



# THE CREWE MURDERERS

**INSIDE NEW ZEALAND'S MOST INFAMOUS COLD CASE**

**KIRSTY JOHNSTON & JAMES HOLLINGS**





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**It is impossible to satisfy the nobles honourably, without doing violence to the interests of others; but this can be done as far as the people are concerned. The people are more honest in their intentions than the nobles are because the latter want to oppress the people, whereas [the people] want only not to be oppressed.**

— Niccolò Machiavelli, *The Prince*







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# INTRODUCTION

**F**or all the infamy surrounding their murders on a cold winter's night in a country farmhouse 50 years ago, only a handful of photos of Jeannette and Harvey Crewe remain. In these black-and-white images we see Jeannette as a teenager, smiling, in a fancy dress and white gloves at her debutante ball; the couple on their wedding day, cheeks flushed and eyes bright; their daughter Rochelle as a toddler in overalls, her chubby hand to her mouth. And Harvey holding Rochelle, who is wearing a smock and squinting at the light.

The Crewes have now been dead longer than they were alive. They were almost certainly shot on 17 June 1970, after dinner, Harvey in his armchair by the fire while Jeannette knitted on the couch. Harvey was 28 and Jeannette was 30. An orphaned Rochelle was found five days afterwards, crying in her cot, alone. Her parents' bodies were pulled from the Waikato River months later.

Initially, the public was fascinated by the young farming couple from Pukekawa and their tragic story: Who were they, and who despised them enough to want them to die? But by the end of that year, after police had arrested local farmer Arthur Thomas for their murders, the Crewes' lives became a backdrop for a bigger drama, a fight for justice for a man many argued was wrongfully imprisoned. When that was finally won, a new battle began, this time to establish who was truly responsible. It has so far proved a futile venture.

In the myriad court cases, newspaper articles, books and the royal commission of inquiry in 1980, Jeannette and Harvey Crewe were often reduced to caricatures of themselves, speculative outlines no longer based on fact. She was a rich snob, grown slovenly since marriage. He was ambitious and angry; he married her for her money. The killer,

rumour ran, was her curmudgeonly old father, who didn't want to give up his farm. Later, the accused, Arthur Thomas, faced the same reductive fate: he was a local simpleton who had never given up his childhood crush, Jeannette, who he killed out of jealousy. His wife was the 'brains of the operation'; she covered up for him.

It was a seductive story with a compelling cast of characters. But look closer at the photo of Harvey Crewe holding his daughter opposite. The pair share the same dark hair, swept sideways. It's a warm day, they are outside in the sun. As he lifts her up, Harvey is laughing, his eyes wrinkling at the corners. Rochelle extends her little arm towards the camera, reaching for something just out of sight.

That photo was, in some ways, the catalyst for this book. James came across the image in 2018 while researching an obituary for the journalist Pat Booth. Booth had argued that the Crewe murders were actually a murder-suicide. He believed Harvey had hit his wife, prompting her to shoot and kill him, and then, stricken with grief, kill herself. James, who has two daughters, looked at that photo, saw a loving father, and wondered how that photo fitted that scenario. He began to read more carefully about the investigations into the murders, and then contacted Kirsty to see if she wanted to jointly investigate the case.

An examination of the early police files found it wasn't only journalists who had sought to characterise the Crewes and the other suspects and witnesses as best fitted their stories. Although some of the detectives were thorough and open-minded, many were quick to make sweeping judgements based on questionable assumptions about the couple whose killer they were seeking to find.

The officer in charge of the case, Detective Inspector Bruce Hutton, fell prey to tunnel vision, which tainted the trajectory of the investigation from the very start. When his theory refused to stack up, he was found to have almost certainly used fake evidence to frame Arthur Thomas, causing the most famous miscarriage of justice case in New Zealand history.

When we first began to consider the case, we planned to write an article on just one aspect: the axle found with Harvey Crewe's body in the Waikato River in 1970. No one needed another retelling of a cold case, we thought, particularly not one that had already had its bones picked over so many times. But gradually, as we read more and more,





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Harvey Crewe and his daughter Rochelle on their farm in Pukekawa. This photograph was probably taken in the summer of 1969/70, six months before Harvey and Jeannette Crewe were killed.



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Many ordinary New Zealanders were disturbed by the conviction of Arthur Allan Thomas, and signed petitions asking for a retrial.

we realised this was much more than just another cold case — much more, even, than just another account of police mistakes.

This story had layers, its roots deep in the subsoil of New Zealand society, in the latent class divisions of farm and city, of sheep farmer versus dairy farmer, landowner and leaseholder. More, the reverberations caused by growing public concern over what many saw as a police lynching ran up through the trunk of New Zealand, through the solid middle wood of urban people to the top branches — the police bosses, the judiciary, the mandarins of the civil service, and finally to the prime minister. Everyone had an opinion; everyone, including the prime minister, had to take a side.

Thus we had the first, and still only ever, free pardon granted to a living prisoner in New Zealand history. That some police made mistakes and tried to cover them up is well known, but, we wondered, what other mistakes were made? Why did politicians eventually step in and effectively overrule the courts and free Arthur Thomas? That story has never been told until now.

And why Thomas? What was it about this case that caused over 2000 people to pack the Auckland Town Hall in 1973 in support of him? There have been plenty of apparent miscarriage of justice cases — what was it about this one?

**A**s we delved, we saw there was a historical context that has not been explored fully: two high-profile murder cases nearby, just a few years before; cases with many similarities. What role did they play? And the land itself, we realised, has many stories that influenced this one. Pukekawa, as the stage, is where some of the country's most dramatic events have played out.

We also realised, remarkably for a story which has generated so much attention, that there was still no comprehensive account of the Crewe story — and in particular, not one that sought to examine the political aspects, its impact on New Zealand society and its constitution.

The police corruption exposed in the Crewe case is often referred to as the country's 'loss of innocence', prompting protest, as former Prime Minister David Lange once said, 'not from urban agitators, not people who demonstrate, not people worried about apartheid or



Vietnam but by people who had shares in dairy companies'.<sup>1</sup>

Before Thomas was pardoned, the books published about the case tended to campaign for his freedom. Arguably, without the works of Terry Bell, David Yallop and Pat Booth, Arthur Thomas would still be sitting in a jail cell. Their investigations were vital, but not neutral. Equally, most of the books written after the pardon carried their own theories about the killer. While we are indebted to all of their work, and in particular to the work of former journalist Chris Birt, whose skills using the Official Information Act brought to light many of the documents we relied on from the police file, those books were written with a specific suspect in mind. The evidence was marshalled in a certain direction, which by definition means that some facts were left behind. In contrast, from the outset, we resolved to write a history, not a whodunnit.

We also wanted to consider the unanswered questions that lingered, of which there are many. At the end of the 2014 police review is a list of 80 issues police were unable to resolve when they reinvestigated the case file at the behest of Rochelle Crewe. We had additional questions, some arising from that same review report. We sought to answer some of them, re-examining old evidence in light of what we have found.

In Pukekawa, many of the key witnesses are now dead, and those still alive are often elderly or sick. That only gave us further impetus to gather what they might have to say before it was too late. Some people did not want to talk. Rochelle Crewe, for example, has never given a full interview to anyone, preferring that her identity remains secret. Others asked us to let sleeping dogs lie, saying the case was firmly in the past. But some people decided they had faith in our project and agreed to be interviewed. They told us of lingering bitterness between families, and towards some witnesses, and a sense of hostility and heaviness surrounding the case that has yet to fade. Some told us things they hadn't said in public before.

And of course, there is the final question, the one everyone has sought to answer: Who killed the Crewes? There is still no definitive answer to that question, but we hope at least to have brought more light to bear on who *didn't* kill them, and thus who might have.

# CHAPTER ONE

# TE AWA, TE WHENUA

It all starts with the river, te awa. The Waikato. The country's biggest, longest and — for much of our history — most contested. It begins at Taupō, heads north for almost 400 kilometres, as if determined to cut a path to Auckland. About 70 kilometres before it would have reached the Waitematā harbour, it meets the rising ground of the Bombay Hills, which mark the line between Waikato and Auckland. Thwarted, it takes a sharp left and heads straight for the Tasman Sea, just 20 kilometres away.

At this bend in the river, the banks are low, the river wide and slow. Just to the west there is a hill from whose top you have a good view. If you look south, on the river's right-hand side there is a distinctive dome-shaped mound, rising from the surrounding farmland. This is Pukekawa, which gives the district its name. It is an attractive landscape: the lazy swing of the river, the rich green rolling hills. In 2012 the composer Sarah Ballard, who grew up here, wrote a symphony, *Bitter Hill* (Pukekawa is sometimes translated as 'the hill of bitter memories'), about what she called its primal beauty.<sup>1</sup>

It is at this bend in the river and the land to the west and south of it — known as the left bank — that this story takes place. It is land with, by New Zealand standards, a very storied and bloody history. The worst battles of the colonial wars took place here, the first beginning on 17 July 1863 at Koheroa. So did the biggest land confiscations, as the Crown sought to crush the Kīngitanga or King Movement. Here, also, in the next century, there were three sets of murders, two of them double murders. Each became notorious, each more infamous than the ones before; the third, the subject of this book, became the most controversial, most written-about, murder case that this country has ever seen.

Until the arrival of Europeans in the early nineteenth century, these rich lands, noted for their fertile red soil, were occupied by Māori. The predominant iwi or tribal group was Ngā Iwi o Tainui. It was productive country, the river a source of fish, the land excellent for growing crops such as kūmara. In the 1840s, a few Europeans settled in the area, buying land and establishing farms. They lived peacefully alongside Māori, often becoming fluent in te reo. One of the first was Charles Marshall, who in 1839 purchased the Paraparaumu Block at Pukekawa for £75 from Totaha and Kauahi.<sup>2</sup> Wesleyan missionaries arrived soon after, and found that Māori had ‘great desire to learn [to read and write] and the facility with which some advanced was astonishing’.<sup>3</sup>

Māori welcomed the new settlers: their number was manageable and they brought trade, knowledge, skills, and generally enhanced the mana of the iwi. Māori were quick learners, and began to grow and export crops, particularly wheat, to Auckland and beyond. European visitors to the Tainui lands at this time were astonished to find flour mills and hundreds or thousands of acres of crops. One flour mill was at Tūākau, while the Raglan and Waikato Native Company was trading goods such as timber, wheat, pork and flax.<sup>4</sup>

The area’s produce was sent downriver by waka to Auckland. Waikato was the breadbasket of the rapidly growing city; in 1854, it was estimated that £16,000 worth of produce was sent to Auckland.<sup>5</sup> In this era Europeans had Auckland; Māori had the Waikato and

beyond. Although nominally under the rule of the Crown, the colony's governor, Thomas Gore Browne, left Māori alone to govern their land and both sides benefitted from a mutually profitable arrangement.

It could have carried on like this for decades, the Waikato becoming a self-governing, economically autonomous province under the overall rule of the Crown. Indeed, there was provision for just such an arrangement in the New Zealand Constitution Act, passed by the British Parliament in 1852. Section 71 of that Act allowed the government to declare native districts where it 'would be advisable to maintain the customs and laws of the natives until the whole Colony had become more or less incorporated with the European inhabitants'.<sup>6</sup>

That version of history was not to come to pass. What happened next was described by historian Vincent O'Malley in his 2016 book *The Great War for New Zealand*. Although the Act envisaged that Māori could vote and be represented in the General Assembly (an earlier form of a parliament with an appointed legislative council and a House of Representatives), in practice few met the property qualification. Māori were suspicious of the Assembly and worried that the rapidly increasing number of settlers (exceeding 28,000 by 1852) were after their land, a view shared privately by the governor.

Browne, although sympathetic to Māori, was under pressure from the settlers to open up more land, but Māori were increasingly resistant to selling. So alarmed were they by their exclusion from the new settler Parliament, the increasing demands for land, and the increasingly hostile and aggressive attitude of many Europeans, that many decided to resist. And thus the Kīngitanga, or King Movement, was born.<sup>7</sup>

At a series of large hui in the 1850s, where many of the leading tribes met, they decided to elect a king to represent them and ideally negotiate directly with the Queen, or her representative, the governor. Not all Māori supported the movement, but by the late 1850s and early 1860s, a significant proportion of those in the central and lower North Island did. Under their king, Pōtatau, and his successor, Tāwhiao, they declared an aukati, a line that marked the boundary between European- and Māori-controlled land. It ran along the Mangatāwhiri River, north of Tūākau, near where the Waikato River turned to the sea. Europeans could trade across this line, with Māori permission, but if anyone bore arms across it, it would be considered an act of war.



For Browne, this was a direct challenge to the Crown's authority. He demanded the submission of the Kīngitanga to the Crown and compensation for losses suffered in the recent Taranaki war.<sup>8</sup> This was unacceptable to Māori, not unreasonably, given they had effectively been excluded from the legislature. Browne began preparing to invade the Waikato as early as 1861, but he did not get to see his plans realised; he had lost the confidence of the settlers and his colonial masters in England and was replaced in 1861 by George Grey. The new governor came with a big reputation, having subdued the Xhosa people during his tenure as governor of the Cape Colony in South Africa. Publicly he talked peace with Māori, but privately he wanted to crush the Waikato movement once and for all.<sup>9</sup> Negotiations failed, and the most bloody fighting in New Zealand history began. Tūākau and the river to the south was ground zero.

When British troops, under General Cameron, crossed the Mangatāwhiri on 12 July 1863, the heights around Tūākau were his first target; an ideal place for a redoubt that could control the river and secure it as a thoroughfare for British ships and troops. The Māori inhabitants of the kāinga at Tūākau were told to surrender or be considered rebels and leave. What happened next was witnessed by Charles Marshall: '[Resident magistrate] Mr [James] Armitage was sent to Tuakau to demand their arms, but they refused to give them to him as they were their own private property. He then told them to leave Tuakau, their home, which at that time they also declined to do as being their own property.'<sup>10</sup>

The next day, 300 soldiers of the 65th Regiment began building the Alexandra Redoubt on the hills overlooking the settlement. All the Māori in the settlement evacuated when they saw the troops advancing. 'They came across the Waikato to me,' said Charles Marshall, 'and they had no alternative but to join the rebels. They were passing the Koheroa in canoes at the time of the fighting and were fired on by the soldiers, fortunately without anyone being hurt.'<sup>11</sup>

The Kīngitanga built formidable defences at Meremere, 6 kilometres to the south, and at Rangiriri, about 10 kilometres south of that. Imperial troops based at Tūākau brought gunboats up the river and laid siege. The Kīngitanga was pushed back, making a final stand at Ōrākau, 60 kilometres south. Along the way, British troops burned and

pillaged undefended villages, including hundreds of acres of orchards and gardens, in a notorious incident at Rangiaowhia. Women and children caught up in the fighting were bayoneted or shot by British troops at Ōrākau. Vincent O'Malley estimates that around 400 Māori died in the fighting in the Waikato: about 4 per cent of the population, a figure he points out eclipses the 1.7 per cent of the population killed in the First World War, robbing, as all wars do, hapū and the iwi itself of current and future leaders.<sup>12</sup>

**H**aving been pushed out by the fighting, on their return Māori found that their land and belongings had been pilfered or destroyed by settlers. Over 1.2 million acres in the Waikato region alone were confiscated by the government as punishment for the rebellion and given to European settlers, particularly soldiers.<sup>13</sup> Around Pukekawa, a large block of 34,330 acres, known as the Onewhero Block, was taken on 16 May 1865. It is a vast piece of land, stretching west from the river to the sea; rich, highly fertile volcanic loam. For Europeans, the land now opening up for settlement was alluring.

As the district government surveyor, A. K. Churton, noted that year, when measuring it up: 'I would particularly direct attention to the fine district lying around Pukekawa, and extending from Kohekohe, past Kohanga, to the Waikato Heads. Pukekawa is an old point of eruption, and around it there is an extent of about 5000 acres of first-rate volcanic land. The whole district is interspersed with forest, and lying as it does between the Port of Waikato Heads and the termination of the Great South Road, it is of easy access. I would strongly recommend an effort be made to extend settlement in this direction; no very great outlay would be necessary in roadmaking, as the district extends along the river, and with but short branch roads, water communication from its most fertile portions to the Waikato Heads would be available.'<sup>14</sup>

Settlers were already lining up to fill the 'empty' lands. That year, Joseph Newman, the Provincial Council<sup>15</sup> member responsible for settling the rising tide of immigrants flooding into the Waikato, many of whom had themselves been cleared from the highlands of Scotland or Ireland, had a shipful ready to land at the settlement of Camerontown, near Tūākau. But the government, perhaps nervous

about a Māori backlash so soon after the end of the fighting, refused to let them south of the river onto the Onewhero Block, and Newman resigned in protest.<sup>16</sup>

Nonetheless, the Onewhero Block was eventually carved up and parcelled out, mostly in 300- to 400-acre lots. A government map of the district shows it diced into ‘blocks’ marked in neat Roman numerals from I to XVII, with the blocks then subdivided into farm-sized pieces, each marked with a lot number and acreage.<sup>17</sup>

According to local history, ‘friendly Maoris’ were granted land within the Onewhero Block, with lots 29 and 31–48 set aside. Charles Marshall’s Māori wife Tiramate was given 1409 acres, for example. Nearby, in Ōpuatia (next to the Onewhero Block), Waata Kukutai and others were said to have been given 45,500 acres. But most of the land went to Pākehā settlers.<sup>18</sup>

On the government map, in block XVI, to the south of Pukekawa and just to the right of a now thin squiggle that marks Highway 22, there is one piece of land named section 7, of 364 acres. Unlike all the other sections in this block, it has the letters ‘E.R.’, for educational reserve, written across it. It was set aside in 1899 as an endowment to fund primary education, the land to be leased and the funds to be used to support a local school.<sup>19</sup> The reserve is on the crest of the ridge that overlooks the Waikato River. There is a gully, thickly forested, running down the middle, almost west to east. It is an attractive site for a farm, with views out across the river to the east and north to the distinctive mound of Pukekawa Hill.

This piece of land was to become the site of the Crewe murders.

**F**or the Kīngitanga, the loss of land after the war was devastating. As O’Malley writes, efforts to regain the land dominated Māori relations with the Crown for the next 120 years. Tāwhiao, the second Māori King, moved to Pukekawa in 1888 with his followers and established three settlements, about 2 kilometres apart, with around 80 whare and many acres cultivated in gardens. His own settlements were on the river side of the road, at Kohekohe, opposite Meremere, and at Te Karaka, at the end of what is now Mercer Ferry Road. They worked a thriving industry cutting flax. Tāwhiao’s followers were often



A section of the map of county boundaries produced for the 1927 Royal Commission on Confiscated Lands and Other Native Grievances, which met at Ngāruawāhia. What would become the Crewe farm is located near the middle, marked '7 E.R.' ('educational reserve'). A small triangular section just above is marked 'Cem Reserve' — it appears a cemetery was planned for this section, but it never eventuated. The full map is available at Archives New Zealand (item code R23895950).



known to cut 50 tons a day, at 12 shillings a ton, a profitable trade for local storekeepers.

In the *Pukekawa Profile*, a history of the district published in 1970, a settler described how Tāwhiao did business at the local store, M&S Hunter, at Mercer: 'Tawhiao and his followers would arrive early in the day and in the afternoon the store would be closed to everyone else. Then the King's party, several at a time, would pass through the store selecting their items . . . each was entered in a book by the storekeepers. This procedure went on until the last customer had been served. Then the King would rise from his seat near the door and ask what was to be paid. On being told the amount his own treasurer would come forward with his gladstone bag crammed full of money and the account would be settled. There was no arguing or queries; each party trusted the other implicitly.'<sup>20</sup>

From his Pukekawa base, Tāwhiao continued his attempts to gain British government recognition of the Kīngitanga. In 1884, he led a delegation to England, hoping to meet with Queen Victoria, but intense lobbying from the New Zealand government blocked that meeting. Back in New Zealand, the government tried to woo him, a series of ministers making their way north with various offers of an annual pension and titles and small parcels of land in return for abandoning the Kīngitanga. All were refused unless the central issue of the return of the confiscated lands was settled.

Just how steadfast Tāwhiao and his supporters were in their determination to regain their lands was demonstrated in a volatile incident in 1890. That year, Tāwhiao's secretary, Henare Kaihau, pulled up a government survey trig on Māori land. The government sent in 41 of the Permanent Force to arrest him in what the Christchurch *Star* decried as a 'ridiculous parade of force' executed mainly for electioneering purposes.<sup>21</sup> Kaihau gave himself up peacefully.

Tāwhiao moved to Parawera, south-east of Te Awamutu, in 1893. However, it was to be over a century before the government finally made a settlement with Waikato Māori. In May 1995, Queen Elizabeth II signed the Waikato-Tainui Raupatu Claims Settlement, valued at \$170 million, returning land and cash payments to Tainui. This was the first historical settlement under the Treaty.

**A**s the twentieth century dawned, Pākehā residents of Pukekawa could reasonably have expected that the years of bloodshed were behind them and prosperity lay ahead, the next few decades a time of peaceful development. But, for Māori, the lands around Pukekawa were still contested. Just as A. K. Churton had foretold when looking through the lens of his theodolite in 1865, the land quickly proved its worth once transport links were built.

The railway reached Tūākau in 1875, and the first bridge across the river was built in 1904. The main road, which was to become Highway 22, snaked south through Pukekawa towards Glen Murray, 38 kilometres away, along the left, or western, bank of the river. Off this access roads were built, often taking the names of the first Europeans to settle farms on them: Brewster, Churchill, Sharpe, Logan, Clark and Denize, Hunt, Fleming, Thompson and Tonga. Many of those families are still in the area today.

For those early settlers, life was isolated. In 1970, Mrs Mullins, a daughter of Richard Underwood, one of the first to settle at Pukekawa in 1859, gave this account of life before the Pukekawa School was opened: 'Until then we children had to cross the river every day and then walk three and a half miles to Whangarata School and back. We had a very good home at the back of Smeed's Quarry . . . on top of our big rock that was destroyed when blasted for the quarry was a real redoubt, and we used to run there as children and see the big Maori war canoes going down the river, canoes fifty feet long, like we could only see in the museum today.'<sup>22</sup>

As the land was cleared and farms brought into production, the population grew. A school was established at Pukekawa in 1894. And, in 1920, the Onewhero Rugby Club. Like many country districts around New Zealand, social life revolved around the school, the golf club and the rugby club. Children attended the local school until they were about 12, then went to either the local college in Pukekohe or, if their parents had money, a private boarding school in Auckland such as St Cuthbert's (for girls) or St Kentigern (for boys). In the days before television, radio and the internet, an elaborate staircase of social rituals escorted young men and women from the casual friendships of school into courtship and then marriage — there were coming-out parties, twenty-first birthday celebrations and engagements, as well as

a series of annual dances and events at which young men and women could mingle and match.

All were rigorously photographed and published in local magazines such as the *Franklin Times* alongside advertisements for tractors and fibre cement. In 1921, the front page of the *Times* included an advertisement for a 'new lightweight car', the Nash 6, 'featuring astonishing qualities in a new style of springing'.<sup>23</sup> Clubs such as tennis and table tennis sprang up; for the older citizens, social contact came through the tapestry of civic business required to keep the district running, such as stock sales in Tūākau or nearby Pukekohe and regular ratepayers' association meetings. For young men, socialising occurred at the rugby club or pub, where talk about cars, and doing up old jalopies and driving them on under-policed country roads, was as popular in Pukekawa as anywhere in New Zealand.

At about this time, four families moved into the district whose destinies were to become entangled: the Thomases, the Eyres, the Chennellses and the Demlers. The Eyres were there first, Sydney Eyre buying his farm in the early 1900s, beside what is now Highway 22, a couple of kilometres south of Pukekawa. The Chennellses came next, around 1922, leasing a farm very close to the Eyre farm.

In 1926, Edward Thomas, a former miner, moved his young family of six boys and five girls onto 160 hectares of leased farmland at Ōpuatia, a few kilometres south of the Chennellses' farm. The oldest son, Allan, went to Pukekawa School and played rugby for Onewhero. Seven years later, in 1931, William Demler bought the property next to the Thomas farm, and Lenard, his 22-year-old son, arrived the following year.<sup>24</sup>

All four families were now in place, but just before they arrived, an event occurred that shattered the 50-year peace the district had enjoyed since the end of the land wars.

**W**hen Syd Eyre arrived in the district in search of a farm, much of the land south of Pukekawa was still in heavy bush, including big rimu with trunks up to 1.8 metres wide. As local historians described it: 'South of Pukekawa School Site, apart from the track marking the present Main Road, which was to replace the Mission Track, only survey lines had been cut . . . when [local bushman]

Tom Murray took Syd Eyre to inspect the land which Syd ultimately purchased, both became lost and benighted in the heavy bush. They circled round the western slopes of Pukekawa Hill and finally came to open land on Mr Din Hunt's the next day.<sup>25</sup>

By 1920, Eyre had carved out a working farm, and he and his wife Millicent were parents to three boys: Philip, born in 1904, John, born in 1908, and Annesley, known as Joff, born two years later. On the night of 25 August, Syd Eyre went to sleep as usual in his single bed by the window, while Millicent slept in hers on the other side of the room. At about 9 p.m., Millicent was woken by a shot. She called Syd, but getting no reply, lit a candle and went to his bedside to find that the top of his head had been blown off.

The Eyres' older sons, Philip and John, ran to a neighbouring farmhouse to phone the police. They got through to the Pukekohe station, which then alerted Auckland. At 2 a.m., in what is believed to be the first use of a police car to attend a crime scene in New Zealand, Detective Sergeant James Cummings drove south to Pukekawa. Tūākau's constable, Bruce Thompson, and the Pukekohe officer, John Cowan, were already at the Eyre farm and had had the presence of mind to secure the crime scene. Crucially, they put covers over a distinctive set of horse hoofprints found near the house, to protect them from imminent rain.<sup>26</sup>

Cummings soon established that while Eyre had been on war service, Millicent had become close to Eyre's former farm manager, Samuel Thorn. Eyre had dismissed Thorn when he returned from the war and Thorn had taken a labourer's job on a nearby farm.

What ensued has gone down as a landmark in detective procedure. Police followed the hoofprints 29 kilometres to the farm of James Granville, where Thorn worked. The horseshoe print was found to match one of Granville's horses, Mickey. Meanwhile an unusual shotgun cartridge known as 'Peter's number 7' had been found at the scene. All of the 176 local homes were searched and the only people found to be in possession of such a cartridge were the Eyres' son Philip, and Thorn. Tests revealed Philip's cartridge had a different wadding; Thorn's was a match. Thorn's gun had recently been fired, Philip's had not. Thirteen hundred horses in the district were examined but only Mickey's shoes matched the hoofprints found at the scene. Thorn was



charged with murder and taken to Mount Eden Prison in Auckland to await trial.<sup>27</sup>

Despite the apparently overwhelming weight of forensic evidence against him, Thorn's trial did not go smoothly. The prosecution, which described the case as a 'strong circumstantial one', said that Thorn murdered Syd Eyre in revenge for his dismissal, and because he was in love with Millicent. She gave evidence that he had often told her he loved her, and had asked her to live with him. She explained that the relationship had continued after Eyre's return from the war and that she could not prevent him because he would have told her husband and 'have her name dragged in the gutter and get divorced'. Although she had liked Thorn at first, when she tried to break off the relationship he had threatened her and struck her.<sup>28</sup>

A series of experts contended that Eyre must have been shot by a left-hander as the shooter held on to the windowsill with his right arm (Thorn was left-handed), and that cartridges found at the scene matched his gun. Philip Eyre testified that Thorn had gone into his mother's room 'frequently' and had said he would kill Syd Eyre. John Eyre said he had also seen Thorn kissing his mother. The pathologist considered it impossible that the shot was fired from inside the room (although no explanation was given), and a witness claimed he had overheard Thorn tell someone at the pub that, 'If they get me, I'll drag some other . . . into it.'<sup>29</sup>

But Thorn's lawyer ridiculed and undermined this evidence, noting that another set of hoofprints had not been followed, and that Mickey's prints had only been tracked for four of the 30 kilometres to Thorn's cottage. No footprints had been found outside the window under which Syd Eyre had been sleeping. Furthermore, no one had seen Thorn during the 60-kilometre round trip he was alleged to have made on the night of the murder. Cartridge wads had been found at the Eyre house, as well as at Thorn's. If Philip Eyre had a gun that also fired them, could it not have been him, or Millicent herself, from inside the house?

Thorn's counsel argued that if it was a left-handed shooter, Eyre would have been shot through the right eye, not the left. Millicent Eyre admitted she had told her sons not to mention her familiarity with Thorn 'because they might be the means of having an innocent man hanged'. Furthermore, Thorn's employer, and Mickey's owner, James

Granville, gave evidence that Thorn did not ride Mickey, preferring another horse, Dick.<sup>30</sup>

After five hours' deliberation, the jury couldn't agree and the Crown applied for a new trial.<sup>31</sup> That second trial took place two weeks later. This time the Crown made no mistake. Although the defence tried to cast doubt on the ballistics evidence, particularly the claim that the shotgun shell used was rare, the jury seemed to have little doubt. At one point jury members chorused 'Hear hear' when a Crown ballistics witness gave evidence.<sup>32</sup> Even so, the jury took four hours to reach a verdict, returning at 8.30 p.m. Thorn took it calmly. He did not respond when the death sentence was pronounced.<sup>33</sup> Barely a week later, James Granville killed himself with his own shotgun.<sup>34</sup>

On the morning of his execution at Mount Eden Prison, 20 December 1920, it was reported that Samuel Thorn woke at 6 a.m. and breakfasted. He asked to see a clergyman before he walked to the scaffold 'without a tremor'. His final moments were described by a reporter: 'Thorn mounted the steps firmly, and when asked by the sheriff if he had anything to say, replied, "Yes I want to thank the gaol officials, especially the three warders who attended on me, for their kindness. But it is unjust — very unjust — of the police the way they have treated me. I am not guilty. I do not know who did it. I am prepared to meet my God; I have made my peace with Him."'<sup>35</sup>

The public did not know it, but only a last-minute scramble by officials had enabled the execution to take place; just days before, the usual executioner had resigned. A stand-in was procured, but he had no experience in the role. When this man presented himself for training the day before the execution, the reality of what he was about to do caused him to have a panic attack. Desperate officials managed to persuade one of the inmates, a convicted burglar, to pull the lever in return for a one-way ticket out of the country.<sup>36</sup>

Detective Sergeant James Cummings' work on the case was commended by the judge, Mr Justice Chapman, and within two years he was promoted to chief detective. He was to become legendary as the 'Sherlock Holmes of New Zealand and the country's most successful detective', eventually becoming commissioner of police in 1944.<sup>37</sup>

For the residents of Pukekawa and beyond, the murder was a dark spot on an otherwise prospering district. It was not to be the last.

**O**n 20 July 1934, just after 7.30 a.m., a man was led out of his cell at Mount Eden Prison. He was slim, with thinning, neatly cut hair. He wore white prison trousers, a blue shirt and a grey jacket. He smoked a cigarette as he walked the short distance to a solitary confinement cell. Nearby was the makeshift wooden platform on which stood the gallows. The prisoner's name was William Alfred Bayly. He was 28 years old, a farmer from the remote rural area of Ruawaro, about 20 kilometres south of Pukekawa. Bayly was a husband, and a father of two small boys. He had been convicted of the murder of Samuel and Christobel Lakey six months previously.

The Lakeys lived on a 100-acre dairy farm next to William Bayly. On 16 October 1933, a Monday, another neighbour, John Slater, noticed the Lakeys' cows hadn't been milked and went to investigate. When he couldn't find the Lakeys, the police were called. By late morning, a search of the property uncovered Christobel Lakey's body face down in a duck pond near the farmhouse, covered in sacks. She was in her milking clothes. There was a small mark on her chin, and blood coming from her nose. There was no sign of her husband.

Inside the house, a cooked meal was on the stove, untouched. Three plates were in the rack above the stove, suggesting the Lakeys were expecting a visitor to dinner. Enquiries with neighbours revealed the Lakeys had last been seen going to their cowshed at about 4.30 p.m. the previous evening. A neighbour saw someone turning out their cows about 6.30 p.m. The dairy separator had been cleaned.

At first, police thought Christobel Lakey had had a seizure and fallen into the pond and drowned and that her husband had simply disappeared in distress. However, no one could explain why he would have covered her body with sacks. Also, he had evidently changed from his farm clothes into a good suit, and his prized shotgun was missing. The cream cans had been put at the gate for collection, but not in their usual position and not covered with sacks, as was Lakey's habit.

Then, on 18 October, a close examination of the property revealed bloodstains on a wheeled frame near the boundary with the Lakeys' neighbour William Bayly. Police extended their search to Bayly's farm, where they found a drum containing charred bones. By now, police suspected a double murder and the surrounding farmland was combed in the hopes of finding Samuel Lakey's body. Over 50 police camped on

the farm and dozens of locals joined, probing swamps and caves in the difficult hill country. Nearby Lake Whangapē, particularly its south-western shores, was searched in the hope that the prevailing wind might have blown his body across the lake.<sup>38</sup>

William Bayly remained the chief suspect. Seven weeks later, police arrested him in Auckland, to where he had fled after leaving a suicide note. His trial, which began in Auckland on 21 May 1934, was, in every sense, a national spectacle. While the country was in the grip of the Depression, the court case set all the worst kind of records — for length, ghoulishness and, to the modern eye, a bizarre concatenation of pseudo-science that helped send Bayly to his death. Large crowds gathered outside the courthouse each day and hundreds of people pushed and shoved to gain entrance to the courtroom.

The Crown case also set a new standard in attention to forensic detail. It contended that Bayly had knocked Christobel down, and then asphyxiated her in the duck pond. He then shot Samuel Lakey with a .22 rifle and burned his body in a steel drum on his farm. The Crown called 68 witnesses, several of them forensic experts, and presented more than 200 exhibits. Many were from the drum allegedly used to burn Lakey's body, from which a government analyst identified human fat, the charred remains of a watch, parts of a shoe and even a rosewood pipe. Experts testified as to the way in which tin snips had cut the drum, and what could be ascertained from various fat deposits and shards of bone found in it; one 'expert' even produced a spirit lamp in court and conducted experiments to test the effect of fire on bone. Glass jars containing exhibits were lined up on a table between the jury and the accused.

A Constable Elms gave evidence that he had found a .22 shell in the Lakeys' garden, and one Gregory Kelly, an Auckland sports goods dealer, examined Bayly's rifle, a Winchester model 1902, and cleaned it of mud and rust. He testified that he had been shown a .22 cartridge shell with ICI on the base by one of the detectives, and that after firing other similar cartridges from the rifle he was confident that the cartridge had been shot from that rifle.<sup>39</sup>

A dairy factory manager told the court that the Lakeys' cows' cream was underweight the day after the murders, and that this was because the cows must have been 'uncomfortable'. A friend of the Lakeys said

he had heard Bayly threaten to fight Lakey after his bull had been found on the Lakeys' farm.

Such a mountain of evidence completely swamped the defence, which called no witnesses of its own. The trial lasted 29 days, a record for the time, and depositions alone amounted to 483 pages, totalling 200,000 words.<sup>40</sup>

On the last day, after five weeks of hearings, public interest was undimmed. People had begun queuing outside the court at 6 a.m., several with thermoses of tea and coffee. The jury took barely 90 minutes to make its mind up. According to reports, the court was silent as Bayly was found guilty, and the sentence of death by hanging was delivered. His father, Frank, and his wife, Phyllis, were with him, as they had been throughout the trial. Bayly said nothing as the sentence was issued, although he did look back once as he was led away.<sup>41</sup>

His lawyer decided there were no grounds for an appeal, but a plea for a new trial was entered in early July. Phyllis Bayly said her son had been with her all that evening; there had been no fire in the oil drum as the prosecution had alleged; that in fact half the drum was being used to grow vegetables.<sup>42</sup> The plea was denied. A couple of weeks later, Bayly's farm and that of the Lakeys were sold to two brothers, one a former policeman, for £1700 each.<sup>43</sup>

**O**n 20 July 1934, the day of Bayly's hanging, a crowd of about 60 people had gathered outside the prison. Police and warders patrolled the walls. It is not surprising there were precautions. Despite the times, capital punishment was by no means universally popular in New Zealand and public unease about the safety of convictions (whether a person is actually guilty or not) was never far from the surface. Just 20 years earlier, the execution of a Māori teenager, Tahi Kaka, for a murder many thought was manslaughter in self-defence, had aroused widespread disquiet. The working-class *Truth* newspaper had even uncovered the identity of the hangman, a bricklayer who had taken on the job for the extra cash. He lost his job after *Truth* revealed his moonlight occupation.<sup>44</sup>

Bayly's fate had been in doubt until hours before, when a last-minute plea for a stay of execution had been put before the government