

me is conflicting and perplexing in the extreme. The important discrepancies between the evidence of Cooper and Warnock, the principal witnesses for the prosecution, cannot safely be disregarded. Cooper's evidence, strong as it is, is corroborated by Warnock alone, and by him "only partially"; so that the case against Emerson depends upon the almost unsupported testimony of one witness. On the other hand, unless Captain Neal, Francis Knowles, Chief Steward Jacobs, Sergeant Black, and Father Ahern have all wilfully and deliberately perjured themselves, it is impossible that Mr. Cooper's narrative can be correct. I do not for a moment suggest—I do not believe it possible—that Mr. Cooper has sworn what he knows to be untrue; but it is not improbable that defective eyesight, aggravated by the debility induced by sea-sickness, so impaired his powers of observation as to lead Mr. Cooper to wrong conclusions. Be this as it may, having regard to the positive evidence adduced for the defence, I must find that charges 2 and 3 are not proven.

4. In my opinion, therefore, none of the charges against Inspector Emerson set out in the Commission are substantiated.

I make no order as to costs.

5. I respectfully submit this report and the evidence taken by me to your Excellency, and I have the honour to return my Commission herewith.

Certified under my hand and seal, this 13th day of December, 1897.

(SEAL.)

H. EYRE-KENNY, S.M.,
Royal Commissioner, Wellington.

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