

"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 Ngahauranga 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.,

"The Hon. the Minister of Justice.

"JAMES PRENDERGAST.

"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."

Now, as to the evidence given before the jury. I will endeavour to direct attention to its chief features, because honourable members will possibly have an opportunity of referring to all the papers, which are printed, and are records of the House. The first witness called was the Registrar of the Supreme Court, who produced some papers in an action in which Hawkings was plaintiff and Chemis defendant. Hawkings had sued Chemis in ejectment in respect of land occupied by Chemis. The case came on in December, 1888, when judgment was reserved, and this evidence was tendered to suggest a motive for the murder. The plan now produced was proved by Mr. Anderson, surveyor. I need not trouble the Committee with any questions of ownership of the land; it is sufficient to say it was sub-leased to Chemis.

*The Chairman:* Was it land leased from Hawkings to Chemis?

*Mr. Jellicoe:* Yes, it was leased for eighteen years from 1st August, 1888, at a rental of £14 a year. It was a lease of only nine acres of land. The next witness called was Charles Bowles. I ask honourable members to pay special attention to his evidence, because he was residing in the house of the Hawkings's. He and a lad named Norman were employed by Hawkings to work about his farm. It will be found, without my going into details, that up to the time of the arrest of Chemis, some six or seven days after the murder, no police-constable had made the slightest search of Hawkings's premises—either his farm or his homestead; in fact, no person had suggested or ever anticipated that was a place that ought to be searched. Indeed, it has never been searched from that day to this. Charles Bowles said—"I 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." You will observe that this was near the time when the murder was committed. "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