

day of August, 1889, before me, J. R. Blair, Esq., one of Her Majesty's Justices of the Peace in and for the said colony, who saith that she hath just cause to suspect, and doth suspect, that Lionel Benjamin, of Wellington, at the City of Wellington, on the 12th day of July, 1889, in the evidence he gave on oath before Sir James Prendergast, Knight, Chief Justice, on the hearing of a charge of murder then preferred against one Louis Chemis, did falsely and corruptly commit wilful and corrupt perjury—to wit, he falsely stated: 'I found two or three pieces of paper in the drawer I searched—small pieces of newspaper, about the size of palm of hand—two or three pieces—I placed these in the pocket-handkerchief on the bed. Campbell found a number of pieces of paper in the drawer he searched. I placed them in the handkerchief on the bed. I put everything into the pocket-handkerchief. I took it out to the Inspector in the kitchen. I found no gunpowder, no powder-flask, no caps. I brought away the pouch and bullets—everything but the revolver and gun. We searched the House; no quail there. I did not see a wad-cutter. I saw no such thing in the house,'—against the peace of our Lady the Queen, her crown and dignity, being an indictable offence.

"ANNIE CHEMIS.

"Taken and sworn before me the day and year first above mentioned, at Wellington aforesaid—J. R. Blair, Justice of the Peace."

The Ministry of the day thereupon, on the 20th day of August, 1889, appointed Charles Christie Graham, Official Assignee, at Wellington, to be a Resident Magistrate to hear and determine the said charge, and that although one Henry Wirgman Robinson was the Resident Magistrate at Wellington.

The information against Lionel Benjamin was heard before the said Charles Christie Graham, at Wellington, on the 26th, 27th, 28th, and 29th days of August, 1889, when the Hon. T. Fergus and the Hon. Sir Harry Atkinson occupied seats, on each side of the said Resident Magistrate, upon the Bench.

Mr. F. H. D. Bell, the Crown Prosecutor, appeared to defend the said Lionel Benjamin, and all the influence and forces of the Justice Department and Police Department were brought to bear to secure the dismissal of the said information.

Your petitioner respectfully submits to your honourable House the evidence taken before the said Resident Magistrate as establishing a strong *prima facie* case against the said Lionel Benjamin, fit for investigation before a jury.

The evidence of your petitioner's husband was taken before the Resident Magistrate, in the presence of the Hon. the Premier, and he was severely cross-examined by Mr. F. H. D. Bell, the Crown Prosecutor, for nearly two days, and although, from the precautions taken by the Crown, he was unaware of the nature of those proceedings, your petitioner submits that it will not only be found that his testimony was altogether unshaken, but wholly corroborated the statement which he was induced, after conviction, to forward to the Governor before he had an opportunity of consulting Mr. Jellicoe. The said Charles Christian Graham dismissed the said charges, and said, in doing so, that the evidence of your petitioner, and that of her husband, was the evidence of interested persons. Your petitioner thereupon elected to be bound over to prosecute under "The Vexatious Indictments Act, 1870," and after considerable difficulty your petitioner succeeded in being bound over.

The said Charles Christie Graham placed every obstacle in your petitioner's way, and it was only on the pressure of Mr. Jellicoe, her counsel, that he accepted the necessary recognisances without being compelled to do so by the Supreme Court.

Subsequently application was made to the Supreme Court on your petitioner's behalf for a rule *nisi* calling on the accused, and on the Solicitor-General, to show cause why the indictment mentioned in her said recognisances should not be presented to the grand jury in some judicial district other than the Wellington Judicial District; and why, if an indictment should be preferred and found a true bill, it should not be tried in such other judicial district, on the ground that a fair and impartial trial of the indictment could not be had by a grand jury of the Jury District of Wellington, and, in the alternative, to show cause why the presentment of the indictment should not be postponed till the sittings in Wellington in January, 1890, on the ground that a fair and impartial trial of the indictment could not be had before the grand jury empanelled for the then next sittings.

An affidavit by your petitioner and Edwin George Jellicoe, her solicitor, was filed in support of the application for a rule *nisi*, which established that a very great and general prejudice as to the matter in question existed throughout the Wellington Jury District, and amongst those likely to serve as grand jurors; that the Chief Justice of the Supreme Court had stated, on the hearing of an interlocutory application in a libel action, *Bell v. Jellicoe*, also arising out of the trial of Louis Chemis for murder, that, in his opinion, a strong feeling existed in Wellington, upon which he would certainly grant a change of venue in that action if it were applied for; that Henry Blundell, Louis Blundell, and John Chantrey Harris, three of those drawn to sit on the grand jury before which your petitioner was bound over to present the indictment, were proprietors of newspapers which had published articles approving the action of the Resident Magistrate in dismissing the case of perjury before him, and expressing an opinion that the prosecution had shown a very weak case; that Percy Brown, another of the grand jurors drawn, was a son-in-law of the Magistrate who dismissed the case; and that Charles Alexander Baker, another of the grand jurors drawn, was a son of the Sheriff, and the Sheriff had expressed an opinion that the grand jury would ignore the indictment.

The application was heard by Mr. Justice Richmond, and, being strenuously opposed on behalf of the Solicitor-General and Lionel Benjamin, it was refused.

Your petitioner accordingly presented indictments against the said Lionel Benjamin at the next sitting of the Supreme Court at Wellington.

The following is a copy of the charge of the Chief Justice to the grand jury upon the said indictment:—