Chapman and FitzGerald's. I had conduct of action of Hawkings *v.* Chemis. I remember seeing accused on 19th December last at Kaiwara, at his house just beyond Kaiwara. I prepared a draft lease, and took it out to him for perusal and execution. He declined to peruse it. I said, "I have brought a draft lease of the land which you have agreed to lease from Mr. Hawkings for your perusal." He declined to peruse it. Then I asked him, would he sign a lease of the land of Mr. Hawkings, agreed to be leased or taken by him: I specified the land. He said, "I decline to sign this lease

or any lease of this property." On the 24th December I again saw accused, just outside his house, on the pathway. I went for the purpose of serving a writ upon him, claiming performance of the agreement. I told him I had brought a writ for service upon him. He said, "I decline to take the writ." I then flung the writ on the ground beside him, telling him that it was service by bringing the writ to his notice as well as by serving him personally. I was within a few feet of him. He picked it up, and flung it back towards me down the hill, saying he would have nothing to do with it. I went down the path, and returned and took up the writ and flung it down again nearer him. I did not put it in his hand, because he refused to take it. He did not say or do anything, but he had rather a threatening appearance. I was present at the trial in the Supreme Court. Mr. Devine acted for him. I believe Chemis gave evidence. I have not seen him since.

Mr. Bunny.] As a rule defendants do not like taking writs, and are often insulting. I should not have said the draft of the lease was taken for execution and perusal. I asked him if he would execute the lease. I did not take such a copy as could have been executed. It was only a draft lease. I did not ask him to sign the actual document. I did not read it over to him. I had written to Chemis asking him to name solicitor to peruse lease. I did not suppose Mr. Devine was acting for accused at the time. Our firm never set the case down for argument in Banco.

CHARLES BOWLES, sworn, saith: I am a labourer. I have been living for last few weeks at Mr. Hawkings's, but reside at Carterton. I came down to stay with Mrs. Hawkings on 27th March. I stayed a fortnight, then went back for a week, and came back again. I have been at Mrs. Hawkings's ever since. I am a cousin of Mrs. Hawkings's. I have known Mr. Hawkings about fourteen years. He has all that time lived in the same place. He had a farm about 400 or 500 acres, to the best of my knowledge. On Fridays he always used to go to town to take butter to Mr. Dickson's. He used to go with horse and cart. I brought the horse he used down from the Wairarapa, about eight years ago—a white mare. He drove that regularly. He always used to walk up the road or hill leading his horse. I know the white gate at the top of the hill. He always walked till he got through the gate. I have very often been into town with him. On 31st May I was at Mr. Hawkings's house. I had been cutting firewood for him, on his place, during the day. He left home about ten o'clock a.m., driving the white mare in the spring-cart. That was the last time I saw him alive. I was in the house on the evening of the 31st May. Mrs. Hawkings, her family, my wife, and self, and Mr. Harry Norman, a young "chap" who works for Mr. Hawkings, were there. Norman had tea with us, about six o'clock. He was milking immediately before tea. We went into tea together. The eldest child of Mrs. Hawkings's is sixteen years old, a girl; the next about fourteen, a girl; the next about twelve, a girl; there are two boys, the eldest about eight years old, and a baby. The children and all of us sat down to tea together. Hawkings generally got home before six o'clock at night; hardly ever later on winter-nights. He did not come in on this night, and I went out to look for him. About 7.50 p.m. I looked at the clock, and went down the road to look for Mr. Hawkings. I first found the horse and the trap about seven chains from Mrs. Hawkings's house, and in front of a small house which was recently occupied by Mr. Angus. No one has lived in it this year. The Angus's left it about twelve months ago. The near wheel of the cart was in the fence. I backed her out of the fence. I found the reins were tied up to the front board of the trap, as Mr. Hawkins usually tied them at the foot of the hill. I called out to Mr. Hawkins. I did not get any answer. I took the horse and trap to the house, and gave them to young Norman. I went back and found his body about twenty or thirty chains from Mrs. Hawkings's house, perhaps rather more. I know the exact spot, and could point it out on a plan. The body was lying across the road, his feet towards the bank and his face towards the edge of the road. He was on his face, with his head resting on his left arm. I spoke to him, and took hold of his wrist. I turned him over on his back. I put my hand on his stomach and found him to be quite dead. I left him and went down to the bottom of the hill, and I met James McCallum coming up from Dimock's, leading a horse. He was by the first gate from the main road. I took his horse, and he went to Mr. Dimock's at my request. I stopped there till the boy McCallum and Mr. Dimock came up. I don't know his Christian name. Dimock and two or three men went up to where Mr. Hawkings was. I went to the telephone office at Dimock's. One of Dimock's telephoned to Dr. Martin, then to Dr. Cahill. The doctor came out—Dr. Cahill, and he and several of us went up the hill together. It was light enough to see the road; there was no moon, but it was starlight. The wind was south-east. The body had not been moved; it was as I had left it. Cahill ordered us to bring the body down the hill. The police had not arrived. The police came out, and the body was placed in Dimock's express. I did not go back to Mrs. Hawkings till after twelve o'clock. I saw the doctor and police go up to the house to examine the trap. Next morning, 1st June, I met Constable Carroll and another constable where the body had been found, about 5.45 or 6.50 a.m. It was getting light by that time. They went up with me to examine the trap and the mare at the house. They examined the ground where the body was found. After they examined the cart they left, and I remained at the house. About ten o'clock I brought Mrs. Hawkings down. There were no constables there then. We returned some time before four o'clock. I saw Inspector Thomson and Detective Campbell near the bend in the road at the top of the hill. I stopped about five minutes with them. They were picking up some pieces of paper and pieces of Mr. Hawkings's coat which had been blown off, pieces of cloth. I was asked some question about the wind, then we went on. I have not known much of accused lately. I have often seen him working on the Hutt road.

Mr. Bunny.] You would have to walk in a south-eastern direction, in a direct line from the house, to where the body was found?—Mrs. Hawkins's house is nearer to the spot than the Khandallah Railway-station. I left off work about 4.45, and milked after. At 5.30 I was milking. The cowsheds are two or three chains further from the house. Harry Norman was with me milking. I did not hear any shots fired that night; no one mentioned having heard one. I do not think I should have heard two shots fired, if they had been fired, with a south-east wind blowing—not so

likely as any one at Khandallah Railway-station. Wind was blowing up the hill—house is away from the hill. Khandallah Station is about half a mile further away than Hawkings's house. It was 7.50 when I left the house. I spoke to Mrs. Hawkings about going; she said, "Oh, you had better wait." I only asked her once or twice. I first asked her if I should go just after we had finished tea—nearly seven o'clock. He was never out so late as that. We were expecting him home every minute. She said she was sure he would not be long. She said several times, "He ought to be home." She did not ask me to go out from between 6.45 till 7.50 p.m. She told me to take the lantern. She did not ask me to go. I told her I was going. She did not prevent or try to prevent me going. I took the lantern all the way down to Dimock's. I did not go inside when I took the horse and cart up. I gave them to Harry Norman, and then went down the road. I do not know why I did not go to Dimock's, instead of sending young McCallum there. I thought the lad could tell the Dimocks as well as I could myself. I did not think at the time he had been murdered. I just turned him over and left. I saw blood round the neck. I did not form any opinion how he came by his death. I did not get any blood on my hands; his clothes were covered with blood. It did not disturb me much. I left home at ten o'clock a.m., and returned just before four o'clock next day with Mrs. Hawkings.

Mr. Bell.] The wind blows up the gully to the left. South-easter blows more up the gully where the target is.

The Court.] Mr. Bunny asked you whether, going from Mrs. Hawking's house to the spot where the body was found, in a straight line, you could not go in a south-east direction; you said "Yes"?—Yes. I do not know the points of the compass there. It might be south-west; we call it south-east.

MARY HAWKINGS, sworn, saith: I am the widow of Thomas Hawkings, who met with his death 31st May. We were married eighteen years last May. Mr. Hawkings was living there when he married me. My husband went to town about twenty minutes to ten a.m., 31st May. He had with him some Native papers to be signed by Natives; a little money, I think £7 15s. or £7 17s. (six pounds in notes, half-a-sovereign, and the rest in silver). He had a large gentleman's brown-leather pocketbook, with a band round it. My husband generally got home about six o'clock, very seldom later than that; once in a way, but very seldom, he might be later. He did not return on the evening of 31st May. I remember Mr. Bowles going out to find him. I saw Mr. Bowles come back with the trap in about seven or ten minutes. I don't think it was more than seven minutes. Then he went away. Norman also went to look for my husband after he had unharnessed the horse. The next person I saw that night was Dr. Cahill, and with him Constable Carroll. I had hardly any conversation with them. I did not see my husband's body that night. I did not see the body till the Monday, at the morgue. My husband had a small pocket-knife in his pocket with mother-of-pearl handle, similar in size to that produced (broken knife).

Mr. Bunny.] My own family were the only ones at my place on 31st, including Norman and Mr. Bowles and his wife. Bowles and Norman were engaged outside. We had tea at about 5.45. They were all in there at tea-time. I did not hear any shots fired that night. I did not become anxious till about seven o'clock. I was sitting down sewing. Bowles asked me if he should go and look for him. I said, "Oh! no, he will be home by-and-by all right." I was a little anxious then. He asked me if he should go more than once. Bowles did not speak to me when he brought up the cart and horse. I went out to see then why my husband was not with the trap. I did not see Bowles till six o'clock next morning. I did not hear anything till Dr. Cahill and constable came at about 10.45 p.m.

THOMAS CAHILL, sworn, saith: I am a doctor of medicine. I remember the evening of 31st May. I received a telephonic message that night at 8.40. In consequence I went to Mr. Dimock's place, past Kaiwara. I rode. It must have been about 8.55 or perhaps nine o'clock. I found Dimock and some men waiting to convey me up the hill to the scene where the accident was supposed to have occurred. I think it was Mr. William Dimock. We walked up the hill about half a mile. We found a man lying dead on the road, with his head up hill and toward the gully, and feet towards the bank. I would know the spot again. There was blood about three or four feet below where I found the body. There was a quantity of blood soaked into the dust. We had a very dim lantern. The night was very dark. I examined the body, and found something to cause suspicion. I found a clean incised wound immediately over the external jugular vein on the right side. I asked the bystanders to carry the body down the hill to Mr. Dimock's place. I stood by the body while it was being removed on a wooden stretcher, and waited till the police arrived. I had also found a wound on the left side of the neck, immediately under the collar, before the body was moved. I gave directions to the police to carry the body to the morgue. Constable Carroll and Constable Webb were the constables. I took Constable Carroll up the hill to examine the ground where the body was found, and after that to the house of deceased to examine the cart and harness. We found nothing except the blood on the road. I saw Mrs. Hawkings, spoke to her, and then returned. I did not find anything about the cart and harness. I then returned. When I got to Dimock's the body had not been moved. I left before the body started. I made a post mortem of the body on Saturday and Sunday, 1st and 2nd June. I removed the clothing at the morgue with the assistance of the police—Constables Gleeson, Webb, and Carroll. I handed the clothes taken from the body to the police after examining them. I then examined the body. The body was that of a well-nourished male, apparently from forty-five to fifty years of age; *rigor mortis* was well marked, and clots of blood were found upon the breast, face, beard, and arms. There was a contusion on the left cheek, an incised wound of about $\frac{3}{4}$ in. in length on the left side of the face in front of the lobule of the left ear, passing through the superficial structures, completely dividing the jawbone, making a clean slightly-curved fracture. This wound opened into the cavity of the mouth. There was an incised wound, $\frac{3}{4}$ in. in length and $\frac{3}{4}$ in. in depth, behind the right ear, ending in a similar

wound on the mastoid process; the direction downwards and forwards. There were two incised wounds, $\frac{3}{4}$ in. long each by $2\frac{1}{4}$ in. deep, running downwards and inwards through the muscles of the neck, and ending by striking against the bones of the spine. There were two incised wounds behind the right ear running downwards and forwards through the muscles of the neck, and ended by cutting clean through one of the transverse processes of a vertebra; and an incised wound, $3\frac{1}{2}$ in. deep and $\frac{3}{4}$ in. in length, then downwards and forwards, and inwards across the neck from beneath the angle of the jaw, and ended by penetrating the pharynx on the left side. An incised wound, $\frac{3}{4}$ in. long and $2\frac{3}{8}$ in. deep, running downwards and forwards from beneath the angle of the jaw on the right side, was found, on dissection, to have cut the right external jugular vein, passing through the muscles immediately outside the right carotid artery and internal jugular vein at a point where the artery divides into external and internal carotids; passing behind these vessels and the accompanying pneumo-gastric nerve, it ended by striking against the spine. An incised wound on the left side of the neck, over the region of the carotid artery, passed through the superficial structures and sterno-mastoid muscle, injuring the omohyoid muscle which crosses beneath; continuing its course it severed the left internal jugular vein, and ended by striking against the column-spine. On the trunk I found six clean incised wounds and one angular wound filled with blood and clots, beneath and in front the left armpit, and varying in size from $\frac{5}{8}$ in. to $\frac{7}{8}$ in. in length, and from $\frac{1}{2}$ in. to $4\frac{1}{4}$ in. deep. These measurements—that is, the measurements of depth—were made by passing a probe into the wounds from outside. The angular wound was evidently made by two thrusts of the same instrument, one wound opening into the other. These wounds gaped slightly, and when the chest was opened six of them were found to have passed between the ribs and penetrated the upper lobe of the left lung. There was a circular contused wound on the left hypochondriac region, $\frac{7}{8}$ in. in diameter. Three incised wounds were found on the lower part of the chest, on the left side, $\frac{3}{4}$ in. long and $1\frac{1}{2}$ in. deep, which, when the abdomen was opened, were found to have entered the spleen to a depth of $\frac{1}{4}$ in. to $\frac{1}{2}$ in. Two incised wounds in the back passed through the muscles, and ended by striking against the spine, $\frac{3}{4}$ in. long, $1\frac{3}{4}$ in. deep. They had a direction downwards, forwards, and inwards. There were incised wounds of a similar character on the arms. There was a large ragged wound on the back of the left shoulder, above the angle of the scapula, or shoulder-blade, close to the spine. It ran forwards through the muscles for $3\frac{1}{4}$ in., and was directed slightly upwards and outwards. It contained clotted blood, torn and bruised particles of flesh, particles of clotting, paper, and shot, which were lodged in the lower part of the neck, immediately above the shoulder. This was a gunshot-wound. There were smaller wounds, made by single pellets, around. On opening the chest I found the left pleural cavity filled with blood and coagula. The left lung was collapsed, and wounded as previously described. The right pleural space also contained blood and clot. A small circular wound was found in the apex of the right lung. It was probably made by a pellet of shot, for its position was in a line of a gunshot-wound in the shoulder. I now opened the pericardium, the sac containing the heart. It was full of blood and coagula. In the upper part of the pericardium, on the left side, was found a clean incised wound, $\frac{1}{2}$ in. in length, and a similar wound, $\frac{1}{4}$ in. in length, opened into the left auricle at a point where it is entered by the pulmonary veins. These wounds were in the same line, and I was able to pass a probe through them and through the left lung, whence it passed through the wall of the chest by one of the wounds previously described beneath the axilla, a distance measuring 5 in. It is to be noted that the external wound was $\frac{3}{4}$ in. to $\frac{7}{8}$ in. long, while the innermost wound, which entered the heart, was $\frac{1}{4}$ in. The abdomen was now opened, and contained blood and clots, which were derived from the wounds in the spleen. The organs, except being wounded, were in a very healthy condition. The wounds were clean and incised; the only exceptions were the gunshot-wound and the contusions on the cheek and on the left side. The incised wounds were made with a sharp double-edged instrument. The fact that the outer wound was very much larger than the innermost in length shows that the instrument was tapering; both extremities being clean incised shows that the instrument must have been double-edged. It must have been a very strong instrument, otherwise it would not have smashed the jawbone. The dagger produced, or stiletto, would cause the wounds I saw. I applied it to some of the wounds. I inserted it in some of the wounds. I came to the conclusion they could have been caused by such an instrument as that produced. I found in the shot-wound paper and cloth. I raised the skin all round, dissected the part so that I could put my finger in the wound, and passed the substance out. I put it in my bag and took it home, and teased it out in water. The shot I also took charge of. Some of the shot I produce now in white-paper parcel. The shot in the brown paper I removed from the single wounds. I also produce the cloth I got out of the wound. They are all contained in box (exhibit 4) produced.

What did you do with the paper you took out of the mass?—I removed the blood-clot by soaking it in successive dishes of tepid water. I then removed the paper from the water to clean white blotting-paper, pressed it between folds of blotting-paper, put it in a plate, and dried it in an oven. Then I put it in a round box, marked it with date, and put my name on it, and took it to Inspector Thomson. He just looked at it. He asked me to go to the Government Buildings to hand the parcel to a gentleman who was making an investigation for him in this case, a Mr. Tasker. I went and saw Mr. Tasker. I handed him the box in presence of Inspector Thomson. I have not seen them since. I would recognise one of the pieces again. I put all the fragments of the paper in the box, and handed them to Mr. Tasker.

Mr. Bunny.] The incised-wounds could have been caused by any knife with a double edge, provided it was a very strong knife of similar size and pattern to that produced. The wounds were inflicted by a sharp-pointed instrument. I did measure the instrument [produced]. It is considerably over 5 in. The moment I inspected the wounds I suspected foul-play. I did not communicate my suspicions at once. I first communicated my suspicions to the police on Friday night a little after eleven o'clock—before midnight. It was to Sergeant-Major Morice. Dr. Robertson was present.

Re-examined.] Dr. Robertson and Dr. Hassell called at the morgue during Saturday. Dr. Robertson saw the body before it was opened, Dr. Hassell after it was opened.

The Court.] The person who fired the shot must have been very close to deceased, otherwise the paper would not have been found in the wound?—I took some single shots out, they were scattered about the wound. All the shots were within about a radius of 2in. of the main wound.

Mr. Bunny.] I first saw the stiletto on Saturday night. I think Inspector Thomson showed it to me. I afterwards examined it before using it. It is not now in the same state as when I first saw it. The verdigris has been removed from around the hilt. In other respects it is about the same, except perhaps that it is a little more rusty. There were marks of rust on it when I first saw it. There were no blood-stains on it. There was no loose rust on it when I saw it first.

JOHN MAY, on his oath, saith as follows: I am a fish-curer. I live a little past Johnsonville. I remember the evening of 31st May last. About six o'clock I was at Khandallah Station. I had walked from Kaiwara to Khandallah Station over the hills. I was going to take the train to Johnsonville. I might have waited a quarter of an hour or twenty minutes at Khandallah Station, and then the train came. I do not know exactly what time the train left; I believe it was about six o'clock. I did not hear anything at Khandallah Station, but I heard something before I got there. I heard what I took to be two shots from a gun. I was over the hill, between the hill and Khandallah Station, at the time I heard the shots. The direction of the shots was away to my right hand as I was coming up to the station. The foot-track I went goes direct from Kaiwara to Khandallah Station. The sound did not come from the direction of the harbour: I am quite certain of that. I know where Ngauranga is. It came from that direction, but not so far distant as that. When I say it did not come from the direction of the harbour, I mean not from near the Wellington Wharf. There was a little interval, but not much, between the two shots. I cannot say what interval. I don't think I was more than a quarter of a mile from Khandallah Station when I heard the shots.

Mr. Bunny.] I started from Kaiwara township. I went up the hill from about the centre of the town. I don't know the name of the road. I did not see any creek; it was not near the school. I went along the Ngauranga road a little, and then turned up. It took me thirty-five minutes to get to Khandallah. It was off the Hutt road, not Ngahauranga road, I started. I often go that road—almost every day. It is common enough to hear shots on that hill during the shooting season. It did a little strike me as being peculiar; I thought it was too dark. I could not have seen a hare run across the road. It was too dark for a man with ordinary eyesight to see a hare run across the road. The sound came from right side of me. The person could not have been very far off. I could not say the distance: the sound would be deceiving among the hills. I did not exactly mark the direction, but I particularly noticed it was too dark for shooting. I generally meet two or three persons on the hill on my way. I can't remember meeting any one this evening. I caught the train.

WILLIAM FINDLAY WILSON, sworn, saith: I am a journalist, attached to the *Evening Press*, and live in Wellington. I went to visit the scene of the murder on the morning following the murder. I know the bend of the road, about 50 yards above where the blood-mark was. There is some gorse-bush near. I started from Wellington between 10 and 11 o'clock. I walked all the way; no one was with me. I went past, up to Hawkings's house, and Norman came back with me to the bend of the road, and there I found Campbell, and one of the Dimocks. Campbell and Dimock were by the blood-marks. This was about twelve o'clock—not quite twelve o'clock. I observed some paper on the ground. I picked a piece of folded paper out of the gorse-bush at the bend. It was newspaper—a portion of the *Evening Post* of the 23rd May. I recognised that date from a paragraph about the D Battery of Artillery intending to have a picnic the next day. I know they had a picnic on the 24th May. I saw fragments of blackened paper on the right side of the road, going up, before you reach the bend. I saw Detective Campbell pick some pieces of paper up, and some pieces of cloth. I think he put them in his pocket. I put the pieces of paper I found in my pocket; also a piece that Norman or Dimock gave me, which was not so clean as the first piece I found. I took them to the office, and subsequently handed them to the police. The piece of paper produced, marked "*Evening Post*, 22nd March," is the piece I picked up. I was wrong in saying the date was the 23rd May. I recognise the piece by the paragraph. I was misled by the paragraph. The other piece, I should say, is the piece handed me by Dimock or Norman; it is marked "17th November." [Exhibits marked K 1, K 2.] I gave both pieces to Inspector Thomson.

Mr. Bunny.] I saw several pieces of paper lying about, not sufficient to make half-sheet of an *Evening Post*. I only saw this one piece, and the pieces on the road. Several pieces were lying about off the road. I told Campbell it was a piece of the 23rd May. He seemed to treat the matter with indifference, and I put the piece in my pocket. I had an indistinct recollection they had a picnic on the 24th May. Until now I have been under the impression the paper was the 23rd May. The piece brought to me by Norman or Dimock looked as if it had been used for a lunch or something, and had been thrown away; it was rolled up.

JOHN BELL THOMSON, sworn, saith: I am Inspector of Police, in charge of Wellington District. I remember 1st June instant. I went with Detective Campbell to the scene of the murder between two and three p.m. Saturday afternoon. I went out by the two o'clock train. Campbell and myself were alone. While I was on the bank above the road Bowles came along and Mrs. Hawkings. They were coming from townwards. They were the only persons I saw there that I remember. Campbell showed me a spot where a knife had been found, and I saw very small fragments of paper as if blown to pieces by discharge from a gun. I picked up two or three small pieces of paper on right-hand side of the road, and then went to the gorse-bushes on the bank of the left-hand side. I

continued picking up these papers till I got a good number of them, and put them in an envelope marked "Gorse," and put them in an empty coat-tail pocket. The pieces of paper I picked up first were also in the same envelope. While Bowles was there I tore off a piece of paper from a piece I had found and let it go, and it blew in the direction of the gorse. I did that to ascertain in what direction the wind would blow the paper. The wind was south-east. I did not pick up the papers I let fly; they blew away. In the evening I found the envelope I put in my pocket had bulged out, and some of the papers had got loose in my pocket. I put them back in the envelope and marked the envelope, "Found in gorse bushes, &c." This is the envelope. [Exhibit No. 5.] I had two other envelopes containing fragments of newspaper that evening. The contents of one were brought to me by Detective Benjamin. I wrote on it, "Found amongst papers in bedroom, June 1st." [Exhibit No. 6.] This is the envelope produced. The third envelope produced [Exhibit No. 7] I marked on the evening of 1st June on return to my office. It contained fragments of newspaper found by me in prisoner's coat-pocket, which I found hanging up in his kitchen. When I had finished on the scene of the murder I proceeded to the house of accused, accompanied by Detective Campbell. I saw Mrs. Hawkings. We went from Mrs. Hawkings's house to the house of accused. On our way we met Detective Benjamin with a search-warrant. Norman accompanied us as guide till we got in view of the house; then he retired. We got to the house of accused after four o'clock. We found prisoner and his wife there; prisoner was outside, his wife was inside. Detective Benjamin had the warrant, and read it to accused. I then had him searched and his clothes examined for blood-spots. Accused did not enter into conversation with us: he said, "All right," or something like that. Upon going into the house he said to his wife, "The police want to search the house." We all went into the house together, and I directed the detectives to take him into an inner room and make a search. I remained in the kitchen with Mrs. Chemis. The children were in an inner room, except the baby, which was being nursed by its mother. There are four rooms, I believe. After some time Detective Benjamin came out of the bedroom with a bundle in a white-silk handkerchief. He brought it to me and laid it on the table and returned to the room. I untied the bundle and found it contained a number of documents and memoranda, an ivory-handle stiletto, and a leather shot-pouch, and a number of fragments of torn newspaper. These fragments I put on one side, and made an examination of the documents. Amongst the documents was a deed bearing the signature of Thomas Hawkings. I did not see any documents I thought necessary to detain, so returned them. The fragments of newspaper from the bundle I put in an envelope and put them in my left breast-pocket. I saw two coats hanging up. I found in the blue coat fragments of newspaper; those I placed in another envelope and put in my right breast-pocket. After searching house we searched all the outhouses, accompanied by accused. We did not find any stains of blood. I did not arrest accused or find the pocketbook we were in search of. A gun was brought out of an inner room by Detective Benjamin before we brought out the bundle. It was a double-barrelled muzzle-loading gun. Benjamin put his finger in the barrel, and there was a black mark on his finger when he took it out of the barrel. We brought away the stiletto and shot-pouch and fragments of paper. The gun was not taken till next day. On the evening of the 1st June, on my return to the office, I marked the three envelopes which have already been put in as exhibits. I retained them and the contents, which were never out of my possession, and never examined by me until I handed the contents to Mr. Tasker on the 5th June, the day accused was arrested. Before handing them to Mr. Tasker I took each packet out of its envelope and put a similar indorsement on clean envelopes, and delivered the clean envelopes and their contents to Mr. Tasker. On the 6th June I accompanied Dr. Cahill to Mr. Tasker. Dr. Cahill brought me a small box. That box I saw him deliver to Mr. Tasker. I saw the doctor open the box; it contained pieces of paper. I saw Dr. Cahill at the inquest produce a piece of flesh with shot and paper attached, but I did not see the paper to examine it. I did not know of any contents, or the shape of any piece of paper until Dr. Cahill showed it me on the 6th June. It was the 5th June I handed my papers to Mr. Tasker. At that time neither myself nor any police-officer, to my knowledge, had seen any of the paper taken from the wound of Hawkings.

Mr. Bunny.] Accused offered no resistance to the search. I saw a revolver. It was brought out from an inner room. I examined it. It appeared to have laid by for some time, and had a disused appearance. I do not think it was loaded. I took it in my hand, but I can't say if it was loaded. I examined the stiletto. I could not see any trace of blood. I did not notice any dust on the sheath. I will not swear there was no dust on it. I noticed verdigris on the blade for not more than a quarter of an inch from where it joins the handle. There was rust on the blade—two or three rust-marks. There was nothing to show that it had been used for the purposes of killing. I examined it for that indication. Accused did not ask in my presence that we should go and look at some quail hanging up. I did not know when I left town that Hawkings had been shot. I was only aware that he had been stabbed. That is why I had not taken the gun when we saw it first. I showed the shot found to the doctor, but he said it was smaller than that found in the body. I distinctly say that I did not examine the papers I gave to Mr. Tasker before I gave them to him. I simply know that the papers I found I gave to Mr. Tasker. I did not go through the papers with Mr. Tasker. I could not identify the papers again. I did not have the scraps of paper I had out before the detectives in their presence. There were two rolls of paper found, but not taken to Mr. Tasker. I kept the papers I had in my press, which is always locked, and of which I carry the key. I put them in clean envelopes because one of them was not fit to send away. I did not take a receipt for them. Only Mr. Tasker was present when I handed them to him. It was necessary to have candles to make the search at house of accused. I do not remember saying, when the stiletto was brought out, that "This thing is rusty, but we will see better in daylight." I will not swear that I did not say so.

WILLIAM DIMOCK, sworn, saith: I am a bacon-curer, and live beyond Kaiwara, at the junction of Hawkings's road and the main road. I knew deceased Thomas Hawkings. I remember the

31st May last. I saw Mr. Hawkings in the evening of that day at about 5.30. He came up to the house. I did not see his horse and cart. He came up for bread. He did not stay more than a minute. I saw him leave my house. The next I heard was that he was dead, from a boy named James McCallum. That would be a little past eight o'clock. I at once telephoned to the doctor. My brother came back from the body, and told me Hawkings was dead; then I telephoned for the police. Dr. Cahill came, and I went up and assisted to bring the body down. Next day, the first thing, as soon as it got light, I went up the hill to look at the place where the accident happened. I saw two constables there. I saw my brother Victor pick up a piece of a knife about forty yards further up the hill than where we found the body, on your right-hand side as you go up, about ten yards before you get to the turn. The knife was handed to the constable. I saw pieces of paper and pieces of cloth lying about. The paper had evidently come out of a gun; some of it had shot-marks on it where it had been rammed against them. The paper was close to where the knife was found, but more on the road. The police were there when we got there. They were there all the time we were there. They came away with us. I picked up some paper, and gave it to Constable Carroll. I think it was Healey was the other constable. A piece of lining looking like piece of a pocket was picked up. I picked up two buttons about two yards further down the road. I handed them to the constable. I examined the gorse-bushes on left-hand side of the road. I saw some paper there, but did not touch it. I just picked up paper where gun had been fired off. I left not later than nine o'clock.

JOHN ALFRED KOCH, sworn, saith: I am a ledger-keeper, Bank of New Zealand. I knew Thomas Hawkings, of Kaiwara. I know his hand-writing. The document produced, a paid-in slip for £6, is signed by him. [Exhibit No. 8]. The sum was paid in, and the amount went to Thomas Hawkings's credit. The teller's initials are those of Mr. Matier on the slip.

VICTOR DIMOCK, sworn, saith: I am a bacon-curer, residing beyond Kaiwara. I live with William Dimock. I knew the late Thomas Hawkings. I saw his body at about 8.30 p.m. on the 31st May last. I went up before the doctor. Robert Sedgwick and another man went with me. I helped to carry the body down. I went up the next morning, the 1st June, with William Dimock and Albert Dimock, my brothers. We stopped where the blood-pool was first—where we found the body the night previous. Two constables were there; one was Constable Carroll; I am not certain of the other's name. After we looked at the spot we went further up. I picked two pieces of the knife up about forty yards higher up the road than where the body had been found. I saw some paper, which looked as if it had been rammed down a gun and fired out. Constable Carroll took it. I am not certain who picked it up.

MALCOLM CAMPBELL MCCALLUM, sworn, saith: I live between Kaiwara and Ngauranga with my father, who is a currier. I remember the 1st June, Saturday. I went with my brother Donald up the road to see where Mr. Hawkings was killed. It was about eight o'clock a.m. I first saw the blood on the road. Constable Carroll and another constable (Webb, I think it was) were there. The three Dimocks were also there. I stayed near the blood about five minutes, then went up the hill to go home. I saw some paper and some rag lying in the middle of the road. It was newspaper, little pieces, and a kind of black rag in little pieces. I sung out to Constable Carroll. He came up and picked them up and put them in his pocket. I think one of the Dimocks picked some paper up. I did not see what he did with it. Then I went home.

DONALD MCCALLUM, sworn, saith: I am a brother of the last witness. I went with him on the 1st June up the road past Dimock's. I saw Constable Carroll and another constable (I think it was Constable Webb). I saw some blood on the road. I went up the road afterwards with my brother, after I had seen the blood. I saw some paper and bits of rag further up, laying on the side of the road scattered about. Constable Carroll put them in his pocket.

Mr. Bunny.] I know Chemis. I know he supplies milk in Kaiwara. I saw him on Saturday morning. I took the milk from him. I did not tell him anything about Hawkings having been killed on the road. I don't remember speaking to him that morning. I never spoke to him about it, and I do not remember his saying he was sorry for Mr. Hawkings's death.

Mr. Bell.] It was I who took the milk from him that morning; my brother was not with me.

Mr. Bunny.] I did not speak to him on the Sunday morning about it.

MALCOLM CAMPBELL MCCALLUM (recalled by Mr. Bunny), saith: I remember speaking to Chemis on the morning after Hawkings's death, about Hawkings's death. I do not remember him saying he was sorry to hear it. He said some one in Kaiwara had told him about it.

Mr. Bell.] I saw him between his own place and Kaiwara. He was coming home. I was going to meet him to get the milk. That was before I went up the hill, about 6.30 or seven o'clock a.m. I got the milk that morning. My brother went down to Kaiwara for butter. He went before me.

MICHAEL GREEN, sworn, saith: I am a labourer. On the 31st May last I was laying gas-mains at Kaiwara. I knew prisoner by seeing him work alongside of me. I saw him on 31st May, spreading metal by the Rainbow Hotel, a little nearer Ngauranga. I saw him knock off-work about 4.30 p.m., as near as I could say. It might have been a little before or after. We knocked off at about 4.40, and he had knocked off before we had. Caplin was at work with me. Caplin and I went to town together in a cart, a spring-dray. We trotted some part of the way.

Mr. Bunny.] I had been working there about a week. During that time I had been working near accused. I had seen him knock off work the same time before. I have seen him working there when we were leaving—sometimes when a cart comes with a load of metal. I did not see if he went away in a cart on the 31st May. When he passed me he was on foot and alone.

CHARLES CAPLIN, sworn, saith: I am a labourer, living at Lorne Street, Wellington. I was working on 31st May at Kaiwara, laying gas-pipes. I saw accused laying metal at Kaiwara. I knocked off work about 4.30. I came to town with last witness in Mr. Miller's cart. I knew Mr. Hawkings. I saw him pass us just on the Wellington side of the Railway Hotel, Pipitea Point. He was driving in his cart. He was alone. He held up his whip and nodded. I am certain it was Hawkings.

Mr. Bunny.] We knocked off about 4.30. The clock struck five as we passed the Government Buildings. We started as soon as we put our tools away. It would take us about a quarter of an hour to get into town.

WILLIAM DURRELL, sworn, saith: I am a butcher, but work at the soapworks at Kaiwara. I buy milk from accused, and have done so about fifteen or eighteen months. I pay him monthly. I remember on one occasion I was not able to pay my account. I think it was last March, about 5th or 6th of the month. I have never had occasion since that I was not able to pay. I told him I had a Court-job on, and had to pay £10 or £12. He said that was nothing; that if he lost his case it would cost him £50 or £60, and God knows that if so it would ruin him. Previous to this I had asked him if his case was settled, and he told me No. I have always had my accounts punctually on the 1st of the month, except when it falls on a Sunday, and then on a Monday. I did not get my account on the 1st June; I got it on the Monday, 3rd June.

Mr. Bunny.] There was no dispute between us. I expressed my opinion about costs and he gave his opinion.

LAWRENCE CARROLL, sworn, saith: I am a police-officer in Wellington. I was sent out to Dimock's house on the evening of 31st May. Constable Webb accompanied me. When I got to Dimock's I saw the body of the late Mr. Hawkings. It was on the ground. I then went with the doctor to Mrs. Hawkings's house. A boy named Norman was with us. We passed a pool of blood on the way. The doctor and I made search round, but could not find anything. We went to Mrs. Hawkings's, and examined the cart. We did not find any blood-stains on the cart. We returned, and I took the body in an express to the morgue. Webb came part of way. The clothes were not taken off the body; not that night. Next morning Constable Healy and myself went to where I had seen the blood. We left town at six o'clock. We looked for traces of a struggle. We passed the pool of blood, and on to Mrs. Hawkings's, and examined the cart again. I saw a small stain of blood on one of the felloes of the near wheel; it did not appear to be recent. I had a conversation with Mrs. Hawkings; and after that I came down the road—Healy and myself. We had met Bowles on the road going up; he was standing about 100 yards above where the blood was. He went to the house, and did not return with us. We did not stop till we came to where the blood was. This was between 7.15 and 7.30 a.m. No one was about at that time. I found a stone near where the blood was [produced] with blood-stains on it. It was about eighteen yards further down than where the blood was, and eight yards off the road, in a little valley. Constable Healey found two other small stones about seven yards from the pool of blood, and opposite to it, with blood on them. We were searching about when the three brothers Dimock came up the road. They stopped where we were; then the two McCallums came up, and passed on up past us. They were looking about, and when about fifty yards up they called out to me. I went up to where they were; the others came with me. The bend in the road was ten or twelve yards higher up than where they were. The gorse-bushes were on the left-hand side close by where the boys were. The whole of us picked up pieces of paper and cloth, and the lining of a pocket; they handed them to me. They were beside a burnt gorse-bush on the right-hand side of the road. I saw Victor Dimock pick up the knife about three or four feet from where the paper was picked up further up. I saw William Dimock pick up two buttons—a trouser-button and a vest-button—close to where the paper was found in a little water-channel made by the water. Previous to this Constable Healey picked up the button of a coat just near where the blood was. The spring of the knife was picked up near where the other part was found. I rolled up the paper in a piece of paper that was found there, and put them in my pocket after emptying it. I showed them to Sergeant-Major Morice. I took the cloth and buttons and paper to the morgue to see if cloth and buttons corresponded with those in the coat of Hawkings. I took the cloth and the paper to Mr. Skey, the Analyst, and received them back again the next day, the 6th June, and then I delivered the paper to Mr. Tasker on the 6th June, between eleven and twelve o'clock a.m., at the Government Buildings. I received the cloth back again from Mr. Tasker, and I have the clothes in my possession, as well as the cloth. I never parted with the papers, except while they were locked up in a box at my private house, until I handed them to Mr. Skey, the Government Analyst. I was on the Hutt road on the night of the 31st May. I left Wellington at 6.15. I got out at Kaiwara, and walked as far as Dimock's. I had to serve a summons. After leaving Dimock's I went back as far as Kaiwara. I got back there about seven o'clock. There was a young lady and a man by the railway-fence, standing there. I did not know who they were at the time. I have found out since. I did not see their faces. They were standing near Mr. Barber's slaughter-yards.

Mr. Bunny.] I returned to Wellington about 9.30 a.m. on the 1st June; was there about one and a half hours. I picked up all the paper I saw they were all small pieces. I saw one piece stuck on a piece of gorse. I did not touch any paper on gorse-side of the road. I did not search there. I remember seeing one piece there. I did not examine the papers I found. I showed them to Benjamin. He did not touch them; he did not ask me for them. I did not note anything on these pieces of paper by which I could identify them again. I just left the paper with Tasker on the table and went away.

FREDERICK JOHN HEALY, sworn, saith: I am a constable, stationed at Wellington. I went out with Constable Carroll on morning of 1st June. We started from here at six o'clock. After we

had been to Mrs. Hawkings's house—we went back to where the blood was. The Dimocks and the boys McCallum came up. I went up when one of the McCallums called out. I picked up some paper, so did Mr. Dimock. Dimock handed me the best part of the papers he picked up, and I handed them to Constable Carroll.

Mr. Bunny.] I went to the house of the accused on Wednesday, 5th June. Detective Benjamin handed me a revolver. Three chambers were loaded. I did not speak about firing it off. I did not suggest firing it off, and Mrs. Chemis did not prevent it. I have not been there since.

LIONEL DOWNMAN BENJAMIN, sworn, saith: I am Chief Detective, stationed at Wellington. I first went to house of accused on the 1st June, about four o'clock p.m., with Inspector Thomson and Detective Campbell. I saw accused outside; he was chopping wood. I told him I had a warrant. I read it. He did not say anything. I searched him in the kitchen—his pockets. Campbell and I examined his clothes, then took him outside and examined his boots and finger-nails. Then we went into his bedroom with him. I saw a gun hanging upon the wall. I took it down and put my finger in; when I took my finger out it was black and wet. I put it in in presence of Inspector Thomson. When I took the gun down accused said, "I fired it off at some quail two or three days ago." I tried the two small drawers of the chest of drawers. I found them locked. Accused produced the key and unlocked them. Detective Campbell stood at one of the drawers. I went round behind him and spread my pocket-handkerchief on the bed. When I returned to my drawer Detective Campbell had a dagger in his hand, and was returning it to its sheath again. Accused said, "It has not been out of its sheath for the last six months." I put it in pocket-handkerchief with shot-bag and revolver produced. Dagger produced is the same. There are four or five shots in the shot-bag. I found four bullets [produced]. They are cast bullets. We also took out all newspapers and bills, and anything in the shape of paper. There was no paper in any of the other drawers. The drawer I was looking into contained a little paper, but nothing else we took possession of. We searched all the room. We took the dagger, shot-pouch, knife, and paper. We searched round the parlour, and found one or two pieces of paper. We put them in the handkerchief and took them out to the Inspector. I did not examine them or see them afterwards. We examined the children's room, and took some paper from there, and also some paper in the kitchen. This paper was put in a parcel. I kept it under lock and key, and on the 6th instant I handed it to Mr. Tasker. I next saw accused on the 2nd June, Sunday morning, at his own house. I told him I had come for the gun. He said, "All right," and brought it to me. I said to him, "Did you come home straight from your work on Friday last?" He said, "Yes, and I never went out of my house after." On the Saturday I did not know there was a gunshot-wound on the body. I was at the morgue that morning. I only knew of the knife-wounds. I arrested accused on the 5th June. Detective Campbell was with me. Accused was working on the road. I called him over, and said, "I have got a warrant for you." I said, "Come in here" (that was, to Cook's shop, close by). I read the warrant to him. He said, "All right." After a short pause he said, "It's all damned lies. I won't be there long. I wish I had better clothes to go in." I took him to the station. I went to his house that evening with Campbell, Carroll, and Healey. We searched the house again. Carroll found a small piece of paper in a trousers-pocket in the bedroom. We found more paper in the children's bedroom and the kitchen. That was given in charge of Constable Healey. At the station I took possession of all the loose paper, and handed it to Mr. Skey the next day. Mr. Skey has it still. I did not examine it.

Mr. Bunny.] I did not know the gun had been fired when accused said, "I fired that off at a quail two or three days ago." He made this statement unasked. He did not ask me to go and look at some quail—no quail were shown to us—I was not shown any. The drawer where the dagger and shot were was locked. He did not say he kept it locked because he kept his dynamite-fuses there. I did see some fuses and caps there. I did not know what the caps were, and he told us. He gave us every facility to make a search. I found some of the paper that Inspector Thomson got. We got the paper out of the two top drawers—most of it from the drawer that was locked—and some in the parlour. Found some in the kitchen and children's room. The paper I gave to Skey was found in the kitchen and children's room on the 1st June. I did not examine the paper. I can't tell you what paper it was I picked up; it was put in a parcel. I paid no attention to any of the newspapers found. The Inspector told us to pick up all the pieces of newspaper found there. I looked at the stiletto. I did not see dust on it. It was not covered with dust, to my knowledge. I took it out to Inspector Thomson. He did not say, "This thing is rusty, we can see it better in daylight." He did not say so; I did not hear him. I first saw Mr. Tasker on the 6th. I next saw him on the 7th, when I handed him some paper. I next saw him on the 12th, when he handed me a piece of paper to get analysed. He told me once in the office the result. He told me the date of the paper. I could not say what the date was he told me; I took no note of it. I think it was the 17th of some month last year. I was present when the revolver was found on the Saturday. It had three chambers loaded. I saw no marks to show that it had been used for some time. We left it behind because we did not know of any shooting. On the Wednesday we took the revolver. I think Constable Healey said something about firing it off. It was just a careless observation of his; I do not think he was serious when he said so. We fired a revolver off up the side of the hill on the 7th—Healey and I. It was one of my revolvers we fired. We went out to look for a bullet—I took my revolver with me—four of us: Campbell, Carroll, Healey, and myself. I fired two, and Healey fired the rest. We fired at a rock; I hit it. Where we fired could have no connection with this case. We have not looked for the bullets since. I had the gun taken to the Government Armourer that I found in the house of accused.

Remanded till Friday, the 21st June, at ten o'clock.

ROBERT MACKIE, on his oath, saith: I am a grocer, residing at Kaiwara. I am the agent of the *Evening Post* at Kaiwara. I know accused; he has been in the habit of getting the *Evening Post* at my store for ten months past. I remember the 31st May. I saw the prisoner that day at my shop. He came for his copy of the *Post* about half-past four o'clock. I knew Thomas Hawkings, I saw him on that day at my shop. He came for the *Post*; he got it and two loaves of bread. This was about five o'clock.

Mr. Bunny.] I sell from seventy-six to eighty *Evening Posts* nightly. There are a few householders in Kaiwara and district who do not take the *Post* from me, but the bulk of them take it from me.

JOHN TAYLOR, sworn, saith: I am a draper, in the employ of Thompson and Co. I knew the deceased, Thomas Hawkings. I saw him on the 31st May at Thompson and Co.'s. He came for some dress-material and hosiery. He put his hand in his pocket, brought out a few shillings, and then gave me a cheque. He got the cheque from the desk at the shop.

STEPHEN WILLIAM GREEN, sworn, saith: I am a bookbinder, and live at Newtown. I went out to the scene of the murder on the 2nd June—Sunday. I picked up some paper clinging to the gorse-bushes on the left-hand side at the bend in the road. I kept the pieces for some time, and then I handed them to Detective Benjamin. It was on the 17th June I handed them to Benjamin at the police-station. I just picked them up out of curiosity, and was going to destroy it several times. I believe it was part of a newspaper of the 17th November—a part of shipping-column.

Mr. Bunny.] There were three pieces, all larger than the palm of the hand—two pieces connected. I would know them again.

LIONEL DOWNMAN BENJAMIN, recalled, saith: I remember seeing the last witness, Stephen William Green, at the police-station. He handed me some bits of newspaper. I put them in an envelope and locked them up in my office, and next day handed them to Mr. Tasker. He handed them to me on the 17th June.

MARGARET COOK, sworn, saith: I am the wife of Thomas Joseph Cook, labourer, at Kaiwara. I buy my milk of Louis Chemis. I have done so from sixteen to eighteen months regularly. For some time I have paid monthly; nearly twelve months. I have received my bill at all times in the month, but not later than the 6th of the month.

EDWIN HENRY BRADFORD, sworn, saith: I am a Government Armourer. I remember Detective Benjamin bringing me a gun on the 4th June. It was a muzzle-loading double-barrelled gun. I examined it. I first passed my finger round one of the barrels; it left a small deposit of soot. I did so on the other barrel, and it left none. I then drew the breeches of the gun, so as to look through the barrel from end to end. It had been fired recently in both barrels; they were both dirty. That "recently" might have been a week or a little more than a day. The barrels were not rusty. I could not tell how long. I should think that both barrels had not been fired off the same day. I came to that conclusion from the fact that when I put my fingers on one of the barrels it felt rough, and my finger came out tolerably clean. The other barrel felt smooth in comparison to the one in which my finger came out clean. I have principally to do with rifles, but I have had some considerable experience with guns. I cannot say that I have often had to judge if two barrels had been fired off at the same time. The right-barrel in a double-barrelled gun gets more used than the left. The right-barrel feels more worn generally than the left at the muzzle. If one barrel had been fired off on a Monday, and both barrels fired off on Wednesday, I do not think the barrels would have presented the same appearance that I observed. The deposit would be the same in both barrels. The difference would not have been caused by a person putting their finger in one barrel. The finger would not have taken all the black off. The reasons I give for saying that both barrels were not fired off the same day are—1st, that my finger was blackened by one barrel, and the other no black came off at all; and 2nd, that one barrel felt smoother to the touch than the other. The right-barrel is used more than the left, but I do not think it would feel different to the touch. It would be worn thinner. [Witness here putting his finger in the barrel.] The left-hand barrel feels now rougher than the right. I cannot swear exactly that the gun now feels exactly as it did when I examined it on the 4th June. I will not say it does not feel as it did on the 4th June. The 4th June is some time since. I could not from the feel of the barrels to-day say that they were not both fired off at the same time when last fired, though I do not say the feel to-day is different from the feel of 4th June. I cannot remember. It was the feel taken in conjunction with the soiling of the finger.

How long after a gun had been fired could you detect a difference in the date of the firing of the barrels?—I could not say, it depends on so many things—the quantity of the powder and other things.

Mr. Bunny.] The appearance of the rough substance in the barrel is evidence that the barrel had not been fired off for some time. The gun was shown to me on the 4th June. I can't say how long before the other barrel had been fired before the barrel in which I found the soot. It appeared to have been fired before.

Mr. Bell.] When I looked down the barrel from the breech I did not observe any difference in either of the barrels.

Mr. Bunny.] The left-hand nipple has a portion of verdigris from the cap left in it. The right-hand nipple has rust upon it. That confirms my opinion that both barrels were not fired off the same day.

Mr. Bell.] If two shots were fired they were probably both fired out of the same barrel. If loaded in a hurry it could be loaded in three-quarters of a minute before a man could run forty yards.

GEORGE LEE, sworn, saith: I am a carter, living at Ngauranga. On the 31st May I was carting stone and gravel at Kaiwara. I brought the last load at something to five o'clock and past half-past four o'clock. When I knocked off, I drove straight on to my place. Accused jumped into the cart just the other side of Cook's shop, and he got out at his gate. I saw no more of him till the following morning.

Mr. Bunny.] I am employed by Hutt County Council, and we knock off at 4.30; that is the rule for all hands. This night it was after 4.30 we knocked off. I can't say how much after. I did take some bran and pollard in my cart that night; it was put down by Mr. Coulter's. Accused helped me to put it in my cart. By that time it was close on five o'clock. We were working near the Government School that day; that is where we were last working. Accused and I were working there, putting blinding on the road that is off the main road. The gas-men were working on main road by Gardener's. I saw a man running past where I live, next morning, up the Ngauranga line. He was running up towards Johnsonville; he was not running fast; he was coming from Ngauranga way. I went at a walk to the gate of accused when we knocked off.

Mr. Bell.] I have not seen Mr. Devine or Mr. Bunny this morning. I told my father, and he told the policeman at Johnsonville about the man. I did not tell anybody else but my father. I do not know who it was who told Mr. Bunny. It was Saturday morning, at 5.30, a.m. I saw the man running up the line. He had nothing at all; no gun. It was just between the lights. I could see him going past. It was not a woman. I did not see his face. I saw his clothes. I live about half a mile from Ngauranga. I was going to see about my horse. I had breakfast at six o'clock. He was a stranger. I never saw him before. Our house is alongside the road. I was just coming out of the door. Another "chap," Walter Wilmister, saw the man before I did. He told me about it first. Walter ran back with fright. He is a boy of sixteen or seventeen, and works for us. I have known accused two or three years. I have been working with him on the road. I have lived in the same house two or three years.

Mr. Bunny.] Chemis and myself both work for Hutt County Council.

JAMES MCCALLUM, sworn, saith: I am son of Samuel McCallum, and brother of the two boys called as witnesses. I was round at Dimock's on the 31st May. I met Bowles on the bridge crossing the creek. I was walking, leading my horse. I left him the horse, and I went to Dimock's. Dimock rang up the telephone. I went and took horse to the stable. I helped to carry the body down the hill.

ALBERT DIMOCK, sworn, saith: I live at bacon-curing establishment. I remember the 31st May. I was at our place that night. I went with my brothers up to where the body was found. I saw some paper 40 or 50 yards up past where the body was found. I did not see any body pick up any paper but Constable Carroll. This was on the morning of the 1st June.

HENRY NORMAN, sworn, saith: I am in the employ of Mrs. Hawkings. I was there on the night of the 31st May, at Mrs. Hawkings's house.

Mr. Bunny.] Mr. Bowles brought the cart up to the house. There were some parcels in the cart.

JOHN HOLMES, sworn, saith: I am a tanner, residing at Kaiwara. I know Chemis, accused. I knew about a lawsuit between Chemis and Hawkings. I never had a conversation with him about it.

Mr. Bunny.] I knew Mr. Hawkings. I cannot say that Hawkings was at loggerheads with his neighbours. He was a man that if he made a bargain he would stick to it. He was a very nice fellow. I can't name any person he has had disputes with. I have heard of him driving people off his land who were shooting on it. I can't say it was common repute that Hawkings quarrelled with his neighbours, and I can't say it is not.

WILLIAM SKEY, sworn, saith: I am Government Analyst. I had a dagger and sheath handed me to examine. I could not find any trace of blood on them. I had some paper handed to me for inspection by Detective Campbell and Constable Carroll, one sample each. I found some of that paper blackened with carbon. It might have been gunpowder. The smoke of powder ignited. I handed the paper to the constable and Detective Campbell again. I examined some clothes, but found no blood on them. The stiletto and sheath produced are the same that were handed to me.

WILLIAM CAMPBELL, sworn, saith: I am a detective, stationed at Wellington. I was present with Inspector Thomson and Detective Benjamin on Hawkings's road on the 1st June. I was also at Chemis's house with them on the afternoon of the same day. I remember going into the bedroom with Chemis and Benjamin, and leaving the Inspector in the kitchen. Some paper was found in that room, in the right-hand top-drawer of a chest of drawers. They were parts of newspaper. The parts of paper were tied up in a handkerchief, with other documents found, and handed to Inspector Thomson. All the paper in that room came from the drawer. Two small pieces of newspaper that were on top of the cupboard in the sitting-room were also put into the handkerchief, and handed to the Inspector, who examined the contents, and took some papers away.

Mr. Bunny.] The right-hand top-drawer was locked, not the left-hand side. He unlocked it at my request. The accused did not say he kept it locked to keep the children away from the dynamite-caps. He did not make any reference as to why the drawer was locked. I am positive about it. I saw the dynamite-caps and other appliances there. The paper had not been wrapped round anything in the drawer. It was loose in the drawer. Some papers were found in the kitchen and children's bedroom, and taken charge of by Benjamin. There may have been some whole newspapers found there, but I did not see any. I kept charge of the papers found in the

kitchen and children's room, and handed them to Detective Benjamin in the station. I do not think I would know the papers again.

Re-examined: I had some papers in my charge and handed them to Mr. Skey on the 5th June, and got them back again and handed them on the same day to Mr. Tasker. They were papers I found on the scene of the murder.

JOHN TASKER, sworn, saith: I am a clerk in the Civil Service, and have an office in the Government Buildings. I have at various times received from the police bundles of papers in this case. I have kept those papers separate. I have also received some scraps of paper from Dr. Cahill. I have all the papers here. I marked on the bundles the date of the receipt when I received them. The bundle of papers marked "A" was received by me from Detective Benjamin on the 6th June, 1889. "B" is also a bundle received from Benjamin on the 6th June. "C" is a piece of *Evening Post* of Saturday, the 17th November, 1888. I took "C" from bundle "A" myself. "D" were pieces of paper received from Mr. Thomson on the 5th June in an envelope; it is paper dated 28th May, 1889, *Evening Post*. "E" is an envelope received from Benjamin containing a piece of *Evening Post* of 28th May, 1889. "F" is a small envelope received from Mr. Thomson on the 5th June containing pieces of *Evening Post* of 23rd May, 1889; also a small piece of *Post* of 18th November, 1888; a small piece of a pamphlet about the Langworthy case, and another piece of newspaper not identified. "G1" contains an envelope received from Mr. Thomson on the 5th June containing a paper pinned to a blue sheet marked "G1 and G2;" it is part of a newspaper of the 17th November, 1888, and two small pieces of *Evening Post* of 23rd May, 1889. "H" are scraps of paper received from Constable Carroll on the 6th June—pieces of paper of 23rd May, 1889, *Evening Post*. "I" are pieces of paper received from Detective Campbell on the 6th June—pieces of paper of *Evening Post* of the 17th November, 1888, and 23rd May, 1889; also a small piece of cloth, and a box containing small scraps of paper received at the same time. "J" is a small wooden box received by me from Dr. Cahill on the 6th June. I took some of the contents and gummed or sewed them on to a piece of paper marked J. The papers received from Dr. Cahill contain some pieces of the *Evening Post* of the 23rd May, 1889, and also small portions of the *Evening Post* of the 31st May. There are some pieces I could not decipher. They remain in the box. "K" are pieces of paper received from Benjamin on the 7th June. "L" contains pieces of paper received from Detective Benjamin on the 18th June, marked as received from Mr. Green. I have examined the two pieces of *Post* of the 23rd May, marked F, received from Mr. Thomson. The first piece I have marked as parts of columns Nos. 1 and 2, page 2, and the second piece is a portion of columns 1 and 2 of page 4. I found that the piece of page 2 fits with three pieces, Nos. 1, 2, and 3 H, found by Constable Carroll, in box marked H. That is handed to me by Constable Carroll. One of those pieces, H No. 2, fits a piece of paper, handed me by Mr. Thomson, on sheet G1, marked No. 4. I find that H No. 1 fits with a piece of paper forming part of the papers handed me by Dr. Cahill. "J," that was pointed out to me by the Crown Solicitor. Among the papers handed me by Constable Carroll I find pieces of page 4, column 1, of the *Post* of the 23rd May, 1889; and among the papers handed to me by Inspector Thomson I find a portion of page 4, column 2. During all the time I have had these papers I have kept them separate, and I am able to say that no papers from one packet have become mixed with any other. They have been kept perfectly separate.

Mr. Bunny.] I am a permanent clerk in the Police Department. I have been in the department seven years and two months, and been in Wellington during that time. By taking the pieces of paper, and putting them against the other portions, I find that it fits the portion torn, and the reading-matter agrees. 1 and 2 of H fit on to F. The torn or frayed edges fit in, and agree letter for letter. The letters "om" of 1 fits into F. The "o" is cut in two, and part of it is found on each. That is the only connecting point of No. 1 on F paper. No. 2 fits into H, and also on to H1. The words "Doric left," and on scrap of paper "Plymouth" is seen, which fits on, and the edges fit. No. 3 joins on to No. 2. G No. 4 fits into H No. 2. "Teneriffe" is divided, and the word "Nelson" is cut in two. The piece "Kaitangata" belongs to the *Evening Post* of 31st May, date of Mr. Hawkings's death. I have found an *Evening Post* of the 31st May intact—it is complete—among papers handed me by the police. This portion was in the J box of torn fragments.

Mr. Bell.] I only received papers from Constable Carroll on one occasion only.

JOHN BELL THOMSON, recalled, saith: The envelope marked F in the box marked F is marked in my handwriting, and contained papers found in the bedroom of accused. I took the papers from the envelope previously produced, and put them into this envelope marked F, and handed them to Mr. Tasker on the 5th June, 1889. I look at envelope marked G in box marked G, the indorsement on it is in my hand-writing, and contained the papers therein described when I handed it to Mr. Tasker on the 5th June, 1889.

Statement of Person accused of an Indictable Offence.

LOUIS CHEMIS stands charged before the undersigned, Henry Wirgman Robinson, Resident Magistrate, sitting at Wellington, one of Her Majesty's Justices of the Peace in and for the Colony of New Zealand, this twenty-first day of June, in the year of our Lord one thousand eight hundred and eighty-nine, for that he, the said Louis Chemis, on the 31st day of May, 1889, at or near Kaiwara, in the said colony, did of his malice aforethought kill and murder one Thomas Hawkings; and the said charge being read to the said Louis Chemis, and the witnesses for the prosecution being severally examined in his presence, and their depositions being now read over to him, the said Louis Chemis is now addressed by me as follows: "Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial, and you are clearly to understand that you have nothing to hope from any

promise of favour, and nothing to fear from any threat which may have been holden out to you, to induce you to make any admission or confession of your guilt, but that whatever you shall now say may be given in evidence against you upon your trial, notwithstanding such promise or threat;” whereupon the said Louis Chemis saith as follows: “I reserve my defence.”—LOUIS CHEMIS.”

Taken before me, at Wellington, in the colony aforesaid, on the day and year first above mentioned—H. W. Robinson, R.M.

AFFIDAVITS FORWARDED BY MR. JELlicOE.

I, JOHN HOLMES, the younger, of Kaiwara, in the Provincial District of Wellington, tanner, make oath and say as follows:—

1. I was subpoenaed as a witness on behalf of the prosecution at the late trial of Louis Chemis for murder.

2. I attended on the said trial, and on the afternoon of Tuesday, the second day of the trial, Mr. Bell, the Crown Prosecutor, said to me, “Did’nt Chemis tell you that Hawkings wanted to get him ‘out of the gully’ or ‘off the property?’” I replied, “No. I met Chemis on the Saturday evening before the murder at the Rainbow Hotel, and I asked him how his Court case was getting on. He said he thought it was all settled and that he did’nt think he would hear anything more about it, as he saw Hawkings had his cows on the ground.” Mr. Bell said, “Is that all Chemis told you?” I said, “Yes;” and then Mr. Bell said, “You may take it from me I will not call you as a witness, and you are discharged. You will receive pay for two days, and if you come again you will not receive anything beyond that sum.”

3. I say positively that the statement I made to Mr. Bell, the Crown Prosecutor, is true in every particular.

4. I am prepared to submit myself to cross-examination.

JOHN A. HOLMES.

Sworn at Kaiwara, this twenty-second day of July, 1889, before me—H. Stratton Izard, a solicitor of the Supreme Court of New Zealand.

I, ELLEN COLLINS, of Kaiwara, in the Provincial District of Wellington, wife of Charles Collins, of the same place, labourer, make oath and say as follows:—

1. I have been a customer of Louis Chemis, of Kaiwara aforesaid, dairyman, for one year and nine months last past.

2. The said Louis Chemis usually rendered his milk-bills to me about the 3rd or 4th of every month, and I swear positively that I never received a milk-bill from him earlier than the 3rd or 4th of the month.

3. I was summoned to give evidence on behalf of the prosecution of the said Louis Chemis on a charge of murder, then being investigated at the Resident Magistrate’s Court, Wellington, and Detective Campbell came to me whilst I was waiting in the witness-room attached to the said Resident Magistrate’s Court, and wanted me to swear that I always received my milk-bills on the first of the month. I told him I could not do so, and that the truth was they were always delivered about the third or fourth of the month, and he then went away.

4. Mrs. Flaws was in the room, and the said detective addressed himself to her as well as to myself, and she made the same answer.

5. Detective Campbell again returned to the room and addressed himself to Mrs. Flaws and myself, and said that our evidence would not be required.

ELLEN COLLINS (her x mark).

Sworn by the deponent, Ellen Collins, at Kaiwara, this twenty-second day of July, 1889 (this affidavit having been first read over to her, when she seemed perfectly to understand the same and made her mark hereto) in the presence of and before me—H. Stratton Izard, a solicitor of the Supreme Court of New Zealand.

I, MINNIE FLAWS, of Kaiwara, in the Provincial District of Wellington, wife of James Flaws, of the same place, tanner, make oath and say as follows:—

1. I have been a customer of Louis Chemis, of Kaiwara aforesaid, dairyman, for about two years last past.

2. The said Louis Chemis usually rendered his milk-bills to me about the 3rd or 4th of every month, and I swear positively that I never received a milk-bill from him earlier than the 3rd or 4th of the month.

3. I was summoned to give evidence on behalf of the prosecution of the said Louis Chemis on a charge of murder then being investigated at the Resident Magistrate’s Court, Wellington, and Detective Campbell came to me whilst I was waiting in the witness-room attached to the Magistrate’s Court, and I told him that I only got bills when I asked for them, and then he, in my presence, wanted to say that Mrs. Collins, who was present, always got hers on the 1st. She denied that, and said they were always deliverd about the 3rd or 4th of the month, and he then went away.

4. Mrs. Collins was in the room, and the said detective addressed himself to her as well as to myself.

MINNIE FLAWS.

Sworn at Kaiwara, this twenty-second day of July, 1889, before me—H. Stratton Izard, a solicitor of the Supreme Court of New Zealand.

I, SARAH EAGLES, of Kaiwara, in the Provincial District of Wellington, wife of Francis Eagles, of the same place, tanner, severally make oath and say as follows:—

1. My husband and I have been customers of the said Louis Chemis, of Kaiwara aforesaid, dairyman, for about a year and nine months last past.

2. The said Louis Chemis usually rendered his milk-bill about the 3rd or 4th of every month, and sometimes as late as the 6th; and I say that I never received a milk-bill from him earlier than the 3rd or 4th of the month.

SARAH EAGLES.

Sworn at Kaiwara, this twenty-second day of July, 1889, before me—H. Stratton Izard, a solicitor of the Supreme Court of New Zealand.

I, MARY ANN BOWLES, of Ngauranga, in the Provincial District of Wellington, wife of Jesse Bowles, of the same place, settler, make oath and say as follows:—

1. I am the mother of Mary Hawkings, wife of Thomas Hawkings, late of Kaiwara, in the Provincial District of Wellington, settler, deceased.

2. About three years ago my husband and I removed from Johnsonville, in the said provincial district, where we had theretofore resided, to Ngauranga aforesaid, and a short time prior to removing I remember the late Thomas Hawkings stating to me at my house, and in the presence of my husband, that if he “ever came across my son, George Bowles, he would shoot him down like a dog.”

3. A short time afterwards I was at the house of the deceased, and whilst Mrs. Hawkings was in bed in the adjoining room the deceased made use of the same threat towards the said George Bowles.

4. On another occasion, after our removal to Ngauranga, the said Thomas Hawkings again, in a conversation he had with me at my house, made use of the same threat towards the said George Bowles.

5. I was summoned as a witness on behalf of Louis Chemis at the recent trial of the said Louis Chemis, at Wellington, and I attended at the Supreme Courthouse throughout the trial, and was prepared to give my evidence as herein set forth.

6. I am prepared to submit myself to cross-examination.

MARY ANN BOWLES (her x mark).

Sworn by the deponent, Mary Ann Bowles, at Ngauranga, this twenty-second day of July, 1889 (this affidavit having been first read over to her, when she seemed perfectly to understand the same, and made her mark hereto) in the presence of and before me—H. Stratton Izard, a solicitor of the Supreme Court of New Zealand.

I, ALFRED COBBIN MITCHELL, of No. 4, Brook Street, in the City of Wellington, blacksmith, make oath and say as follows:—

1. Two or three years ago—I could fix near the date by referring to my pocketbook, which is at home—I went to the property leased by Mr. Harlem from Mr. Hawkings. I had knocked off work and was going over the hills, looking for firewood. I passed within about two hundred yards from Hawkings's house. * * * * *

C. A. MITCHELL.

Sworn at the City of Wellington, this 23rd day of July, 1889, before me—W. H. Quick, a solicitor of the Supreme Court of New Zealand.

I, HUGH NICOL, of Kaiwara, in the Provincial District of Wellington, butcher, make oath and say as follows:—

1. I am employed at Cate's slaughteryard, at Kaiwara aforesaid.

2. I know Louis Chemis, of Kaiwara, dairyman.

3. I remember the evening of Friday, the 31st day of May, 1889. On that morning, as nearly as possible at 9.30 o'clock, I saw the said Louis Chemis at the Kaiwara Bridge.

4. I noticed his dress, and I say, positively, that he wore a brown-coloured faded coat and brownish-coloured trousers; moleskin, I believe. I did not notice his shirt.

5. On Sunday morning, the 2nd June, 1889, I was at my employer's slaughteryard. I had slept there, in charge, the night previously. At about nine o'clock in the morning I saw Charles Bowles. He was wearing dirty white-moleskin trousers, and I noticed at least two blood-spots on the front of the right leg of his trousers and one on the front of the left leg of his said trousers. I called his attention to the said bloodstains, and he said that he had killed a sheep that morning.

6. I did not afterwards see him wearing the said trousers, although I have seen him since frequently.

7. I say that a man killing sheep usually stands with his left leg forward, and with the right leg behind the left about 2ft.

HUGH NICOL.

Sworn at Kaiwara, this 22nd day of July, 1889, before me—H. Stratton Izard, a solicitor of the Supreme Court of New Zealand.

I, SAMUEL WHEATLEY MCCALLUM, of Kaiwara, in the Provincial District of Wellington, tanner, make oath and say as follows:—

1. I am employed by Alfred Tyer.

2. On Sunday morning, the 2nd June, 1889, I saw Charles Bowles at the entrance to Hawkings's road from the Hunt road. He was standing alone. I said, “Good-day, how are you getting on?” He said, “Fine, thanks.” I noticed he was wearing a pair of dirty-white moleskin trousers. I noticed on the front of his trousers, below the knee, a blood stain about the size of 3in. long and about 2in. wide.

S. W. MCCALLUM.

Sworn at Kaiwara, this 22nd day of July, 1889, before me—H. Stratton Izard, a solicitor of the Supreme Court of New Zealand.

I, ROBERT DYBELL, of Kaiwara, in the Provincial District of Wellington, blacksmith, residing in Wingfield Street, Wellington, make oath and say as follows:—

1. On Saturday, the 13th day of April last, I saw Louis Chemis, a prisoner now under sentence of death in the Terrace Gaol, at my workshop in Kaiwara, and I told him I was going to town to purchase a wad-cutter, and he asked me to buy one for him also. He said he wanted a No. 13. On arriving in town I went to Gardener's, on Lambton Quay, first. I purchased there one wad-cutter and some powder, shot, and caps. My wad-cutter was No. 14, to suit my gun. I also asked for one No. 13. I could not get it there. I then went to Messrs. Denton's shop, in Willis Street, and asked for a wad-cutter No. 13. Denton's shopman showed me a wad-cutter No. 13, and asked me eighteen-pence for it. I said, "Why do you charge that, as I can get them down at Gardener's for a shilling?" He replied that he used to keep shilling ones, but it did not pay to keep them as they would not stand, being too weak, and that the eighteen-penny ones were much stronger. I purchased it, and paid eighteen-pence for it. I afterwards, on the Monday following, gave the prisoner the wad-cutter which I had purchased at Denton's, and he paid me eighteen-pence, the price. I do not think a wad-cutter of the same strength as the one I purchased from Denton's can be purchased at any shop in Wellington other than Denton's. The wad-cutter produced to me marked "Dybell" is, I believe, the wad-cutter which I handed to Louis Chemis.

2. The said Louis Chemis told me afterwards that his gun killed a lot better with the wads.

3. On Wednesday morning, the 29th day of May last, the said Louis Chemis came to my shop, and said he had shot two quail at his back door. I had previously discussed with him the advisability of scattering grain over the hills to entice quail.

4. On the morning of Thursday, the 30th day of May last, I again saw the said Louis Chemis, and he said he had again shot two quail from the back of his house.

5. On the morning of Friday, the 31st day of May last, I again saw the said Louis Chemis, and I asked if he had shot any quail that morning, and he said that he had not.

6. I have known the said Louis Chemis for five years or thereabouts. I have frequently during that period seen him knock off work, and I have seldom seen him in or about the township or the Hutt road after he went home on leaving work.

7. I was in attendance at the trial of the said Louis Chemis, and was then prepared to give this evidence; and I was astonished when I heard the prisoner's counsel intimate that he did not intend to call witnesses.

8. I am prepared to submit myself to cross-examination.

ROBERT DYBELL.

Sworn at the City of Wellington this 23rd day of July, 1889, before me—H. Stratton Izard, a solicitor of the Supreme Court of New Zealand.

I, JOHN DALY, of Murphy Street, Wellington, bricklayer, make oath and say as follows:—

On Saturday, the 13th April last, at about seven o'clock p.m., I went to Robert Dybell's house, in Wingfield Street, and left with him to buy ammunition and wad-cutters. We went together to Gardner's shop, on Lambton Quay.

Dybell purchased 10lb. of shot and 1lb. of powder and some caps. He asked for two wad-cutters, Nos. 13 and 14.

After looking in the shop, the shopman said he had only got No. 14, for which he asked 1s. Dybell purchased it, and brought it away with the other things.

We then went together to Denton's shop, in Willis Street. Dybell asked for a wad-cutter, No. 13. The shopman found one, and asked eighteenpence for it. Dybell said he could get them at Gardner's for a shilling. The shopman said they used to keep shilling ones, but it didn't pay to keep them, and that the eighteenpenny ones were much stronger.

Dybell purchased the wad-cutter, paid eighteenpence for it, and brought it away.

JOHN DALY.

Sworn at Wellington, by the said John Daly, this 23rd day of July, 1889, before me—H. Stratton Izard, a Solicitor of the Supreme Court of New Zealand.

I, JOHN LAMBERT, of Kaiwara, in the Province of Wellington, fishcurer, make oath and say as follows:—

I remember Friday, the 31st day of May, 1889. At about four o'clock I was outside the Rainbow Hotel, Kaiwarawara. I saw Louis Chemis. He was standing outside working in the road. I called him into the hotel, and we had a drink together. We had a yarn for ten minutes. He was wearing a brownish-coloured coat. It was faded, and torn under the arms. I would know it again. He was also wearing a sort of brownish-coloured moleskin trousers, with stains about the knees, the result of work, I think; and a grey-tweed hat. He left me about four o'clock, and was afterwards working about the road, and I went after my work.

JOHN LAMBERT.

Sworn at the City of Wellington, this 22nd day of July, 1889, before me—H. Stratton Izard, a Solicitor of the Supreme Court of New Zealand.

I, MARY ANN HOLMES, of Kaiwara, in the Provincial District of Wellington, wife of Joseph Holmes, of the same place, currier, make oath and say as follows:—

1. I remember Friday, the 31st day of May last. I knew the late Thomas Hawkings and Louis Chemis well, but I was not in the habit of speaking to them. I heard about a quarter to nine that evening that Mr. Hawkings had been killed.

2. After half-past four and between that time and five o'clock p.m. on the said 31st day of May—I am not able to fix the time more definitely—I saw Louis Chemis go into a shop kept by a butcher named Gardner, at Kaiwara. He was carrying a kit with him and a pick and shovel.

3. My house is immediately opposite the front of Gardner's shop, and is on much higher ground than the shop, and by looking out of my front window I can see well into the shop.

4. After entering the shop he stood his pick and shovel between the door and the shop-window, and he remained in the shop a few minutes. I did not see him leave.

5. I saw him again on the following day (Saturday), and I say that he was wearing the same clothes that he had on the night previously.

M. A. HOLMES.

Sworn by the deponent at Wellington, this 23rd day of July, 1889, before me—W. H. Quick, a solicitor of the Supreme Court of New Zealand.

I, JOSEPH HOLMES, of Kaiwara, in the Provincial District of Wellington, son of Joseph and Mary Ann Holmes, of the same place, make oath and say as follows:—

1. I remember hearing on Friday evening, the 31st day of May, that Thomas Hawkings had been killed.

2. I know Louis Chemis, and I say that after half-past four on the afternoon of that day I saw Louis Chemis come out of Gardner's shop. He was carrying a kit and a pick and shovel.

JOSEPH HOLMES.

Sworn by the deponent, Joseph Holmes, at Wellington, this 23rd day of July, 1889, before me—W. H. Quick, a Solicitor of the Supreme Court of New Zealand.

I, EDWIN GEORGE JELlicoe, of Wellington, Solicitor, make oath and say as follows:—

1. On Wednesday, the 17th instant, I received from the wife of Louis Chemis, the wad-cutter and tin box of wads now produced and shown to me, marked "A." The said articles were brought to me, as I believe, direct from the office of the late Mr. C. E. Bunny, of Wellington.

2. On the evening of Wednesday, the 17th July instant, I went to the prisoner's house and examined the drawer in which I understand it was alleged by the police they found the stiletto and other articles. I brought the drawer away together with its contents, and sealed it up.

3. The drawer contained amongst other things a powder-flask, a box of revolver-cartridges, dynamite-fuse, an empty cocoa-tin, and a box of caps. The drawer is still in my possession, and ready to be produced at any time.

4. On searching the books of Mr. Denton, ironmonger, of Willis Street, Wellington, I say that it appears that on Saturday, the 13th day of April last, one wad-cutter was sold for eighteenpence.

Prior to going to Mr. Denton's, I was informed by one Robert Dybell that he had on the Saturday before last Good Friday purchased a wad-cutter at Denton's shop for the said Louis Chemis; and on going to Mr. Denton I gave the latter the date as given to me by Dybell. Mr. Denton turned up the entries in his day-book of that date, and found the statement to be true. Mr. Denton in my presence then made search and discovered that he had one other wad-cutter, No. 13, and by the same maker, still in stock; that it was contained in a wrapper in which he received a dozen mixed wad-cutters from Messrs. Mills in the year 1881. I then received from Mr. Denton the other wad-cutter and the wrapper, and the same are now produced and shown to me, marked "B."

5. On Sunday, the 21st day of July instant, I went out to the prisoner's house at Kaiwara. On my arrival Mrs. Chemis and Mr. Dowd, her brother, were working in the cow-shed. I went into the house alone, and, without having at any time previously asked any person whether anything from which wads could be cut was about or on the prisoner's premises, or having given the slightest hint that evidence of that class would be useful, and without in any way communicating to any one that I intended to look for or desired to find anything appertaining to wads, I, on search, discovered, on a shelf in the sitting-room, what had formerly been a cardboard box; a piece of it had been cut out, as it appeared to me, and was capable of being used for making wads. Mrs. Chemis reached it down at my request when she came in, and I brought the remains of the box away, together with its contents. The same is now in my possession, and ready to be produced, and the cardboard identically corresponds with the wads brought me from Mr. Bunny's office.

6. On the said 21st day of July instant, when I was at the prisoner's house hereinbefore mentioned, I carefully examined the prisoner's eldest child, a girl of eight years of age. She appeared a very intelligent child, and answered my questions without difficulty, and with little apparent nervousness. I ordered her mother and relatives away from the room when they came near it, and I questioned her alone. She remembered distinctly the first visit of the police officers to the prisoner's house, although she could not give me the date, beyond saying it was a Saturday. She told me that she had heard on the following Monday, when she went to school, Mr. Hawkings had been killed; and she told me, when I inquired whether she remembered her father coming home the night before the first visit of the police to the house, that she did, and that it was getting dusk; that she met him coming up the road leading to the house; that he was carrying a kit containing meat, and a pick and shovel; that he left the pick and shovel by the bread-box on the road, and she accompanied him home; that she then went out with him to feed the cows, and to a shed near the side of the house, and was with him there some little time whilst he pulled up, washed, and cut mangolds for cattle-food. She took me out to the shed, pointed out a tub into which she said the mangolds when cut were thrown. She told me that, after cutting the mangolds, they went into the house to tea; they then had tea with her mother and the other children; that after tea the prisoner sat reading the *Evening Post* in the kitchen; and that it was about seven o'clock when she went to bed; and that, from the time the prisoner came home with the kit until she went to bed, he did not go away from the premises. She told me that her father had no gun with him when he came home; that the gun was in the bedroom, but had been used by her father in the morning of the day before, when he shot two quail. Having regard to the age of this child, and in order that she may be examined by the Executive as to the details of the evidence which she can give, I

refrain from getting her to swear an affidavit. She informed me, in answer to a question of mine, that the late Mr. Bunny never interrogated her, and she did not appear to understand that her father was in any trouble.

E. G. JELlicOE.

Sworn at the City of Wellington, this 23rd day of July, 1889, before me—H. Stratton Izard, a Solicitor of the Supreme Court of New Zealand.

I, FREDERICK GREAVES, of Kaiwara, in the Provincial District of Wellington, labourer, make oath and say as follows:—

1. I am the husband of Mrs. Chemis's sister. I knew Louis Chemis intimately, and during the last three years I have frequently on Sundays gone to Chemis's property shooting. I know the room he and his wife occupied as a bedroom, and when I have been out shooting on the occasions referred to I have frequently taken his gun from the room, and the powder-flask which is now in Mr. Jellicoe's possession from the top right-hand corner-drawer of the chest of drawers in his said bedroom, and on my return I have placed the powder-flask in the same place. I had no gun of my own, and always obtained the loan of his.

2. I was at Chemis's house on Sunday, the 19th of May last. I went out shooting with his gun. I took the powder-flask from the same drawer, and on my return put it back in the same place.

3. I loaded with wads, which I took from the small tin box then in the same drawer; a number of wads were left in the box, and I swear that some of the remaining wads and box are the articles now in Mr. Jellicoe's possession.

4. I remember that before April last, about Easter-time, Louis Chemis produced a wad-cutter, which he said he had purchased. I looked at it, and I say that the wad-cutter now produced to me by Mr. Jellicoe is, I believe, the same. After he became possessed of the wad-cutter I frequently saw it in the drawer I have already mentioned.

5. On Sunday, the 2nd June last, at about eleven o'clock a.m., I was at Chemis's house. I went into the kitchen. I saw three or four quail being prepared for dinner. On the evening of the 5th June, the day of the arrest of Chemis, I was again at the prisoner's house, and I went round the house with Mrs. Chemis. I then examined the contents of the drawer now in the possession of Mr. Jellicoe; it then contained a powder-flask, a box of caps, a wad-cutter, a box of wads, some dynamite-fuse and dynamite-caps, a cocoa-tin containing powder, and an empty cocoa-tin and revolver-cartridges. A day or two afterwards I was talking to Mrs. Chemis, and told her she had better let Mr. Bunny have the wad-cutter and the wads.

F. GREAVES.

Sworn at the City of Wellington, this 23rd day of July, 1889, before me—H. Stratton Izard, a Solicitor of the Supreme Court of New Zealand.

I, JOHN DOWD, of Kaiwara, in the Province of Wellington, labourer, make oath and say as follows:—

1. I am a brother of Mrs. Chemis, the wife of the prisoner; and for about eighteen months before the last twelve months I lived with Louis Chemis at his residence, and for six months of that period I, off and on, worked with him on the road. On going to work we always took our lunch with us wrapped in paper, and the said Louis Chemis usually carried a kit. Sometimes our luncheon paper was brought back in the kit, and sometimes it was thrown away. During the winter-months we used to go up on to the top of the hillside for our luncheon, in order that we might get the sun.

2. I have no gun of my own, and I have frequently taken out Louis Chemis's gun to shoot. I always obtained it from his bedroom. I also took his powder-flask, shot-pouch, and caps, which I obtained from the right-hand top-corner drawer. The lastly-mentioned drawer was usually locked, and I obtained the key to open it from the left-hand top-corner drawer, where it was kept. Since Easter last, on these occasions, I have taken a few wads which were kept in a small box in the drawer. On my return I always restored the powder-flask and other articles in this paragraph mentioned to the drawer.

3. I used the gun and the lastly-mentioned articles on Sunday, the 26th of May last. Timothy Dowd, my cousin, was with me. On my return I put the gun back in the bedroom, and the other articles in the same drawer, and locked it, and put back the key in its usual place.

4. On the 2nd June last I was informed that Chemis's house had been searched by the police. I went there between three and four o'clock in the afternoon, and Mrs. Chemis explained the manner in which the police had interfered with the prisoner's effects. I looked into the right-hand top-corner drawer and examined its contents, and I say that I there saw the revolver, wad-cutter, box of wads, powder-flask, dynamite-caps, box of gun-caps, fuse, tin box containing powder, and an empty cocoa-tin box. I afterwards had tea with Louis Chemis and my sister, and I partook of some pieces of quail which they gave me, and which had been left from dinner.

5. On the 5th June last, between twelve and one o'clock mid-day, I was in Chemis's house; and, after a conversation with Mrs. Chemis, I arranged to go into town and get a solicitor, and I asked Mrs. Chemis to give me some money. She went to the right-hand top-corner drawer herein-before mentioned, and I accompanied her. She took £6 from a cocoa-tin box then in the drawer and handed it to me. I on that occasion saw in the drawer the wad-cutter, powder-flask, dynamite-caps, box of gun-caps, box containing the wads, and tin box of powder, and the revolver.

6. On my way to Wellington I met Detectives Campbell, Benjamin, Carroll, and Healey going to the house, and on my return I ascertained they had taken away the revolver.

7. When I arrived in town I went to the Police-station. I found that Mr. Devine, the Lawyer, had been to see Chemis, and had got the case. I then went to Mr. Devine's office, and told him if it went to a case to get Mr. Jellicoe. He said "All right; that is what I was thinking of doing myself."

8. I say that the said Louis Chemis never carried a sheath-knife.

J. Dowd.

Sworn at the City of Wellington, this 23rd day of July, 1889, before me—H. Stratton Izard, a solicitor of the Supreme Court of New Zealand.

I, TIMOTHY DOWD, residing at the Lower Hutt, in the Provincial District of Wellington, labourer, make oath and say as follows:—

1. On Sunday, the 26th May, I went to Chemis's house, and went out shooting with my cousin, John Dowd.

The latter, before going out shooting, went into Chemis's bedroom, and brought out a gun, a powder-flask, shot-pouch, and some wads and caps in his hands.

2. On our return we went into the kitchen. I sat there a short time, and I saw John Dowd return the gun, the powder-flask, and the shot-pouch to the same room, but I did not go into the room.

3. The said John Dowd and I left together for Kaiwara.

4. I look at the powder-flask now in Mr. Jellicoe's possession, and it corresponds with the one John Dowd had in his hand, and I believe it is the same.

5. I look at the wads in Mr. Jellicoe's possession, and I say that they are precisely similar to those that John Dowd brought from the bedroom.

TIMOTHY DOWD.

Sworn at Wellington, this 24th day of July, 1889, before me—Robert J. Staveley, a solicitor of the Supreme Court of New Zealand.

I, HENRY CROFTON BLANDFORD, of Ngauranga, in the Provincial District of Wellington, polisher, make oath and say as follows:—

1. I was in Wellington on the 31st May last. I think I walked home that evening.

2. When I was taking the last bend in the road to Ngauranga at about nine o'clock I heard a rustling in the scrub. I stopped and listened. It was a calm night. The noise was some way up in the scrub, and it was a sound of something or some one moving about.

3. I heard of the murder of Thomas Hawkings next day. A few days after I went up to the scene of the murder. I remembered the noise I had heard in the scrub, and I knew there was a track near there, but I did not know where it led to, so I proceeded to examine it and see where it led to. I followed it up and found that by so doing I could get to the scene of the murder. I mentioned the noise I had heard to my brother-in-law directly I heard of the murder, and said I wonder if there was anything in it.

4. I noticed very distinct heel-marks on the track; they led about half-way down to the Hutt road.

5. On the Friday preceding the late trial of Louis Chemis in the Supreme Court I went up to this track again. In the gully on the top of the hill I found in the scrub a pair of boots. They were old boots, but clean, and they evidently had not been there long. The nails were just beginning to rust. The insides were clean. I also found what appeared to me to be part of some false whiskers. I took the whiskers into Detective Benjamin on the Monday. He took my name and put the whiskers on a shelf.

6. I took the boots in on the following Wednesday. I spoke to Detective Kirby, and told him I wanted to see Benjamin about these boots, and he asked me if I was a witness in the case. I said, "No," and he said, "You had better see Benjamin." I looked for Benjamin but could not find him. I spoke to the Court Orderly, and he told me to put the boots in the room opposite.

7. On the Sunday week after the murder I was on the scene of the murder, and picked up pieces of pearl of the handle of a pocket-knife, and a portion of the little blade.

HENRY C. BLANDFORD.

Sworn at Wellington, this 24th day of July, 1889, before me—Robert J. Staveley, a solicitor of the Supreme Court of New Zealand.

I, ANNE CHEMIS, of Kaiwara, wife of Louis Chemis, of the same place, dairyman, make oath and say as follows:—

1. I remember my husband coming home on the evening of Friday, the 31st of May last. He brought meat home in his kit. It was a little after five o'clock when he came home. I was in the cowshed; he spoke to me when he passed. When he had put his kit in the house he came back to the cowshed. He fed the cows first, and then went into the garden and pulled up some mangolds, and washed them and cut them up. My children were about. He then came in to tea. He had tea with me and the children. After tea he read the *Evening Post*. The children went to bed about seven o'clock, including my eldest child Lizzie. From the time he came home I swear he did not leave the premises. I say that my husband's gun was in the bedroom all day on Friday, the 31st May last.

2. On the following evening Inspector Thomson and Detectives Benjamin and Campbell came to my house. They searched the bedroom, Thomson staying in the kitchen. I remained in the kitchen with Thomson. Benjamin first brought the gun out of the bedroom. He put his finger in one barrel of the gun and then showed his finger to Thomson, and said nothing. He placed the gun by the table and went back to the bedroom. He afterwards came back with a handkerchief. He opened it on the kitchen-table before myself and Thomson. It contained a stiletto, a shot-pouch, some bills, Italian letters and documents. I swear positively there was no newspaper amongst the contents of that handkerchief. Detective Benjamin went back into the bedroom and brought out the revolver and handed it to Thomson, and asked him to look at it. They both agreed that it had not been fired for a considerable time and was rusty. They put it on a shelf in

the kitchen. As they were leaving, my husband asked them if they had taken the revolver, and Detective Benjamin said "No," and pointed to the shelf where he had put it. They took the stiletto, shot-pouch, and bullets away, leaving the letters and papers on the table, and Thomson examined the documents, and said to me, "There is nothing there, Mrs. Chemis I can take; you can put them back in their place again." I did so.

3. I was at the drawer which had contained the stiletto and shot-pouch that morning and the day previously. We used to keep money there. I always went to the drawer when I wanted change or money. The money was kept in an empty cocoa-tin. There was also in the drawer a revolver, powder-flask, box of caps, bullets, cake of dynamite, a box of dynamite-caps, a wad-cutter and box of wads, and a tin containing powder which my husband had himself ground, and the empty cocoa-tin hereinbefore mentioned. After the police had left I went into the bedroom to see what they had done.

4. After the police had left, my husband brought the revolver from the shelf and put it back in the drawer in the chest of drawers in the bedroom, where it was always kept. I took the paper and documents and put them in the left-hand top-drawer of the chest of drawers. The right-hand drawer, when I went into the room, was open. I saw my husband put the revolver into it. It then contained the wad-cutter, the box of wads, the powder-flask, the box of caps, dynamite, and dynamite-caps, the tin of ground powder, and the cocoa-tin.

5. On the 5th June my husband was arrested. Detective Benjamin went to the drawer, took possession of the revolver, and handed it to Constable Healing, and then Benjamin took away the Italian letters, lease, and documents. The articles mentioned in the last-preceding paragraph were at that time in the drawer, and remained in it until the drawer was taken away by Mr. Jellicoe last Wednesday, with the exception of the wad-cutter and box of wads, which I took out and gave to Mr. Bunny after the arrest, to produce in Court.

6. On the 1st June last when Thomson, Benjamin, and Campbell were at my house there was a biscuit-tin on a shelf there over the cupboard in the kitchen containing four quail. We had the quail for dinner on Sunday, the 2nd June. Benjamin opened the tin, looked in, but did not take anything out. My husband shot the quail contained in the tin on the previous Wednesday and Thursday mornings from the back premises.

7. On Friday, the 31st May last, my husband wore an old coat which was black when new, but had become brown by fading; the coat was torn. He was wearing a brownish moleskin trousers and a gray-tweed hat. He wore the same clothes the following day, and was wearing them the day he was arrested; and he was also wearing a grey-flannel shirt on the 31st May, and was wearing the same when arrested.

8. My husband never carried a sheath-knife.

9. On the road up to our house from the Hutt road there is a box for the baker to leave his bread.

10. I remember about Easter-time my husband telling me the blacksmith at Kaiwara had brought him a wad-cutter. Shortly after I saw him cut a piece of cardboard from a cardboard box and cut with the wad-cutter the wads I have hereinbefore mentioned. The remainder of the cardboard box was left on the shelf in the sitting-room, and was used by me for keeping odds and ends in until it was taken away by Mr. Jellicoe on Sunday last. It was there on the occasion when the police visited and searched the house. Detective Benjamin took some lollies out of it on one occasion, and gave them to one of the children. After Mr. Bunny was dead I went to his office and obtained from his clerk the wad-cutter and wads I had previously given him, and I handed them to Mr. Jellicoe.

ANNIE CHEMIS.

Sworn at the City of Wellington, this 23rd day of July, 1889, before me—A. Gray, a solicitor of the Supreme Court of New Zealand.

I, JEREMIAH BUCKLEY, of Kaiwara, in the Provincial District of Wellington, labourer, make oath and say as follows:—

1. I know Louis Chemis, and during the winters of 1887 and 1888 I worked with the said Louis Chemis for the Hutt County Council, and during that time—in the day-time—I was constantly in his company.

2. The said Louis Chemis never carried a sheath-knife. We frequently had our lunch together. He brought his wrapped up in paper, in a kit, and I also brought mine in paper. After we had our luncheon we generally threw the paper away.

JEREMIAH BUCKLEY.

Sworn at the City of Wellington, this 27th day of July, 1889, before me—A. B. Campbell, a solicitor of the Supreme Court of New Zealand.

I, THOMAS McCLELAND, of Manners Street, in the City of Wellington, bootmaker, make oath and say as follows:—

1. On Sunday, the 21st day of July instant, I visited the spot where it is alleged the late Thomas Hawkins was murdered. On the left-hand side of the road going towards Hawkins's house, and behind and at the side of the first furze-bush, I found the four pieces of paper now exhibited to me.

THOMAS McCLELAND.

Sworn at the City of Wellington, this _____ day of July, 1889, before me—T. R. Fleming, a solicitor of the Supreme Court of New Zealand.

I, HENRY CROFTON BLANDFORD, of Ngauranga, in the Provincial District of Wellington, polisher, make oath and say as follows:—

1. On Sunday, the 28th day of July instant, I, with William Hardcastle and another, went as a search party on to Hawkins's land, and we carefully searched the round adjacent to the land

where I found the whiskers and boots referred to in my former affidavit, and we there found the stained material contained in the sealed packet hereunto annexed, marked "Blandford."

HENRY C. BLANDFORD.

Sworn at the City of Wellington, this 30th day of July, 1889, before me—A. Gray, a Solicitor of the Supreme Court of New Zealand.

I, EDWIN GEORGE DARKE WOODWARD, of Wellington, clerk to Edwin George Jellicoe, of the same place, solicitor, make oath and say as follows:—

1. On the 19th day of July instant I accompanied John Lambert, of Kaiwara, to the Police Office at Wellington, having previously ascertained that the clothes Chemis wore when arrested had been sent from the gaol to the Police Office.

2. I asked Detective Benjamin to produce all the clothes in his possession, in order that John Lambert might pick out the articles he identified as having been worn by the prisoner on the 31st day of May last.

3. Detective Benjamin refused to produce any of the said articles without first receiving from the said John Lambert a written description of the clothes he wanted to see.

My instructions from Mr. Jellicoe were only to make the application to Detective Benjamin, and I afterwards reported to Mr. Jellicoe the result.

EDWIN G. D. WOODWARD.

Sworn at the City of Wellington, this 30th day of July, 1889, before me—A. Gray, a Solicitor of the Supreme Court of New Zealand.

I, JOHN MACK, of Kaiwara, in the Provincial District of Wellington, tanner, make oath and say as follows:—

1. I know the prisoner Louis Chemis.

2. On Saturday morning, the 1st day of June last, at half-past six o'clock, I saw the said Louis Chemis at my home at Kaiwara. He called with milk. I asked if he had heard that Hawkings had been killed, and he replied, "This is the first I have heard of it. How did he get killed?" I said they picked him up with a hole in his neck.

3. I have known Chemis for seven or eight years, and am intimately acquainted with his general demeanour, and I swear that he appeared honestly and completely surprised at my statement.

4. I attended at the Supreme Court on the trial of Louis Chemis to give this evidence.

JOHN MACK.

Sworn at the City of Wellington, this 29th day of July, 1889, before me—H. Stratton Izard, a Solicitor of the Supreme Court of New Zealand.

WE, ANNIE CHEMIS, of Kaiwara, in the Provincial District of Wellington, wife of Louis Chemis, and EDWIN GEORGE JELlicOE of Wellington, solicitor, severally make oath and say as follows:—

And first, I, the said Edwin George Jellicoe, for myself say,—

1. That the drawer I brought away from the prisoner Chemis's house was in the same condition as it was when I handed it to the Honourable the Premier, and contained all the articles which were in it when it was handed to the Honourable the Premier.

2. I omitted to state in my former affidavit that I also brought away from the prisoner Chemis's house the tin biscuit-box which I also delivered to the Honourable the Premier.

And I, the said Annie Chemis, for myself say,—

3. That the tin box taken from my husband's house by Mr. Jellicoe, on the 17th of July instant, contained the quail referred to in my former affidavit, and is the box Detective Benjamin opened, as mentioned in my said affidavit.

E. G. JELlicOE.

Sworn by the said Edwin George Jellicoe, at the City of Wellington, this 30th day of July, 1889, before me—H. Stratton Izard, a Solicitor of the Supreme Court of New Zealand.

ANNIE CHEMIS.

Sworn by the said Annie Chemis, at the City of Wellington, this 30th day of July, 1889, before me—H. Stratton Izard, a Solicitor of the Supreme Court of New Zealand.

I, JAMES GIBSON, of Kaiwara, in the Provincial District of Wellington, tanner, make oath and say as follows:—

1. I know, and for the last two years have known, the property of Louis Chemis, adjacent to the Hutt Road.

2. Last winter wild pigs were running on Chemis's property, and the said Louis Chemis gave me permission to shoot them.

3. In or about November last I went out shooting on Chemis's land on two separate Sundays. I took out with me about twenty bullets, and on the last occasion when I left his house for home I left with him nine or ten of those bullets.

4. I still have five of my original stock of those bullets, and they are contained in the sealed packet hereunto annexed, marked "Gibson."

5. The bullets taken from Chemis's house by the police are, I believe, identical with those contained in the packet hereunto annexed.

6. I attended on the trial of the said Louis Chemis to give the evidence hereinbefore mentioned, but in consequence of the counsel for the defence not calling witnesses I was not examined.

7. I yesterday accompanied Samuel McCallum to the scene of Hawkings's murder. We made a very careful search of the gorse bushes and of the ground. The piece of paper hereunto annexed marked "No. 1" was dug out of the clay by McCallum with a pocket-knife, and it was handed to me.

8. The piece of paper marked "No. 2" was found inside Hawkings's fence, and about 100 yards from the scene of the murder.

JAMES GIBSON.

Sworn at the City of Wellington this 29th day of July, 1889, before me—H. Stratton Izard, a Solicitor of the Supreme Court of New Zealand.

I, HENRY WILLIAM OAKLEY, of Oxford Street, Adelaide Road, Wellington, tinsmith, make oath and say as follows:—

1. I am in the employ of Edward Barber, and work at his slaughter-yard at Kaiwara.

2. I remember Friday, the 31st day of May last. Barber's slaughter-yard is situate about one-third of the distance along the Hutt Road, between Kaiwara and Hawkings's Road, and nearer Kaiwara. To reach the yard from the Hutt Road there is a road leading from the Hutt Road with several bends in it. On leaving work on the 31st May last I particularly noticed that the time was three minutes past five o'clock. I did so because I was anxious to catch the Newtown tram leaving Pipitea Point at about 5.25. I walked quickly down the road leading to the Hutt Road, and whilst rounding the last bend I heard the noise of a vehicle on the main road, and it occurred to me I might get a lift to Pipitea Point. I hurried along to intercept it if going my way, and on reaching the Hutt Road I found the cart was going towards the Hutt, and was then about two hundred yards beyond the track leading from Chemis's house to the main road, and I am certain the time then was not more than five minutes past 5 o'clock. It did not take me more than two minutes to walk down from the slaughter-yard to the Hutt Road.

3. I then commenced walking to Wellington along the main road. I reached Pipitea about half-past five, and found I had missed the tram. I waited a few minutes and caught the tram leaving Pipitea at twenty-five minutes to six.

4. I knew the late Thomas Hawkings well by sight, and I swear I did not pass him either walking, riding, or driving on the main road from the time I first reached it at five minutes past five o'clock until I left in the tram at twenty-five minutes to six o'clock.

5. I usually on going home between five and half-past five meet a man named Hancocks on the road. He is a farmer at the Hutt, and drives a grey horse and a spring-trap. We usually speak on passing each other, and had a grey horse been driven past me I should have looked to see if it was Hancocks's. I did not meet Hancocks that night, and I swear that no grey horse passed me on the road between the points I have hereinbefore mentioned.

H. W. OAKLEY.

Sworn at the City of Wellington, this 31st day of July, 1889, before me—H. Stratton Izard, a solicitor of the Supreme Court of New Zealand.

I, WALTER EDWARD RAWSON, of the City of Wellington, late clerk in the employ of the late Mr. C. E. Bunny, of the same place, solicitor, make oath, and say as follows: I did, on the 18th day of July, 1889, deliver to Mrs. Chemis, wife of the prisoner Louis Chemis, a wad-cutter and a small tin box, which I did not open. The wad-cutter and box were, some time subsequent to the arrest of Chemis, in the possession of Mr. C. E. Bunny, but the first time I saw them was on Monday, the 15th July; and I do not know whether they were in his possession before that date.

W. E. RAWSON.

Sworn at the City of Wellington, this 31st day of July, 1889, before me—Arthur Bunny, a Solicitor of the Supreme Court of New Zealand.

I, THOMAS ALFRED BUSHE BAILEY, of the City of Wellington, clerk to Edwin George Jellicoe, of the same place, solicitor, make oath and say as follows:—

1. I have to-day seen Dr. Cahill, and he has informed me that any knife with a double edge would have inflicted the incised wounds he found on the body of the late Thomas Hawkings.

2. Dr. Cahill gave me the address of a person who for some time I believe was in the employ of the said Thomas Hawkings as a general servant, and I believe, if she is examined, it will appear that the late Thomas Hawkings was constantly quarrelling with his wife. Her name and address are as follows: "Mrs. Trabackae, opposite the rifle-range, Wordsworth Street." Dr. Cahill has informed me that she has just undergone an operation, and great care will have to be taken in examining her.

T. A. BAILEY.

Sworn at the City of Wellington, this thirty-first day of July, 1889, before me—W. H. Quick, a solicitor of the Supreme Court of New Zealand.

STATEMENTS MADE TO COLONEL HUME, INSPECTOR OF PRISONS.

STATEMENT of ROBERT DYBELL, Blacksmith, Kaiwara.

Lidden brought Hawkings's chestnut mare to have a shoe put on the week of the funeral, but I cannot recollect the exact day—that's the only shoeing I have done for Lidden for months.

On the 13th April last I purchased a wad-cutter for Louis Chemis at Denton's shop for 1s. 6d. On the morning of the 15th April he called at my shop and I gave it to him. On the Wednesday morning prior to the murder Chemis called at my shop between eight and nine o'clock, and in conversation said, "I have shot two quail this morning from my back door." A few weeks after I purchased the wad-cutter Chemis told me that wads were an improvement on paper, that the gun killed better with wads.

On the Thursday morning before the murder Chemis called at my shop between eight and nine a.m., and I asked him if he had got any more quail. He said he had got two from the same place—his back door—that morning. I said, "If you put down some grain you might get a lot at a shot." On the Friday morning—next day—he called again at the same time, and said he had not got any that morning. Two or three mornings after the murder a young fellow named Blandford called at my shop and told me that he was going from Wellington to Ngauranga on the night of the murder, and when between Kaiwara and Ngauranga he heard some noise on the side of the hill near the road as if something was making an effort to get through the scrub. Last week I saw Lidden going into town in a trap with Mrs. Hawkings and the boy Norman. I don't know who is living at Mrs. Hawkings's. That is the only time I have seen her with Lidden, except at the trial. I have known Lidden for about three years. He has been on and off at Kaiwara for about twelve months. Whenever he was here he always stayed at Hawkings's. Louis Chemis came to my shop the morning after the murder. He seemed exactly the same as usual; no difference whatever; and he had the same clothes on that morning as he had on the Thursday and Friday. They were darkish-mole trousers, a diagonal bluish-black sac-coat considerably worn and faded, and tweed waistcoat, with a darkish-tweed hat. He spoke about the murder, and said it was a bad job. I have known Chemis for five years. I was much surprised to hear he was arrested, as he was such a quiet man.

R. DYBELL.

Taken before me, this 26th day of July, 1889—A. Hume.

N.B.—Dybell was subpoenaed to give evidence at the trial, but as soon as the prosecution closed he was told by Mr. Bunny he would not be required, and was not called.

STATEMENT of H. C. BLANDFORD.

On the night of the murder, when I was coming from Wellington to Ngauranga, about nine o'clock or a little after, I heard a noise in the bushes between McCallum's and Ngauranga. I went three or four days afterwards up the track where I heard the noise, and I noticed distinctly heel-marks pointing downwards. I made a further search on another day, and I found a pair of boots and a false whisker. I took them in to Detective Benjamin, and gave him the whisker, and told him there was a pair of boots there. He said, "Why did you not bring in the boots?" I did not give him an answer, but I brought in the boots on the Wednesday of the trial, and the whisker the Monday the trial began. I saw nobody, but thought the noise very strange. I did not know when I heard the noise there had been any murder. I have made a similar statement to Mr. Jellicoe. I picked up pieces of Hawkings's knife on the scene of the murder, nine days after the murder.

Francis J. Taylor, witness.

HENRY C. BLANDFORD.

Taken before me, this 25th day of July, 1889—A. Hume.

STATEMENT of LOXLY PICKERING.

Am thirteen years of age. On the Queen's Birthday last, between four and five o'clock p.m., I, George Hogg, and F. Sedgwick were on Mr. Hawkings's ground. Hogg had a gun, and we had five dogs. We saw a man about 150 yards away from where we were fire off two barrels. We did not see what he fired at. Mr. Hawkings was in the direction he fired at, and had his dog with him. The man, immediately after firing, came towards us. We were moving away, and he called out "Cooley." When he came to us he asked George Hogg to exchange with him his coat and hat, and he said he had fired at Hawkings's dog. He asked Hogg to exchange hat and coat once or twice. He said, "I will go up to him (meaning Hawkings) and either fight or shoot him." I think he said "shoot." Hawkings was at this time about 110 yards distant higher up the hill. The strange man further said he had been on Hawkings's ground the day before and had shot two hares, and that Hawkings had said that he (Hawkings) would not leave him (the strange man) alone yet. The strange man then went up the hill to Hawkings. I could not see them together on account of the rising ground, but I distinctly heard them quarrelling for two or three minutes, and then the strange man returned to us. At this time two other men came down the track to us. The strange man, who had just left Hawkings, said to them, "You are damned fools to let Hawkings clear you off the ground." The two men said, "We did not want any bother." The strange man who had quarrelled with Hawkings then went away by himself in the direction of Kaiwara. He had a double-barrel muzzle-loading gun, and he had a brown retriever-dog with him. He appeared to be under the influence of drink, and was very angry. He was a man about middle age, about 5ft. 7in. high, rather stout build, brown beard whiskers and moustache, dressed in dark clothes and hard-felt hat. He was carrying a dirty white-canvas bag. There did not appear to be anything in it. He was an utter stranger to me, and I have not seen him since. I reported all this to Mr. Davis, my employer, I think before Chemis was arrested, and I told my brother about it the very same day it happened. I know Chemis well; he saved me from drowning.

LOXLY PICKERING.

Taken before me, this 26th day of July, 1889—A. Hume.

STATEMENT of GEORGE HOGG.

Am a boiler-maker, residing at Kaiwara. On Easter Monday, not Queen's Birthday, I was on Hawkings's land between three and four p.m., with Pickering and Sedgwick. I had a gun, and we had five dogs. I shot a rabbit, and was in the act of picking it up when Hawkings came to me and said, "You cannot plead ignorance, you know that you are not allowed here." We immediately parted. He went up the hill and we went down. Shortly afterwards I saw a strange man running. He was about 400 yards from us. He had a brown retriever-dog. He was running from the direction where Hawkings was. When he had proceeded about twenty yards further he turned round and fired off both barrels. I do not know what at. After firing he ran straight

towards us. My attention was drawn to him by the two boys, Pickering and Sedgwick, who said, "Look here at this fellow." He stood still. He appeared to be under the influence of liquor, and was in a great rage and foaming from the mouth. He said, "That old bugger (meaning Hawkings) has chased me for half a mile." He said to me, "Will you lend me your hat and coat?" I declined to do so. He then took off his hat and showed the inside of it, and said, "My hat and coat is as good as yours," and again asked me to lend them, adding, "Then I will have revenge for you all." I declined to lend them. He then asked Pickering to hold his dog, which Pickering did. He then left us, taking his gun with him, and went up to Hawkings, who was at this time about 200 yards away. I heard them quarrelling for about five or six minutes, and then the strange man returned to us, and went in the direction of Kaiwara, taking his dog and gun with him. I am certain he was a foreigner from the way he spoke. He was about 5ft. 9in. high, stoutish build, about thirty-six years of age, and had a heavy sandy moustache; dressed in dark coat, tweed trousers, and hard black-felt hat. The gun was a double-breech-loader, top-action. Could not say if he had a game-bag. The man was an utter stranger to me. I have not seen him since. I told several people about this in Kaiwara the same night it happened, and I made a similar statement to Detective Benjamin after Chemis was arrested.

GEORGE HOGG.

Taken before me, this 26th day of July, 1889—A. Hume.

STATEMENT of FREDERICK SEDGWICK.

Am sixteen years of age. Employed in the Government Printing Office. On Easter Monday, about four or five o'clock, I was out shooting with Hogg and Pickering. Hogg had a gun, and we had several dogs. I heard Hogg fire, and I ran down, and he had a rabbit in his hand, which he had shot. Just after this Pickering said, "Here's Hawkings coming." Hawkings had a dog with him. We ran down, away from Hawkings. We saw a strange man about 300 yards away. He fired off two shots. I don't know what at; in the air I think. He came up to us and asked for the loan of Hogg's hat and coat two or three times, saying he did not want Hawkings to know him. Hogg refused to lend them. He then gave his dog and game-bag to Pickering to hold, and went up to where Hawkings was, and they were quarrelling there for about five minutes. He then came down for his dog and game-bag and went away in the direction of Kaiwara. He looked as if he had been drinking, and looked a bit angry. I never saw the man before or since.

FREDERICK SEDGWICK.

Taken before me, this 26th day of July, 1889—A. Hume.

CORRESPONDENCE WITH MR. JELlicOE.

No. 1.

SIR,—

Wellington, 16th July, 1889.

Re Louis Chemis.

Referring to my interview with you to-day, I have now the honour to send you a copy of the prisoner Chemis's statement to me at the gaol this morning. I am instructed to act on his behalf, and I now apply that you immediately direct an inquiry to be held into the matter referred to in the statement. I am prepared, with witnesses, to substantially corroborate every detail of that statement. On the 2nd instant, and before his trial, the prisoner made practically the same statement to Mr. Glascodine (my managing clerk), Mr. John Dowd, and Mr. John Dowd, the younger; and Mr. J. H. Pagni (the young Italian mentioned by Chemis in his statement) will be able to prove that he, at Chemis's request, retained my services for the defence. I applied this morning to see the prisoner professionally, and this Mr. Garvey refused, and my interview took place in the presence of two warders, who verified the prisoner's statement. I find upon inquiry that the prisoner has a mass of evidence which ought to be investigated; and, as I am anxious to place the whole of that evidence before you, I must ask that you will be good enough to give directions enabling me to interview Chemis in private. Before the trial I was informed by the Crown Prosecutor that Mr. Garvey, the gaoler, had given him a statement of his reasons for saying the prisoner was guilty. I ask that the propriety of this may also be inquired into; and, as the matter is of the utmost urgency, I beg you will give it your immediate attention.

I have, &c.,

The Hon. the Minister of Justice.

E. G. JELlicOE.

*Statement of Louis Chemis to Mr. Jellicoe, made the 16th day of July, 1889, in the presence of
Warder Millington.*

MR. GEORGE FISHER came to me at the gaol and said, "Well, you want a lawyer," and I said, "Yes." He said, "Whom do you want?" I said, "I mentioned Mr. Jellicoe to a young Italian who came last night." He said, "No doubt Jellicoe is a good man, but it's the Judges we must look to." I understood by him that the Judges did not like you. He said, "I'll see that we get a good man for you." Mr. Garvey was present. Mr. Garvey said, "Mr. Bunny is a good man, and took a good many men out of gaol." Fisher went out, and said, "I'll see." He mentioned Buckley's name to Mr. Garvey, and Mr. Garvey said "No." He went away. I saw Bunny about two hours afterwards here. He said, "Mr. Fisher has engaged me," and then I explained my case to him. Mr. Bunny telephoned to me one night. Warder Millington came to me, and said he was coming to see me to-morrow, but I did not see him for four or five days afterwards. I was anxious

to see him, but he never came. John Dowd came up to me one morning (2nd July). Warder Millington came and said, "Dowd wanted me to write down a few lines to Mr. Jellicoe." I said, "I don't know what to write, but I like to see him myself." About dinner-time, and a little before Dowd came the second time, Garvey came to my cell and said, "What about all this lawyer's affair. Mind whatever you do, because Bunny is doing his best for you. He ain't sick, and has only a bit of a cold, and is working his best for you at home, I know; and he has got a good bit of evidence now from the doctor and everybody. If you get any one else now it will be your own ruin." I said, "If he is too sick to attend: they tell me he is bad." "No, he is not too sick," he said; "if he was too sick, he would let you know himself. Don't you run away with the idea he would see your case like not looked into proper. You know what I'll do for you now. I shall telegraph up to him, and ask him whether he is able to attend to your case next Monday. If he is not able, then of course you can engage Mr. Jellicoe, or whoever you like; but mind, whatever you do, you do not engage Jellicoe now, or it will be your own ruin." I promised him I would not until I had an answer from Mr. Bunny. He left me then. I then went out and saw Dowd and Jellicoe's clerk. I said, "I cannot engage Mr. Jellicoe now, before I get an answer from Mr. Bunny. It will be my ruin. I have just been told so." But I did not say who told me, as I believe I said, "No. To-morrow morning, if the man tells me he is not able to defend me, I shall telegraph to Mr. Jellicoe; and Jack said, "You'll get an answer right enough that he will defend you, but God knows what way he will defend you." That evening Garvey came to me and said, "I have a telegram already. The man is well and able to come and defend you next Monday." Bunny said in telegram, "I am quite well, and ready to defend Chemis on Monday." Next morning Garvey came to me with a letter. Millington was present. Jack said, when talking to me, "You do not hear anything inside here, but we hear a lot outside;" and Mr. Jellicoe's clerk said, "You had better take your friend's advice."

A copy of the letter referred to is hereto annexed.

Mr. Louis Chemis, H.M. Prison, Wellington.

2nd July, 1889.

I HAVE just heard that some evil-disposed person has been informing you that I am too ill to conduct your case. Such a statement is a base lie. I am quite ready now to take your case at any moment. I was in town to-day, but thought it would be better to see you to-morrow. Regarding the witnesses, it is not desirable that they should be subpoenaed until the last moment, as the police will at once know who they are. Everything else is ready, and I have been working at home for the last several days about your case. Have no fear but that I will be well, strong, and ready on Monday, not only to defend you but to get you off.

Yours truly,

C. E. BUNNY.

No. 2.

SIR,—

Wellington, 17th July, 1889.

I am instructed by Mr. Fergus to acknowledge the receipt of your letter of yesterday's date with reference to the case of Louis Chemis, and, in reply, to inform you that no reason is seen for any departure from the practice as regards interviews with prisoners under sentence of death. No objection will, however, be offered to your seeing the prisoner under proper restrictions, and any statement or evidence which you may be able to forward will receive the most careful consideration of the Government. The allegations which you make regarding the gaoler will be strictly inquired into.

I have, &c.,

F. WALDEGRAVE, Private Secretary.

No. 3.

SIR,—

Wellington, 17th July, 1889, 11 p.m.

I received your letter of to-day's date at noon, and, as you intimated that "no objection would be offered to my seeing the prisoner under proper restrictions," I immediately sent my managing clerk to the gaol to inquire from the prisoner, in the presence of the gaoler or warders, the names of any witnesses he desired me to interview, and also to communicate to him the contents of your reply. I am informed that my clerk was not allowed to hold any communication with the prisoner, and when the Supreme Court rose, at about 4.50 p.m., I immediately drove to the gaol to interview Chemis within the terms of your letter. I arrived at 5.5 p.m., and was received by Warder Millington, who said that he had strict instructions from the gaoler not to allow me to see the prisoner without his, the gaoler's, order. Millington at once went in search of the gaoler, and returned, and said that a priest (Father Mahoney, I think, he named) had shortly before left Chemis, and he supposed the gaoler had walked down the road with him, and would return directly. I therefore waited until about 5.25 p.m., and, whilst standing outside the gaoler's house with Warder Millington, Mr. Garvey came from his private garden with the Roman Catholic priest, where they had evidently been conversing together. I then renewed my application to see the prisoner; Mr. Garvey replied that I could not do so without an order. I inquired from whom, and he said the Minister of Justice. I referred him to your letter, and he said he had received no directions. I asked whether an order from any one else would suffice, and he said "No." After some difficulty and delay I succeeded in getting you at the telephone, and I now repeat what I then said to you: "Jellicoe is speaking from the Terrace Gaol. Notwithstanding your letter of to-day, I am refused an interview with Chemis without the production of an order. Mr. Garvey is standing alongside the telephone; will you be good enough to give him the necessary authority?" You answered, "You must procure an order from a Visiting Justice." I replied that "Garvey said he would not act on any order unless it came from you." And you then said you would not give me

one until you had seen me, and that I could see you after 8 o'clock at the Parliamentary Buildings. I then asked Mr. Garvey to give the prisoner from me a copy of your letter. This, he said, should not be done, inasmuch as it contained the statement that an inquiry was to be held into his conduct; but ultimately he consented to take a memorandum which I wrote, inquiring the names of his witnesses, and this was answered by a memorandum which was brought to me in the handwriting of Warder Millington.

You were aware that I had an appointment to examine witnesses at Kaiwara at 7 o'clock p.m., and on my return I called at the Parliamentary Buildings as arranged. That was at 9.35 p.m. My card was taken in to you, and the answer I received was that you had charge of some Bill then before Parliament and could not come out. I again sent a message to you, drawing special attention to the seriousness of any delay, and that if you could not see me you could at least give me the necessary order for the gaoler. The answer returned was that you would see me at 10 o'clock to-morrow morning, and that you would not do so before; and ultimately I succeeded in getting an appointment for 9.30 to-morrow morning.

I am asking at your hands justice for the prisoner, and I confess that at present I am unable to understand the treatment I am receiving. You say "that strict inquiries shall be made into the allegations against the gaoler." I do not know what this means, but what I have asked for and now demand, on behalf of my unfortunate client, is such a full and exhaustive public inquiry as the circumstances of the case demand.

The Hon. the Minister of Justice.

I have, &c.,

E. G. JELlicOE.

No. 4.

SIR,—

Wellington, 18th July, 1889.

Re Louis Chemis.

I regret having again to protest against the manner in which my applications on behalf of this prisoner are being dealt with. I attended the appointment at your office this morning, and after waiting until seven minutes to ten I was informed by your Secretary, Mr. Waldegrave, that you would not be down at the office for some time, and that, as I only required an order for an interview with Chemis, he was instructed to give it me. He then wrote out and handed me a document whereof the following is a copy:—

"Prisons Department, 18th July, 1889.—The Gaoler, H.M. Prison, Wellington.—Please allow Mr. Jellicoe to see the prisoner, Louis Chemis.—J. E. RICHARDSON, for Inspector of Prisons."

Mr. Waldegrave also said that you declined to give a general order, and that what he had given me was good for to-day only, but if I applied for another order at any time he thought there would be no difficulty in letting me have it.

I have, &c.,

The Hon. the Minister of Justice.

E. G. JELlicOE.

No. 5.

SIR,—

Department of Justice, 18th July, 1889.

I have the honour to acknowledge the receipt of your letter of the 17th instant, and, in reply, am directed by the Minister of Justice to inform you that he cannot admit the correctness of the circumstances as stated by you therein.

To prevent any further misunderstanding as to what may have taken place upon any particular occasion, the Minister desires me to request that any communication you may have to make to him may be made in writing.

I have, &c.,

E. G. Jellicoe, Esq., Solicitor, Wellington.

F. WALDEGRAVE.

No. 6.

SIR,—

Wellington, 19th July, 1889.

I acknowledge the receipt of your letter of yesterday's date, and I think that, if you dispute the circumstances as stated in mine of the 17th instant, you should say so plainly, and point out in what particular respect those statements are inaccurate.

I certainly agree with you that it will be better that our communications in future should be in writing.

I went to the gaol at a quarter before six last evening to confer with and advise Chemis on the evidence I have been able to procure towards establishing his innocence. I was surprised to find that the Government had adopted the unprecedented course of sending an official shorthand-writer to take a note of our private conversation. I venture to assert that such a course would not be adopted in any other portion of Her Majesty's dominions; and I am not prepared, seeing that my efforts and the interests of justice may be thwarted by such a despicable practice, to discuss with him the details of the evidence I am about to lay before His Excellency the Governor.

The prisoner Chemis urgently desires a private interview with me, and that only for the purpose of establishing his innocence. I, as counsel, tell you that a private interview is absolutely essential, and I beg that you will not further interfere to prevent it.

I have, &c.,

The Hon. the Minister of Justice, Wellington.

E. G. JELlicOE.

No. 7.

SIR,—

Department of Justice, 20th July, 1889.

I have the honour to acknowledge the receipt of your letter of yesterday's date, a copy of which has, I observe, been published in the newspapers.

In reply, I am directed by the Minister of Justice to inform you that he must decline to enter into any controversy in reference to the case of Chemis; but, at the same time, I am to say that every proper facility will be afforded to the prisoner to place before the Government any statement or facts that he may consider material to the due consideration of his case.

The decision of the Minister, as regards your request for a private interview with the condemned man, will be communicated to you on Monday next.

I have, &c.,

F WALDEGRAVE,
Private Secretary.

E. G. Jellicoe, Esq., Solicitor, Wellington.

No. 8.

NOTES OF INTERVIEW.

Present: Messrs. Jellicoe, Glascodine, Garvey, and the prisoner, Louis Chemis (also Mr. Gore, shorthand writer).

1. *Mr. Jellicoe* (to the prisoner).] At last I have been able to see you. You have seen me before?—Yes.

2. I must tell you at once that, although I am acting as your solicitor, the authorities have thought fit to send a shorthand writer here to take down everything you or I say?—I see.

3. I came here to discuss with you certain points of evidence?—I see.

4. I have a mass of evidence all telling in your favour. A large portion of that evidence was kept back by those who conducted the prosecution—your prosecution?—I see.

5. Articles which the police stated were not upon your premises are in my possession now. I am not prepared to trust such men as these with the details of the evidence I have discovered now. I want the evidence, of course, brought before a proper tribunal—the Governor in Council, or whatever other tribunal may be constituted to consider it. To state to you now that evidence, and to discuss it with you, would be telling them exactly what the evidence is, preparing them, if they were unscrupulous enough, to defeat my ends, and to defeat the ends of justice; because I am perfectly satisfied, and I am saying it deliberately, that up to the present moment the ends of justice have been defeated. Now I will tell you what I have done since I last saw you. As soon as I went away from the gaol I went to the Minister of Justice with that statement of yours. You remember the statement?—Yes, I do.

6. You desired to sign it?—Yes, I did.

7. And you were not allowed to do so?—No.

8. I think you said you wanted to sign it, in order that it might be sent to the Minister of Justice?—Yes.

9. I believe on one occasion you took up a pen yourself to sign it, and the pen was taken out of your hand by a warder?—Yes, that is true.

10. As soon as I saw him, and read it over, the Minister asked that I should put my application for an inquiry into the gaoler's conduct, and my application to interview you privately, into writing. I put the application with regard to both matters into writing. I sent the Minister a copy of your statement, and I demanded, in your interests, an inquiry. Is that what you wished me to do?—Yes, it is.

11. Yesterday, at one o'clock, or thereabouts, I received a letter from the Justice Department. I sent you a copy of this letter yesterday. You have not been allowed to see it: it has not been handed to you?—No; but I have a letter.

12. That is another one: I will explain that in a moment. This letter I received from the Department of Justice:—

“I am instructed by Mr. Fergus to acknowledge the receipt of your letter of yesterday's date with reference to the case of Louis Chemis, and, in reply, to inform you that no reason is seen for any departure from the practice as regards interviews with prisoners under sentence. No objection will, however, be offered to your seeing the prisoner under proper restrictions, and any statement or evidence which you may be able to forward will receive the most careful consideration of the Government. The allegations which you make regarding the gaoler will be strictly inquired into.—I have the honour to be, Sir, your obedient servant, F. Waldegrave, Private Secretary.”

Immediately this letter came I wrote a letter, enclosing a copy of it, to you; being busy, I sent Mr. Glascodine, my managing clerk, up to the gaol to see you, in order that he might first get from you the names of the witnesses you wished me to see, and, secondly, that he might tell you what was in this letter. I am told that, when he came here (although the letter says that no objection will be offered to seeing the prisoner under proper restrictions), they refused to allow him to see you. The next thing that occurred: I was in the Supreme Court until nearly five o'clock yesterday, all day. When I was told my managing clerk was not allowed to see you, as soon as the Court rose, I took the copy and came straight to the gaol. I arrived here about five minutes past five. Warder Millington received me, and he said he had strict injunctions from the gaoler not to allow me to see you without the gaoler's order. Millington, the warder, then went at once in search of Mr. Garvey, and he returned to me, and said that a priest, Father Mahoney—is that the name of the priest?—No; Docherty, or something like that.

13. A priest had shortly before seen you, is that true?—Yes; he was here.

14. Before five o'clock?—I think so.

15. And he supposed the gaoler had walked down the road with the priest, and would be back directly. I went outside the gaol just in front of the gates, and I had a good view there of the front of Mr. Garvey's house, and of the gate leading into Mr. Garvey's garden; and, after I had waited there until twenty-five minutes past five, talking to Warder Millington—we were looking out for the gaoler—Mr. Garvey came through his garden, through the gate, with the priest. They were talking together when they came from that garden, and apparently they had been together until I met them. As soon as Mr. Garvey saw me he came up. I then told him I had come to see you. Mr. Garvey said I could not see you without an order, although you will see in the letter the Government decided that no objection would be offered to my seeing you under proper restrictions. I then got the gaoler to be good enough to allow me to use that telephone—this one in the room here—and, after a good deal of trouble, I got the Minister of Justice to come to the telephone at the Parliament Buildings. As soon as I got him on the telephone I said, Mr. Jellicoe is speaking from the Terrace Gaol; and that, notwithstanding his letter, in which he says I was entitled to see you under proper restrictions, Mr. Garvey refused to let me do so without the production of an order. Mr. Garvey was alongside of me at the telephone, and I told the Minister of Justice that he could give the order to Mr. Garvey, who was there. The Minister replied that I could get the order from one of the Visiting Justices to the gaol. Well, Mr. Garvey previously told me he would not take an order from anybody unless it came from the Minister of Justice, and now the Minister was telling me I could get an order from a Visiting Justice. I told the Minister of Justice all that on the telephone, and I said Mr. Garvey refused to give me the proper authority without authority from the Minister. I said, "Mr. Garvey is here, give it to him;" but he said, "No, he could not give the order until he had seen me." I asked where the Minister was, and was told he was down at the Parliament Buildings, and that I could see him after eight o'clock. I told him I had to go out to see your witnesses at Kaiwara at seven o'clock, and I said I would see the Minister that evening after eight o'clock, after my return. I went with your wife to Kaiwara, and saw all the people it was necessary for me to see, and I have got together a mass of evidence which I say ought to have been called at your trial. If that evidence had been called at your trial your acquittal was certain.

16. *The Prisoner.*] Have you got the blacksmith's evidence?—Yes; everybody's that you have mentioned on that list, and mentioned by your wife and friends who have made inquiries. Of course, I have to get that evidence all sworn to, and I am proceeding to do that as fast as I possibly can. But I am delayed in doing it—delayed in getting a complete investigation—by the act of the Government, or of those who are supposed to control the prisons, in preventing me from discussing it with you. It is what is called in Wellington, "Wellington justice," I suppose. It is not English justice, I can tell you that. When I came back from Kaiwara I went to the building—to the House of Parliament—to see Mr. Fergus, as he said he would see me after eight o'clock, and I sent my card into him. I got the answer back that he had charge of some Bill in Parliament, and that he could not come out, although, bear in mind, he said he would see me, and wanted to see me, and that before he would give me any order to see you. I again sent a message to him, drawing his special attention to the seriousness of any delay. I pointed out that, if he could not see me, he could give authority to the gaoler to let me see you. The answer I got back was that he would see me at ten o'clock the next morning at his office. I got that ultimately altered to 9.30, as I said that ten o'clock would not suit, as I had to be in the Supreme Court that morning. I got an answer back that 9.30 would do. I went at 9.30 this morning. I kept the appointment. I was two or three minutes late, I think; but he had not been to his office. I waited until seven minutes to ten, or about that time. I had to be in Court at ten o'clock. Although his appointment was for 9.30, up to seven minutes to ten he had not put in an appearance. The Secretary then came to me and said that he had telephoned down to say that he would not be down for some time, and that he, the Secretary, was authorised to give me an order to go and see you; and he told me at the same time that the order was only available for to-day, and if I wanted another order there would be no difficulty in getting it if I made application. The order does not state this; the order simply says, "Please let Mr. Jellicoe see the prisoner Chemis." It does not say any special time. Of course, when I am in Court all day it is very difficult for me to get up here. At about something after five o'clock somebody came to me in the Court—I was in the Magistrate's Court taking a case—somebody came across from the department and said the hours for seeing prisoners at the gaol were something to four o'clock—at any rate, I was given to understand that four o'clock was the hour—but, as a matter of convenience to me, it would be extended to six o'clock. It was 5.30 before the case was finished. I telephoned for a cab, and the cab rushed up here as fast as it could go, and I managed to get here before six o'clock. If I had not been here before six I suppose I would not have been allowed to see you. Let me now ask you if what I have explained to you up to the present meets with your approbation, and if it is what you wished me to do?—Yes.

17. I have written to the Government two letters to-day, in which I have said all that I told you took place yesterday, and I am going to read you the letters, so that you may understand clearly. The first letter was written late last night, when I got back. It was late before I left the House of Parliament after I had come back from Kaiwara. I said,—

"Sir,—I have received your letter of to-day's date at noon; and, as you intimated that no objection would be offered to my seeing the prisoner under proper restrictions, I immediately sent my managing clerk to the gaol to inquire from the prisoner, in the presence of the gaoler or warders, the names of any witnesses he desired me to interview, and also to communicate to him the contents of your reply. I am informed that my clerk was not allowed to hold any communication with the prisoner, and when the Supreme Court rose, about 4.50, I immediately drove to the gaol to interview Chemis within the terms of your letter. I arrived at 5.5, and was received by Warder Millington, who said he had strict instructions from the gaoler not to allow me to see the prisoner without his (the gaoler's) order. Millington at once went in search of the gaoler, and returned and said that a priest (Father Mahoney, I think he named) shortly before, left Chemis, and he supposed the gaoler had walked down the road with him, and would return directly. I therefore waited

until about 5.25, and, whilst standing outside the gaoler's house with Warder Millington, Mr. Garvey came from his private garden with the Roman Catholic priest, where they had evidently been conversing together. I then renewed my application to see the prisoner. Mr. Garvey replied that I could not do so without an order. I inquired from whom, and he replied from the Minister of Justice. I referred him to your letter, and he said he had received no directions. I asked whether an order from any one else would suffice; he said No. After some difficulty and delay I succeeded in getting you at the telephone, and I now repeat what I then said to you: 'Jellicoe is speaking from the Terrace Gaol. Notwithstanding your letter of to-day, I am refused an interview with Chemis without the production of an order. Mr. Garvey is standing alongside the telephone; will you be good enough to give him the necessary authority?' You replied, 'You must procure an order from a Visiting Justice.' I replied that Mr. Garvey said he would not act on any order unless it came from you; and you then said you would not give me one until I had seen you, and that I could see you after eight o'clock at the Parliamentary Buildings. I then asked Mr. Garvey to give the prisoner from me a copy of your letter. This, he said, should not be done, inasmuch as it contained the statement that an inquiry was to be held into his conduct; but ultimately he consented to take him a memorandum which I wrote, inquiring the names of his witnesses, and this was answered by a memorandum which was brought to me in the handwriting of Warder Millington."

[I have got that here. All I could do was to get him to let me write on a piece of paper what I sent you, and I received back the message that you sent me.]

"You were aware that I had an appointment to examine witnesses at Kaiwara at seven o'clock, and on my return I called at the Parliamentary Buildings as arranged. That was 9.35. My card was taken into you, and the answer I received was that you had charge of some Bill then before Parliament, and could not come out. I again sent a message to you, drawing special attention to the seriousness of any delay, and, if you could not see me, you could at least give me the necessary order for the gaoler. The answer returned was that you would see me at ten o'clock to-morrow morning, and that you would not do so before. Ultimately I succeeded in getting an appointment for 9.30 to-morrow morning. I am asking at your hands justice for the prisoner, and I confess that at present I am unable to understand the treatment I am receiving. You say that strict inquiry will be made into the allegations against the gaoler. I do not know what this means, but what I have asked for, and now demand on behalf of my unfortunate client, is, such a full and exhaustive public inquiry as the circumstances of the case demand."

I told you I went there this morning, but the Minister did not show up, and I wrote him this letter:—

"I regret having again to protest against the manner in which my applications on behalf of this prisoner are being dealt with. I attended the appointment at your office this morning, and, after waiting until seven minutes to ten, I was informed by your Secretary, Mr. Waldegrave, that you would not be down at the office for some time, and that, as I only required an order for an interview with Chemis, he was instructed to give it to me. He then wrote out and handed me a document whereof the following is a copy: 'Please allow Mr. Jellicoe to see the prisoner, Louis Chemis.' Mr. Waldegrave also said that you declined to give a general order, and that what he had given me was good for to-day only; but if I applied for another order at any time he thought there would be no difficulty in letting me have it."

If I am put to the same trouble in getting the other order you can understand what trouble it will be. They may think they can play with me as much as they like, and think it is right; but it is not what the world would consider what was right, or what any one acquainted with English justice would consider right. Then, at 1.30, I got this letter from the Department—a very formal letter:—

"I have the honour to acknowledge the receipt of your letter of the 17th instant, and in reply I am directed by the Minister of Justice to inform you that he cannot admit the correctness of the circumstances as stated by you therein.

[He cannot admit the correctness of the circumstances; but he does not venture to deny anything.]

"To prevent any further misunderstanding as to what may have taken place upon any particular occasion, the Minister desires me to request that any communication you may have to make to him may be made in writing."

18. So that any further communication I have to make—any communication—has to be in writing. Well, I am glad of that, because then we shall have no quibbling. You see exactly what I have done, and the trouble and difficulty I have had?—Yes, I see.

19. There is to be an inquiry of some sort. I have demanded one. I think an inquiry will satisfy the interests of justice. Would you mind telling me, Chemis, when it was you first sent for me. Was it when you were first taken to the cells, or when?—I think when I was first taken to the cells I mentioned your name. I told the policeman who was in here.

20. What was it you said to him?—

[Interrupted by telephone for Mr. Garvey.]

Mr. Garvey (at telephone): Mr. Jellicoe is here now, Sir. All right, Sir. Where are you, Sir?

Mr. Jellicoe: It is easy to tell whom he is calling "Sir" to.

Mr. Garvey (at telephone): All right. I don't know. I can't say as yet. All right.

Mr. Jellicoe: Are you taking this down, Mr. Gore?—Yes.

The Prisoner: I think I told it to a policeman by the name of Donovan.

21. *Mr. Jellicoe*.] What time was it when you were taken to the cells?—About ten o'clock when I was taken to the cell.

22. Were you in the cell when you asked this man?—No; I was there in the room.

23. You would know the man again?—Yes; he was dark, with a black moustache. He asked me if I wanted a lawyer. I said I would like to have Mr. Jellicoe.

24. What did he say to that?—He mentioned Mr. Bunny to me. I said, is he a good man, do you know?—He said, well, I do not know.

25. Had you any counsel when you were first taken before the Magistrates?—I was remanded then for seven days. I came to the cell, and Mr. Devine came to me about ten minutes after. He came to the cell and began to ask me questions about the case, and, after telling him about my case, I told him that if the case would go before the Magistrate's Court I would have Mr. Jellicoe. I told Mr. Devine I would not like to trust any one else.

26. What did he say?—He said, I will look after it. I will see what the questions are going to be, and, if you want another lawyer, I will have Mr. Jellicoe then. I said, all right. Then I was taken up here, and Mr. Fisher sent up a young Italian to see whether I was Italian or not. Of course he knew that I was Italian. I was speaking to him here.

27. Do you know whether he had any order to see you?

Mr. Garvey: No; they never have in cases of remand.

Mr. Jellicoe: Never mind, I only want an answer to my question.

The Prisoner: I mentioned your name then to him.

28. Did you tell him to call on me?—No; but I told him I wanted to have Mr. Jellicoe.

Mr. Jellicoe: As a matter of fact he did call at my office that evening.

The Prisoner: Mr. Fisher came the same night.

29. Did you send for Mr. Fisher?—I did not. Young Pagni, the Italian, came up, with another man as well.

30. Did either of these persons have orders?

Mr. Garvey: I do not think so, but I was not here. We don't give orders in remand cases.

The Prisoner: Mr. Fisher was here, and the young Italian was here in the evening.

Mr. Garvey: I was not here when they came. I met them here.

31. *Mr. Jellicoe*.] What happened then; you were brought in here to them?—Yes. Mr. Fisher was sitting there, and he asked me if I was an Italian. I told him Yes. He asked me where I came from, and I gave him all particulars. They asked me if I wanted a lawyer, and I mentioned your name again. He said, "We will see about that to-morrow. We will see that we get a good man for you."

32. Did you ask him to get anybody?—No. Next morning Mr. Fisher came here again.

33. In this room?—Yes; and Mr. Garvey was here. He said, "We were thinking about getting a lawyer for you." He said, "I know you mentioned Mr. Jellicoe, but," he said, "I don't know, there is some reason you don't know about the Judges." He said the Judges don't like you.

34. Did he say so himself?—He said, "There is some reason; but," he said, "anyhow we will get a good man." I said, "I suppose you know better than I do. If you take it in your hands then you know better yourself."

35. Did you ask him if he had it in his hands before that?—No. Then he stood up, and said, "What do you think about Mr. Buckley?" He turned round to Mr. Garvey. Mr. Garvey said, "He does not go into Court now with many cases." He said, "Bunny is a good man, and has taken a good many prisoners out of gaol." Mr. Fisher said, "All right," and then went away. He never said he would get any one in particular.

Mr. Jellicoe: Wait a moment. Mr. Garvey, is Chemis's account of that true?

Mr. Garvey: I will not give any opinion at all.

Mr. Jellicoe: Do you deny it?

Mr. Garvey: You did not come up here to put questions to me.

Mr. Jellicoe: Very well, that is your answer. I am bound to take your answer for what it is worth. I understand it.

Mr. Garvey: So do I.

The Prisoner: About two hours after, Mr. Bunny came up and said that Mr. Fisher had been explaining about my case, and that he was engaged. I said "I believe Mr. Fisher thinks a good lot of you." He said, "You may depend if I was no good he would not mention me;" and then I told my case to him.

36. *Mr. Jellicoe*.] What next happened: Do you remember Warder Millington coming to see you one morning?—Yes; it was some time after that Mr. Bunny came. I wanted to ask him about witnesses and other things. Mr. Bunny promised to come up one day, but he never came; he then telephoned that he would come next morning, and he never did. Warder Millington came and said that Mr. Bunny would come to-morrow morning. Then three or four days passed and the man never came; then I began to feel anxious myself. Mr. Dowd came up one morning and sent word to me by Warder Millington that I should write you a letter and engage you. I said I could not do so because I had got another man engaged. How could I do that?

37. Did you say whether you wanted me?—Not then. Dowd went away then, I believe.

38. Did you tell Millington to send a message by telephone?—Yes. He said, "Will you send a telephone down to see Mr. Jellicoe."

39. Millington said that?—I said if he comes up I will tell him how I stand like. The next thing was Mr. Garvey came to me. I believe it was in the afternoon.

40. About what time?

Mr. Garvey: It was between one and two.

41. *Mr. Jellicoe*.] Where did he come to you?—In the yard where I was. He said what about this lawyer-business. I said I don't know anything about it. He said I hear something about Jellicoe. They want me to engage him, I said. How can I engage him when I have already got a man. I said I would like to see that man.

42. *Mr. Jellicoe*.] What man?—Mr. Bunny. He said, "I know he is working at home; he is getting a good lot of evidence; he has got very good evidence." He said, "The best thing you can do is to stick to him." I said, "All right." I said, "I hear he is bad; I was told so." He said, "He is not bad at all." "To make sure," he said, "I will telegraph to him, and ask if he is able

to attend your case next Monday.” I said, “All right, do that.” He said, “Mind you do not engage anybody else, because if you do it might be your own ruination.” I said, “All right, Mr. Garvey, I will take your word.”

43. Did Mr. Garvey speak to you again?—Not then.

Mr. Jellicoe : Mr. Garvey, is what Chemis has stated true?

Mr. Garvey : I decline to make any remarks.

Mr. Jellicoe : Is it true; do you deny it? Ask him, Chemis, if what you state is true.

The Prisoner : Is it true, Mr. Garvey?

Mr. Garvey : I decline to make any statements.

The Prisoner : Then I came up to the rails, and there was Dowd there and Glascodine; and Jack says to me, “The best thing you can do, here is Mr. Jellicoe’s clerk, engage Mr. Jellicoe.” I said, “No, I could not do so.” “Why so,” he said; “you don’t hear the results in here; we know better than you.” I said, “I have a man engaged.” But he said, “That man is bad.” I said, “Mr. Garvey told me just now that if I engaged anybody else it would be my own ruination. I must stick to the man I have got.” I said, “Mr. Garvey is going to telegraph up to him to ask if he is going to defend me, and, if he is not, I shall telephone to Mr. Jellicoe to come up, and shall engage him there and then.” Then he said, “I know he will defend you, but God knows how he will defend you.”

44. *Mr. Jellicoe*.] That finished it, did it not?—Yes.

Mr. Glascodine (to prisoner) : Yes, I believe that was the end of it; that was the general effect of what you stated.

45. *Mr. Jellicoe*.] Has anybody been to you since I was here? Has Mr. Garvey been speaking to you since I was here and saw you the other day?—He was, but he never said anything like this.

46. They are not treating you any differently?—No.

Mr. Garvey said last night that you were sulking, that is why I asked you.

Mr. Jellicoe : What made you think he was sulking, Mr. Garvey?

Mr. Garvey : I decline to give any information about conversations.

Mr. Jellicoe : I am not at all surprised that he was sulking; he has had some reason to sulk. (To Mr. Garvey) : Have you good reasons for saying Chemis was guilty? Do you not think it was a disgraceful thing for you to give reasons for saying he was guilty? However, that is a matter which is going to be investigated.

The Prisoner : When is this inquiry going to be held, Mr. Jellicoe?

Mr. Jellicoe : You may be quite sure everything will be done as fast as we can push it on. Is there anything you want to ask me? Of course I will come up on Friday, and see you somehow. I don’t mind the trouble. I have got your interests to consider; and not only yours, but the interests of your wife and children.

The Prisoner : If you were to see Mr. Devine, and get the doctor’s examination and cross-examination.

Mr. Jellicoe : I was going to get the Judge’s notes.

The Prisoner : There will be a good many wrinkles there. There are a good many points.

Mr. Jellicoe : I understand the doctor has stated a good deal since. I cannot say at present what it is. I would not be justified in doing it now. Of course, if I can I will see you by yourself, and discuss the thing properly.

The Prisoner : I would like to see you privately.

47. *Mr. Jellicoe* : You would have a great many points to discuss with me?—Yes.

48. You have seen your wife this morning; there was no difficulty about it?—No.

49. Of course you will see I purposely refrain from talking over evidence of the case with you now because of this difficulty?—If you go to Mr. Devine’s office you will get all the evidence there, especially the doctor’s and the women’s.

Mr. Jellicoe : I have got a good deal of the evidence they gave. There were pretty fair accounts in the newspapers, taking them altogether; but the Judge’s notes will show everything. There will be no difficulty about it. You will have right done now, you may depend upon that.

The Prisoner : You had better get Mr. Darrell, one of the witnesses.

50. *Mr. Jellicoe*.] I was going to bring up all the evidence and go through it with you, and the evidence of the witnesses who ought to have been examined at the trial—a number of people. Perhaps I am doing an injustice to you by mentioning this. I do not know to what extent it is open to the people acting with the police, or people engaged with the Justice Department. Of course Mr. Gore would not do anything that is wrong, but he is only employed by the Government to come up here and do this. You wish me still to go on, and do all I can for you. You wish the inquiry to be gone on with?—Yes.

51. And you wish me to act as your solicitor; and you wish a private interview with me, I understand?—Yes.

52. Well, Chemis, I can only say I will do all that is possible for any man to do for you. You don’t think of anything else, do you? Did you sign any papers for your wife this morning?

Mr. Garvey : There was something about a transfer of an account into his wife’s name.

The Prisoner : And as to the payment for three heifers which were sold.

53. *Mr. Jellicoe*.] Were you ever asked for money by Mr. Bunny?—How do you mean?

54. *Mr. Jellicoe*.] I think Mr. Fisher employed him?—He was wanting only a few pounds to subpoena witnesses. He asked me about it, and I told him I could not give him any money.

55. Your wife told me something about this. Would you not suppose the Consul was paying. When a Consul employs a lawyer, he pays for it?—My wife said the Italians wanted him as well. I told her to engage Mr. Jellicoe as well. He came up the morning after you and your clerk were here. Mr. Garvey came to me the next morning with a letter from Mr. Bunny. I have got that in my waistcoat-pocket.

Mr. Jellicoe : I want the shorthand-writer to see it.

[Mr. Garvey sent the warder to get the letter from the prisoner's waistcoat-pocket.]

56. *Mr. Jellicoe.*] When the young Italian came to me at first, I could not get away; I was very busy. They afterwards called in to say I need not trouble. Mr. Fisher had come up and seen you in the meantime. You have heard poor Bunny is dead?—Yes; I am very sorry to hear it. I could tell he was bad; he was sweating all the time.

Mr. Jellicoe: He said it was a lie in the letter. The poor fellow was in a terrible state; there is no doubt of it.

The Prisoner: What did he die of?

Mr. Jellicoe: It was typhoid fever he died of. None of your friends believe you are guilty; so you need not be afraid of that. There is a tremendous feeling throughout the colony. I see telegrams even from New Plymouth, Masterton, and several places. A New Plymouth telegram to-night says there is a very strong feeling there; the *Herald* comments strongly on the matter. It is looked upon as a very dreadful verdict and sentence; but I am satisfied you are innocent.

The Warder: His waistcoat is not in the cell.

The Prisoner: It is in my plain clothes, if it is not in the cell. I do not know where they put it.

Mr. Garvey: Did you have on those clothes that day?

Mr. Jellicoe: No; the vest was brought into the room, and this letter was taken out of the pocket.

Mr. Garvey: Any letters I gave him he can keep.

Mr. Jellicoe: Can I give him this?

Mr. Garvey: No; I won't let him have that one from the Department of Justice.

[Letter handed in by warder.]

57. *Mr. Jellicoe.*] This is the one. Now, what time was it Mr. Garvey promised to telephone to Mr. Bunny?—About five o'clock.

Mr. Jellicoe: And on the following morning Mr. Garvey brought you this letter:—

“Mr. Louis Chemis, Her Majesty's Prison. Wellington, 2nd July, 1889.

“I have just heard that some evil-disposed person has been informing you that I am too ill to conduct your case. Such a statement is a base lie. I am quite ready now to take your case at any moment. I was in town to-day, but thought it would be better to see you to-morrow. Regarding the witnesses, it is not desirable that they should be subpoenaed until the last moment, as the police will at once know who they are. Everything else is ready, and I have been working at home for the last several days about your case. Have no fear but that I will be well, strong, and ready on Monday, not only to defend you, but to get you off.

“Yours truly,

“C. E. BUNNY.”

58. *Mr. Jellicoe.*] Have you anything else you can think of?—No.

Mr. Jellicoe: Well, I will be up to-morrow. I do not know whether Mr. Garvey can extend the hour a little later for me; it is very inconvenient.

Mr. Garvey: I am under instructions.

Mr. Jellicoe (to Mr. Garvey): If you are seeing the Minister to-night, will you ask if he could extend the hour a little later. Of course I must ask for a private interview, and insist upon one. I understand there is some question of prison regulations which go to meet the case of a visitor having poison or a knife in his pocket; they are afraid that perhaps I would pass poison or knives, or something of that sort, in to you.

The Prisoner: If you gave me poison I would not poison myself.

59. *Mr. Jellicoe.*] Justice in this case is paramount, and if it would gratify the Minister or Mr. Garvey, or Mr. Anybody else I would submit to the degradation even of being searched, rather than that your interest should suffer. You do not want to tell me anything more now, do you?—No.

Mr. Garvey: Have you done with him?

Mr. Jellicoe: Good-night.

The Prisoner: Good-night, Mr. Jellicoe.

[Prisoner removed.]

No. 9.

SIR,—

Wellington, 20th July, 1889.

Re Louis Chemis.—Mr Gore, your shorthand writer, prior to my conversation with Chemis at the Gaol on Thursday night, informed me that he had been directed by the Government not only to take a note of my conversation with the prisoner, but to hand me a copy of the transcript of such note, and he afterwards promised to send it me before 12 o'clock yesterday.

Please hand bearer my copy.

I have, &c.,

The Hon. the Minister of Justice.

E. G. JELlicoe.

No. 10.

SIR,—

Justice Department, Wellington, 20th July, 1889.

I am directed to acknowledge the receipt of your letter of to-day's date, applying for a copy of the shorthand writer's notes of the conversation held by you with the prisoner Chemis on the night of the 18th instant, and, in accordance with the promise that such copy should be supplied to you, I beg to forward the same herewith.

In so doing, however, it is to be understood that, should the Minister see fit at any future stage of the proceedings to adopt a like course to that pursued at the interview above referred to, the granting of a copy of the notes in the present case is not to be taken as a precedent in the future.

The notes in the present case are handed to you upon the distinct condition that they are to be used only for your information, and not for publication. I have, &c.,

E. G. Jellicoe, Esq., Solicitor, Wellington.

F. WALDEGRAVE,
Private Secretary.

No. 11.

SIR,—

Wellington, 20th July, 1889.

Please hand bearer an order enabling me to interview Louis Chemis to-day. Pending your decision as to my seeing him in private, I shall have no objection to this-interview taking place in the presence of a warder.

I have, &c.,

The Hon. the Minister of Justice.

E. G. JELlicOE.

No. 12.

SIR,—

Wellington, 20th July, 1889.

Your note applying for an order to visit the prisoner Chemis came to hand too late to enable the visit to be made within the hours fixed by regulation; an interview, therefore, cannot be granted to-day. If, however, you will make application to the Inspector of Prisons on Monday morning he will furnish you with a permit to see the prisoner on that day; but such permit will only be granted on such conditions as the Minister may deem advisable.

I have, &c.,

E. G. Jellicoe, Esq.

F. WALDEGRAVE.

No. 13.

SIR,—

Wellington, 20th July, 1889.

I acknowledge the receipt of your second letter of to-day's date, enclosing copy of the shorthand writer's notes.

I certainly cannot now allow you to impose a condition that they are not to be published.

It was distinctly stated by Mr. Gore, before my interview with Chemis commenced, that the Government had directed him to give me a copy of the note he was about to take.

I therefore think it right to inform you that, if the Press make application to inspect or take a copy of the notes, they will be at liberty to do so.

I have, &c.,

F. Waldegrave, Esq.

E. G. JELlicOE.

No. 14.

To PREMIER, Sydney, and to PREMIER, Melbourne.

(Telegram.)

Wellington, 22nd July, 1889.

PRISONER found guilty of murder been allowed interview with a solicitor in presence of an official. Now desires to have private interview with solicitor, without presence of official, object being to advise as to collecting facts to lay before Governor when dealing with case. Would such a private practice be allowed in your colony?

H. A. ATKINSON.

No. 15.

(Telegram.)

Sydney, 22nd July, 1889.

I FIND, upon inquiry from the Sheriff and Controller-General of Prisons, that it is contrary to rule and custom in New South Wales to allow professional legal assistance without the presence of an officer to prisoners after conviction; but in a case where life is at stake, and the application made, and should the *bona fides* of the solicitor be established, although there is no precedent, the request would be acceded to here. The officer should remain within view, but out of hearing.

Hon. Sir H. A. Atkinson, Wellington.

HENRY PARKES, Colonial Secretary.

No. 16.

(Telegram.)

Melbourne, 22nd July, 1889.

DURING any interview with persons under sentence of death, either by relatives, friends, or legal adviser, an officer of the gaol is required under our prison regulations to remain in attendance.

The Hon. the Premier of New Zealand, Wellington.

D. GILLIES, Premier.

No. 17.

SIR,—

Wellington, 20th July, 1889.

Really your conduct is most extraordinary. We agreed on the 18th instant that our future communications should be in writing. I wrote you this morning for the copy of the shorthand writer's notes promised on Thursday evening to be sent me before mid-day on Friday. I failed to obtain a reply, and at 1.20 p.m. I sent my clerk to you for them, and you banged the door in his face, saying, "they would arrive in due course."

At noon I received your letter of to-day's date, and, as you had postponed your decision relative to my application for a private interview until Monday, and it was imperative that I should see the prisoner to-day, I immediately wrote you as follows: "Please hand bearer an order enabling me to interview Louis Chemis to-day. Pending your decision as to my seeing him in private, I shall have no objection to this interview taking place in the presence of a warder."

Failing to obtain an answer to this letter I acted on your direction of Wednesday last, and procured an order from Mr. J. R. Blair, a Visiting Justice; but, on presenting it to Mr. Garvey, he replied that he had your instructions not to act on any such order, and this notwithstanding the fact that such orders are available to the prisoner's wife.

At 5.30 I received from your Secretary a communication informing me that "if I make application to the Inspector of Prisons on Monday morning he will furnish me with a permit to see the prisoner on that day, but such permit will only be granted on such conditions as the Minister may deem advisable."

I am quite willing to go to the Inspector of Prisons, or to any other functionary; but the gaoler says your instructions will only allow him to recognise permits issued by yourself.

You say "that every proper facility will be afforded the prisoner to place before the Government any statement or facts that he may consider material to the due consideration of his case." For nearly a week you have successfully prevented him from doing this. Every moment's delay is prejudicing his interests, and you, as Minister of Justice, are responsible for it.

I am therefore compelled to say that I will not allow those interests to be trifled with further, and unless I receive on Monday absolute authority to interview the prisoner I shall deem it my duty to report all the circumstances to His Excellency the Governor, in order that the aid of the Imperial Government may be obtained by cable.

I have, &c.,

The Hon. the Minister of Justice, Wellington.

E. G. JELlicoe.

No. 18.

SIR,—

Prisons Department, Wellington, 22nd July, 1889.

I have the honour, by direction of the Hon. the Minister of Justice, to acknowledge his receipt of your letter of the 20th instant, referring to the case of Louis Chemis, now lying under sentence of death in the prison here, in which, amongst other things, you state that, unless you receive on Monday absolute authority to interview the prisoner, you will deem it your duty to report all the circumstances to His Excellency the Governor, in order that the aid of the Imperial Government may be obtained by cable. Before dealing with the graver portion of your letter above quoted, the Minister directs me to say that you are in error in stating that he gave directions that you should be admitted to see the prisoner, Louis Chemis, on the order of a Visiting Justice.

You have been already informed, in words which you quote in the letter under reply, that every proper facility will be afforded the prisoner to place before the Government any statement he might consider material to the due consideration of his case; but I am to remind you that up to the present time no such statement has been made on his behalf, and no fresh facts have been mentioned in his interest, and the whole of the previous correspondence has been more to assert your own supposed rights than in the interests of the prisoner.

The duty of the Government, sufficiently grave and onerous in itself, has not been assisted by the correspondence which you have initiated.

I am to inform you that the character of your letter under reply is such as to render further correspondence with you impossible, and to add that, as you have thought fit to threaten the Government in the manner quoted, the Government absolutely declines to afford you any facilities for seeing or communicating with the prisoner, or to answer any communication you may address to it until your threatened action has been taken or otherwise disposed of. In order, however, that the interests of the prisoner may not be prejudiced, the Hon. Mr. Fergus has given instructions that Chemis be immediately informed that any communication he may wish to make to Government will receive every consideration.

I have, &c.,

A. HUME,

Inspector of Prisons.

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