

serted, their duty being merely to inquire whether there was sufficient ground for putting the accused party on his trial before another jury of a different description. But if they were unable to satisfy themselves of the truth sufficiently to warrant their determination, they might properly seek other information relative to facts; but further than this they could not proceed.

The Chief Justice failed to lay any stress on the really authoritative statement of the law as laid down by Mr. Chitty, and backed by the authorities of Hall, Blackstone, and Hawkins, and resorted to the dubitative statement of Mr. Chitty. But Mr. Chitty says that the propriety of calling a witness not tendered by the prosecution can only exist "in case the grand jury may not be able to elicit the truth from the witnesses for the prosecution, and are actually convinced of that circumstance."

No such case had arisen. The Chief Justice had suggested it to them, and suggested that they should call before them two persons who must be witnesses for the defence, if the case went to trial, and who were most deeply interested themselves in the throwing out of the bill—namely, Inspector Thomson and Detective Campbell.

It is to be regretted that it did not occur to the Chief Justice to pursue the same course when the prisoner Chemis was tried, since it might have assisted the grand jury, who were extremely doubtful on that occasion, to throw out the bill against him.

Your petitioner offers, for the consideration of your honourable House, the following considerations:—

1. The circumstances surrounding the conviction of the prisoner were almost unprecedented. It has happened that men have been convicted on circumstantial evidence, but your petitioner believes never, at all events in living memory, on one single thread of circumstantial evidence without one iota of support from any surrounding fact.

2. Your petitioner is satisfied that she can, with the aid of counsel, convince your honourable House that this is actually the case in the present instance.

Again, the state of health of the prisoner's counsel was such as to make it physically impossible that he could do justice to the prisoner; and, while paying every tribute to the excellent intention and desire of the counsel who is gone, your petitioner must state that owing, she believes, entirely to his great debility, he failed to produce evidence of great importance to the prisoner, and which was actually in his possession at the time of the trial.

Again, the evidence produced, and witnesses tendered to the Executive for examination, who will certainly impeach the reliability of the evidence as to the one circumstance which alone remains to justify the conduct of the jury.

Again, there is conclusive evidence of witnesses, all of whom were examined before the Magistrate on the perjury charges, to prove the occupation of the prisoner during the whole of the time at which the murder was committed.

Your petitioner, therefore, humbly prays that your honourable House will inquire into all the circumstances aforesaid, and afford your petitioner such assistance as may be necessary to obtain justice for her unfortunate husband, and the prosecution by the State of all those persons on whose false testimony her said husband was wrongfully convicted.

And your petitioner will ever pray, &c.

ANNIE CHEMIS.

Signed in the presence of E. G. Jellicoe, solicitor, Wellington.

[Mr. E. G. Jellicoe, of counsel, has consented to appear on behalf of the petitioner.]