

nation, however, disclosed the fact that the revolver belonging to Mr. Olphert was missing from its place on the shelf, where he had last seen it before going on duty the previous night. Searched the room thoroughly, but could find no trace of the missing revolver. Heard his wife moving about the house, so went in and informed her as briefly as possible of the facts that Mr. Dixon had been found dead, and shot through the temple, that murder was suspected, and that Mr. Olphert's revolver had disappeared from the gun-room during the night. Informed her that upon his return in the early morning he had found the door open. Questioned his wife as to whether she had heard footsteps near the back of the house during the night, and she replied in the negative, but in answer to further questioning, much to his astonishment and dismay, his wife stated that while sitting up with our youngest child, who was ailing, she had taken a lamp into the front room to get something which she needed, when she distinctly heard a footstep on the gravel outside, and upon drawing aside the window blind she saw, by the light of the full moon, the figure of a gentleman coming up the garden path leading to the front door of the Lodge. Before she could reach the door, a voice which she recognised as that of Mr. Olphert, called out, "Is that you, Fenton?" His (the witness') wife at once opened the door, and in reply to the gentleman's question informed him that she had gone on night duty, and in all probability would not return till five or six o'clock. Mr. Olphert apologized for disturbing her, mentioning that as he was passing the Lodge on his way home from the Grange he had noticed the light in the room, and knowing that the keeper (meaning witness) occasionally went on night-duty, had imagined that the light was carried by him, so thought he would just tap at the window and inquire if his (the gentleman's) revolver was ready, and, in the event of the weapon not being ready, he had intended asking the keeper to retain it till the end of the week, as he (Mr. Olphert) had some legal business to transact outside Finchley, and he would be absent from home for some days. The gentleman offered this explanation—so Mrs. Fenton thought—by way of apology for his intrusion, and she (Mrs. Fenton) was about to make some reply, when her sick child gave a cry of pain, and begging Mr. Olphert to excuse her, and requesting that he would step into the kitchen for a few moments, Mrs. Fenton ran to attend to her child. The gentleman, probably thinking that he might be able to render some service to the child, obeyed Mr. Olphert's request, and walked into the kitchen. When his (witness') wife had attended to the child's wants she returned to the kitchen and found Mr. Olphert standing by the fireplace. The fireplace would be about three or four yards from the gun-room. His wife was absent from the kitchen only a few minutes. Mr. Olphert could have gone into the room and taken possession of the weapon before Mrs. Fenton returned, but he must have done it very quickly, at least so he (witness) gathered from his wife's statement. Mr. Olphert's manner did not appear confused when Mrs. Fenton returned to the kitchen, and shortly afterwards the gentleman said good-night, after making a few kindly inquiries regarding the nature of our boy's illness. Witness' wife stood at the front door for a moment or two after wishing the gentleman "Good-night," and saw him go down the garden and turn towards the Lodge gates. It was bright moonlight at the time. She heard the gate swing back, as if the gentleman had just passed through, and just at that moment the stable clock struck two. As it finished striking witness' wife closed the door, went into the house, and shortly afterwards retired to rest. When informed of Mr. Dixon's death and of the missing revolver, Mrs. Fenton was considerably agitated. She was in a delicate state of health at the time, and has since been confined to her bed, being, to all appearance, utterly prostrated. The medical gentleman who has visited her states that she is suffering from a severe shock to the nervous system, and is at present in a critical condition. Her deposition has been taken. That is all I know of the case, and as James Fenton left the witness box the friends of the prisoner realized that the story they had just heard would, if not refuted, form a rather strong link in the chain of circumstantial evidence against him, and whilst they never for one moment questioned the innocence of their friend, spite of the fact that appearances were so much against him, yet they knew that, to satisfy the demands of the law, strong rebutting evidence or special pleading, or the two combined, would be required to bring him unscathed through the ordeal.

The next witness called for the prosecution was the underkeeper, who was on duty with James Fenton on the evening in question, but he simply corroborated the statements made by the previous witness.

At this stage of the proceedings a deposition signed and attested by Mary Fenton, wife of James Fenton, gamekeeper, was read by counsel, and afterwards handed over for the inspection of Judge and jury, but the information contained in the document threw no fresh light on the case. Major Stuart and several other gentlemen were also called, and these reluctantly give evidence as to the quarrel in the ball-room between the prisoner and the late Mr. Dixon. It was also elicited in cross-examination that the pistol produced had been seen in the possession of the prisoner the day preceding the murder, there being a shooting party in the Grange grounds on that date, and Dr. Oakfield having wagered the prisoner that he (the doctor) would hit a certain target at a distance of one hundred and twenty yards, by the aid of his breech-loader more times than would the prisoner at half the distance with the revolver. The target had been a small one and Mr. Olphert had managed to hit the mark five times, as against three for Doctor Oakfield. All the witnesses could not but admit that the weapon used on that occasion was identical with the one produced in Court.

Detective Flint, of Scotland Yard, was next placed in the witness box. He remembered the day following the murder. Was instructed by his chief to proceed to Finchley to investigate. Deposed to visiting the spot where the murder had taken place. Made a thorough search, but found no clue till he and Sergeant Grey, of the local police force, between them dragged the lake near the spot, when they succeeded in bringing up a revolver containing six chambers. On examination it was found that five of the chambers were still loaded, while the remaining barrel was empty. Had since ascertained that the revolver was the property of the prisoner at the bar. The lake in which the weapon was found was only about twenty yards distant from the spot where the prisoner and the murdered man were discovered by the two gamekeepers. The bullet extracted from the temple of

the murdered man was of the same size and make as those found in the other five chambers of the revolver. A gold watch and chain, some bank notes and loose change, as well as sundry other articles had been found on the body of the victim. Had cross-questioned the two gamekeepers about their knowledge of the murder, and their movements since had been closely watched, but he was satisfied they knew no more of the affair than they had already made known. Had made an examination of the gun-room at the Lodge. There was no indication of the lock having been tampered with. Was of opinion that whoever entered the room after the game-keeper's absence on the evening mentioned must have done so in the ordinary way. What he meant by this was, that either the keeper when leaving the room had omitted to ascertain that the door was securely fastened, or else that some person or persons had entered by means of a duplicate key. Whilst searching amongst some bushes that grew along-side the gun-room he (the detective) had discovered a small pocket-book, which, upon examination was found to contain some memoranda of some betting transactions. There was no name or anything else in the book to indicate to whom it belonged. The writing in the book had been examined by experts, and had been compared with that of a large number of persons, but up to the present the writing had not been identified as being that of any person known to the police, and so far threw no fresh light on the case. The book itself showed no signs of having been exposed for any great length of time. Might have been dropped there by the person who entered the gun-room on the morning of the murder. Had compared the writing in the book with letters, etc., of the prisoner's, but could trace no resemblance. Had also found marks of footprints near the spot where he picked up the pocket book, and had measured the same and compared them with boots belonging to Gerald Olphert and the two keepers, but the marks did not correspond. From information received he had learned that a man had called at a public house near the entrance to the village of Fernham, about twelve miles from Finchley, at about seven o'clock on the morning of the murder, and had ordered a glass of brandy and water, and had also purchased some sandwiches, which he put in his pocket when leaving the premises. Interviewed landlady of said public house, but her description of the man was too imperfect to afford any clue. She had only noticed that he was, apparently, a young man, and that he looked as though he had slept out that night, and that he appeared to be in a somewhat excited frame of mind. Had also ascertained that a stranger had purchased a through ticket to London at a small station a few miles further on, and had left by the early train. Had not yet been able to trace the whereabouts of this man. The prisoner had been 'shadowed' since the date of the murder, but the police had not been able to produce any additional evidence against him. The evidence forthcoming was purely circumstantial. The prisoner's movements since the murder would not appear to have been conducted with any attempt at secrecy, but just recently he had ascertained that he (the prisoner) was anticipating taking a passage to Australia, so after consulting his chief the witness was instructed to take out a warrant for the arrest of Mr. Gerald Olphert, charging him on suspicion with the murder of Francis Dixon. When charged with the crime prisoner at first appeared astounded, and then became indignant, but offered no resistance.

The learned counsel for the defence here intimated that he should require to put a few questions to his witness at a later stage of the proceedings. Detective Flint vacated the witness box, his place being taken by the old dame who kept the public house called the 'Fernham Arms'. In answer to questions from counsel she stated that her name was Margaret Dynevor, that though her sight was not so good as it used to be, she could still see very well, but was a trifle deaf of hearing. She would be seventy-eight next Michaelmas if she was spared. Had been landlady of the 'Fernham Arms' ever since her husband was drowned at sea nearly thirty years ago. Remembered the morning of the murder, also remembered that a man had called at the public-house in the early morning, and had asked for a glass of brandy and water. Noticed that he seemed very much put out about something, and that his hand shook when he lifted the glass to his mouth. Looked as if he might have slept out all night, or been drinking heavily the night before. Was certain as to the date when the man called, though could not swear as to the exact time in the morning. Was not particularly good at remembering dates usually, but the murder had fixed this particular date in her mind. The man had no beard so far as she could remember, and appeared to be well dressed. Did not remember to have seen him before. Was not certain she should know him again.

The next witness called was the railway porter at the small station of Wickham, about three miles from Fernham. He remembered the morning of the 25th, the date of the murder. Was on the platform at the Wickham Railway-station on the morning in question. Was getting some luggage ready for the 7 a.m. express train, when he was accosted by a gentleman, who inquired as to the time the next up train left. Informed him that there was one due in a few minutes, which would leave at 7 o'clock. It then wanted about fifteen minutes to seven by the railway clock; noticed that the man looked agitated, but did not attach any importance to the fact. Did not think the gentleman had any luggage with him. The express came in shortly afterwards, and he did not see the gentleman again. Had not, to the best of his knowledge, ever seen the gentleman before. As nearly as he could remember the gentleman was dressed in a dark tweed suit and wore a hard hat.

The railway passenger-book was here produced in Court, proving that a second class single ticket to London had been issued on the morning of the 25th. Only one through ticket had been issued on the morning in question.

At this stage of the proceedings the learned counsel for the defence requested that Detective Flint should be recalled. Upon resuming his position in the witness-box, the detective was subjected to a searching cross-examination by the learned counsel, but without materially affecting the evidence already given. The object of the learned gentleman, however, appeared to be not so much to disprove the evidence brought forward as to point out to the jury the strong presumption that some person or persons other than his client had been implicated in the murder of Mr. Francis Dixon, and his cross-examination of the detective all led up to this theory.

Dr. Oakfield and his father, the Squire, also gave evi-

dence with respect to following the gamekeeper to the scene of the catastrophe, with the details of which the reader is already acquainted. This closed the case for the prosecution, and the Court adjourned till the following day. On the Court re-opening the next morning, the learned counsel for the defence called Major Stuart, Squire Oakfield, and several other gentlemen, who each swore as to the kindly disposition of the prisoner at the bar, and stated that since the unhappy occurrence he (the prisoner) had at all times spoken with feelings of regret at the untimely fate which had befallen Mr. Dixon. They also sought to show that the betting-book found by the detective near the gun-room was not likely to have belonged to the prisoner, who had always held strong notions on the subject of gambling, and to the best of their knowledge and belief had never recorded a bet in his life. With regard to the scene in the ball-room, they imagined that after Mr. Dixon's departure from the room the prisoner would scarcely be likely to give a second thought to the matter.

No other witnesses being called, Mr. Edgibaston, Q.C., counsel for the defence, rose to address the jury. In a brilliant speech, lasting over an hour and a half, the learned gentleman reviewed the evidence of the witnesses both for the prosecution and the defence, and enlarged upon the evidence adduced as to the general kindly disposition of the prisoner, and to the absence of all motive, so far as his client was concerned, for the commission of such an atrocious act as that with which he stood charged that day. Was it likely, or even probable, he asked, that any man, after first shooting at a fellow man with the intention of taking his life, would endeavour to staunch the wound caused by his own hand, and by so doing allow himself to be discovered in a compromising position with respect to the wounded man. There was also the fact of the strange appearance and disappearance of the person or persons who had been seen at the inn, and one of whom had taken the train to London on the very morning of the murder. Then there was the finding of the betting book near the room from which the revolver had been stolen; the fact that the footprints discovered there did not correspond with any boots belonging to the prisoner; the deposition of Mrs. Fenton as to the prisoner's visit to the Lodge, and his kind inquiries after her sick son; and her statement that the stable clock struck two when the prisoner passed out at the Lodge gates. Taking into consideration the fact, that according to the evidence of the two keepers, the shot by which the unfortunate man presumably met his death, was fired almost immediately after the clock had struck two, and the time which would elapse before he could reach the spot where the body was discovered, it would be seen that it was physically impossible that the prisoner at the bar could have covered the distance from two o'clock to the time when the report was heard. He concluded with an eloquent appeal to the intelligent jurymen to discharge their duty by acquitting his client, who was entirely innocent of the heinous offence with which he was charged, but who had, by an unfortunate chain of circumstances, been placed in the trying position which he now occupied—a position which he had borne with commendable fortitude, being sustained by a conscious sense of innocence, and trusting to the justice and intelligence of the fellow-countrymen by whom he was tried to publicly clear him from any imaginary stigma which might be supposed to attach to such a position.

There was a murmur of applause from the assembled audience as the learned counsel resumed his seat, but this was quickly suppressed, and the Judge summed up, pointing out to the jury the law regarding such cases as the present one. The jury retired, and in about half an hour returned into court. In reply to the usual question from the judge, the foreman replied, "We find the prisoner not guilty, my lord."

What a shout went through the old Court-house when the verdict was announced, a shout which even the policeman's dignified command for "Silence in the Court" scarcely sufficed to suppress! The waders who had stood so close to Gerald during the hearing of the evidence touched their hats respectfully, and stood to one side as Gerald's friends pressed round him, eager to shake him by the hands and congratulate him on his restoration to freedom.

Gerald himself was strangely affected. He had been listening to his counsel's appeal to the jury with such interest, and the verdict was declared such a short time afterwards that he seemed scarcely able to realise that the trial was over. In fact, as he afterwards explained to Mr. Edgibaston, it seemed to him that upon the decision of the jury some other poor fellow's chance of life depended, and he felt glad to think that the 'poor beggar' would have another opportunity for repentance. He was recalled to his senses, however, by the sight of a pale, eager-looking face at the entrance to the Court, which he at once recognised as that of the woman he loved, Constance Oakfield, and the sight of her winning face roused him from his reverie, and for the first time he realized the excessive mental strain which he had undergone, and for her sake as well as his own he was glad that the verdict had been "Not guilty."

(TO BE CONTINUED.)

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