

Prior to the conviction of the prisoner, and on the 2nd of July, an attempt was made by him to obtain the advice and assistance of Mr. Jellicoe of counsel for the accused.

That attempt was made by your petitioner and a brother-in-law of the accused, because of the illness at that time of the counsel then employed, and when he was being attended at his own house by a medical man.

This application, however, led to the disclosure of the fact that the prisoner had from the first moment of his arrest desired and expressed his desire that Mr. Jellicoe should be employed to conduct his defence, and that the Italian Consul (one George Fisher), a police constable, and Mr. Garvey, the gaoler, all interfered to dissuade him from employing Mr. Jellicoe, and that the Italian Consul did actually, without the prisoner's authority, employ the counsel, since deceased, to undertake the defence.

It will appear that the gaoler again, on the 2nd July then instant, used his influence to induce the prisoner not to employ Mr. Jellicoe, and while the gaoler was thus acting as adviser to the prisoner he was communicating to the Crown Prosecutor his observations of the personal conduct in gaol, which were made for the prisoner's innocence or guilt.

Your petitioner apprehends that your Honourable House will be convinced from this and from the subsequent correspondence with the Honourable the Minister of Justice that there existed a considerable unwillingness on the part of various Crown officials that Mr. Jellicoe should act for the prisoner either during the trial or after the conviction.

Your petitioner does not pretend to allege any motive for such unwillingness; it is sufficient to call your attention to the facts, and to leave you to judge if she is not justified in her opinion.

Under these circumstances Mr. Jellicoe arrived at the conviction that he could not trust the officers of justice with any clue to the evidence he was procuring to substantiate the innocence of the condemned man. You will observe that, in seeking a commutation of the capital sentence, I had to show that the police were unreliable, and it was not then unreasonable without absolutely accusing them of perjury or other misconduct, to object to their sharing the confidence of my advisers, or the confidence of the convict, until the evidence was complete and perfected.

It was essential, in order that Mr. Jellicoe might obtain certain clues to complete the evidence exculpating the condemned man, that he should see him and inform him as to the evidence he had procured, and obtain such information from him as might enable him to complete it.

The Hon. the late Minister of Justice, Mr. T. Fergus, professed, as will appear by the correspondence, to desire to give proper facilities to the prisoner to place before the Government any statement he might consider material to the due consideration of his case. Your honourable House will form your own judgment from the correspondence as to the nature of the facilities which were given, and judge whether it is usual to send a Crown shorthand writer to accompany the gaoler and take down every word that passes between a convict and his counsel.

Mr. Jellicoe steadfastly and resolutely, in the interest of justice and as in duty bound to the condemned man, resisted the attempt of the then Ministry to ascertain in its then incomplete state the evidence he proposed to offer, but he had no such reticence in the presence of His Excellency the Governor, and at once placed in his Excellency's hands all the evidence he had procured up to that time, and applied for a private interview with the condemned man to make perfect and complete the case. His Excellency granted the said application.

Immediately after the receipt of His Excellency's communication, granting admission to the prisoner, Mr. Jellicoe added to the sixteen affidavits, which he sent to His Excellency, fourteen other affidavits.

These further affidavits tended greatly to strengthen and confirm the previous affidavits in their vindication of the innocence of the condemned man, and are set out in the papers placed upon the table of your honourable House during the session of 1889.

In every affidavit procured by Mr. Jellicoe, as aforesaid, the person making the affidavit tendered himself for examination. Every one of these affidavits was placed in the hands of the late Ministry.

Besides the evidence contained in these affidavits, there were grave questions for the consideration of the then Executive arising out of the depositions taken before the Resident Magistrate and the evidence taken at the trial, involving a conflict of evidence very material indeed in the light of some of the affidavits above referred to.

During the time the matter was under consideration by the Executive, Mr. F. H. D. Bell, the then Crown Prosecutor, was nightly in attendance upon Ministers in the Cabinet-room, conferring and advising with them on the matter, and one of the Ministers (the Hon. Mr. T. Fergus), during the same period, in the lobby of the House, spoke of your petitioner and her husband, and of Mr. Jellicoe, your petitioner's solicitor, in violent language, and was remonstrated with by one of the honourable members of your House.

The said F. H. D. Bell, as the Crown Prosecutor, was greatly interested in supporting the conviction of your petitioner's husband, and used every influence he possessed with the late Ministry to sustain the same.

That His Excellency was pleased, on due consideration of the further evidence adduced by Mr. Jellicoe on my behalf and after a personal and private examination of the convict's child by His Excellency and the Premier, and after graciously affording Mr. Jellicoe an audience, to commute the death sentence passed upon the said convict to one of penal servitude for life.

That at the time of the trial of the convict it was neither competent for your petitioner or her said husband to give evidence as a witness.

That on the 14th day of August, 1889, your petitioner preferred information charging Lionel Benjamin, a police officer, with wilful and corrupt perjury. The following is a copy of the information:—

“The information and complaint of Annie Chemis, of Kaiwara, taken upon oath this 14th