

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.