

Taylor upon the evidence of policemen, and he (his Honour) expressed the opinion that his remarks applied to the police when they were giving evidence of the opinions formed of the conduct of the person charged. The jury had seen them giving their evidence, and it was for them to say whether they saw any reason to think that they had made any misstatements, or wilfully misled them as regarded the prisoner. Now, the principal fact against the prisoner was that pieces of the *Post* of the 23rd of May were found in the wound and on the ground, and that afterwards pieces fitting to them were found in the prisoner's house, and from that it was said that they must infer that the pieces were found in his possession. There might be some error, and it was for them to say, after examining the evidence, whether or not there was any error. Of course, he pointed out, if there had only been the pieces found on the ground, and the corresponding pieces in the wound, that would not connect the prisoner with the crime. It was necessary to pay great attention to the evidence of the constables, upon whose evidence the finding of the paper stood. It was necessary to see beyond all reasonable doubt whether the evidence was convincing and satisfactory, and left no room for doubt, for, although they may have said that the paper was found in the house, and no doubt they believed it, there might have been some mistake. His Honour referred to the evidence of the several officers engaged in the search at the ground and the prisoner's home, and he said it would be for them to say whether Inspector Thomson had possibly allowed the pieces of paper to get mixed, and that the papers he had found on the ground and placed in an envelope marked "Gorse" could not have been mistaken for those found in the house. If they found that the pieces found on the scene and the pieces found at the prisoner's house fitted line for line, it was for them to say whether that did not strengthen the fact against the prisoner. He also referred to the finding of the stiletto, and the cast bullets, and the gun, one barrel of which, from all appearances, had recently been fired. Then there was the shot-pouch, containing a number of shot of two sizes—No. 6 and No. 4, the latter corresponding with those found in the wound. The Crown pointed out as a circumstance of suspicion that there was no powder or caps found in the house as being inconsistent with the alleged statement of the prisoner that he had fired the gun off at some quail a few days before. They should consider whether this was a circumstance which ought to be explained, and, if not, could it be regarded as a circumstance against him? It was a matter which in all human experience could be explained by the prisoner, and, if he could not do so, did that raise the presumption of guilt against him? At any rate, the state of the gun showed that it must have been used within two or three days—perhaps twenty-four hours. Did they draw the inference that the vessels containing the caps and powder had been made away with? They must also consider whether this feeling would not have prompted him to secrete the gun and the dagger. It might be said that if he could not have produced the dagger it would have told against him. There was the difficulty as to the statement that both barrels of the gun had not been fired off on the same day; and it would be for them to say what conclusion they could arrive at on this point, or whether it was one of those circumstances from which no inference could be drawn. There was no evidence that another person was concerned in the murder, but, of course, it was possible that there was another person, and that he had also fired a shot at the deceased. Referring to the dagger, he said it would have been an extraordinary thing if it was found in the possession of an Englishman, but it was not at all singular that an Italian should have such a weapon in his possession. The possession of the gun and dagger by the accused could not be looked upon as preparation for the crime. As to the bullets, was that a matter which called for an explanation from the prisoner? Referring to the evidence of motive, he said it was shown by the prosecution that the result of the lawsuit was preying on the prisoner's mind, and he referred to the evidence of Durrell and Tucker on this point. It might be that the jury had heard some rumours of ill-feeling between the prisoner and Hawkings. He need not tell them that any such rumours should not affect them in the slightest way. If there was any ill-feeling between the two men it ought to have been proved. If there was any real foundation that there was ill-feeling—so much so that Hawkings was afraid—one could hardly doubt that some proper evidence of it ought to have been adduced. The fact that no motive had been proved would be a circumstance in favour of the prisoner. With regard to the question of motive, it would probably not be plunder, but it was revenge. He was certainly unable to see that there was anything to show that the prisoner had any desire to obtain the pocket-book or the cheque-book. As to the suggestion that the prisoner should have called his eldest child, they must consider whether the fact that she was not called was against the prisoner. He pointed out that if she had been called she might have given evidence that he was out that night, which would tell against him, when he might have been out for the purpose of milking the cows. Why should the prisoner call evidence which, although it was true, might have lent strength to the case for the prosecution? Referring to the explanation of Dr. Cahill as to the presence of the piece of the *Post* of the 31st of May in the mass of flesh, he said it was for them to consider whether it was satisfactory, and, if not, what bearing it had on the case. It was a question whether that piece of paper was or was not connected with the wrapper in which the mass had been placed. His Honour said he could not get the drift of the questions put to Mrs. Hawkings, Bowles, and Leddin by the counsel for the defence, but it was evidently with regard to motive. The jury must also consider the evidence of Joseph as to seeing a man with a gun on the hills on the night of the murder. Mr. Bunny had drawn their attention to a piece of paper with the name of "Bowden" on it, and had said that if the name was "Chemis" the prosecution would have said that was conclusive that he was the murderer. The prosecution, his Honour said, did not say that. What they said was that if the piece of paper in the wound was so connected with the piece of paper found in the house, and on the ground that they were all one piece of paper. Mr. Bunny had also put it to them that Chemis, if he was the murderer, would have taken the revolver instead of the gun, and that, of course, was another matter for them to consider. They might assume that the weapon was fit for use. They had the evidence of Mr. Tasker that he had been very careful not to mix the pieces of paper given to him.

Mr. Devine pointed out that his Honour had not mentioned that Inspector Thomson had taken the papers to his house, and that no search had been made for prisoner's powder-flask.