

MINUTES OF EVIDENCE.

THURSDAY, 18TH AUGUST, 1892.—(Mr. C. H. MILLS, Chairman).

Mr. Gully : My position here is on behalf of the Crown, and I wish it to be distinctly understood that that is the sole aim and limit of my action in the matter. It must be understood I do not represent or appear in the interest of any one else, and it must not be assumed that I do in any way represent those persons whose conduct may be challenged by these proceedings. It will be observed that the petition attributes misconduct to several persons, from Ministers of the day downwards. Against some of these persons a direct charge of perjury is set forth, and, inferentially, the charge of perjury is repeated against others—Detective Campbell in particular. It will be remembered perhaps that last year I suggested to the Public Petitions Committee, in the question for a retrial of this case, that some notice should be given to the parties whose conduct was likely to be impugned, so that if they thought fit they might be present or have their case represented at the Committee's inquiry. That was entirely a suggestion on my part, and it now rests with the Committee to decide whether or not that course is to be followed in this instance. My position in the matter, then, is perfectly plain. My duty is to protect the administration of justice, but it is no part of my duty to protect the character of any one concerned in these proceedings. This, I apprehend, is beyond the purpose for which I am present here.

The Chairman : Would it not be possible for counsel to narrow the issues down, so that the Committee might have an idea of the facts of the case with respect to the parties implicated? In that case the Committee would be in a better position to decide as to who were the persons that might be called.

Mr. Gully : The issue should be formulated by the solicitor.

Mr. Jellicoe : The main object of the petition is to obtain an investigation into the grievance of the petitioner Chemis. As far as practicable I have confined myself to a recital of these grievances. To make the case complete it is necessary to allude to the actions of various persons alluded to, Detective Benjamin amongst others; but I do not know how far it is necessary that he should be represented at this stage of the inquiry, unless the Committee think it requisite to have his evidence taken. Benjamin was indicted for perjury before the Chief Justice. The Chief Justice gave a certain ruling when the case came before the grand jury, and in consequence thereof the prosecution failed. The case was represented to the Department of Justice, and the petition is now before this Committee with the view of having the whole matter further investigated.

The Chairman : Do you not think it is fair and right that the people likely to be implicated should receive notice of the fact with the view of giving them an opportunity of being present should they think fit?

Mr. Jellicoe : I do not think it should be assumed by the Committee at this stage that any one will be implicated. If it should turn out during the inquiry that any one is implicated, and that proceedings should be taken, the Committee's decision may or may not necessitate a separate investigation—perhaps a prosecution and a defence; and such investigation will then be conducted altogether apart from any proceedings here.

Mr. Allen : Do you ask any question in regard to misdirection by the Judge who tried the case?

Mr. Jellicoe : What we state is that justice has been denied to Chemis, and that it was to some extent withheld at the instance of the late Government.

Mr. Moore : I take it that that means, if the whole case is to be gone into, then we should have what evidence there is, or which can be adduced for the other side.

Mr. Jellicoe : I have no objection at all to such a course. If Messrs. Thomson, Benjamin, and Campbell are so advised, I can see no reason why they should not be here and defend themselves, or give such evidence as they may think fit in the circumstances.

Mr. Earnshaw : Then you think that the parties whose conduct is likely to be impugned should be here in order that they may hear what is going on, and, if so advised, take steps for their own defence?

Mr. Jellicoe : No doubt it is suggested that more than one person is interested by these proceedings, and a direct charge of perjury was made against at least one of them. The petition alleges to some extent a grievance against members of the late Ministry and against certain officials. It would hardly be expected that all the parties likely to be affected should attend, but they might still be to some extent represented as a whole. After being duly presented to the House of Representatives, the petition was remitted to this Committee for inquiry into its allegations, and I apprehend it is open to any one interested to attend and take part in the proceedings.

The Chairman : Should the parties implicated not be able to attend then, after we have taken the evidence, a copy of it might be given to these parties for their perusal, and if they were not satisfied they could come before the Committee and take what steps they thought advisable.

Mr. Gully : I would point out that the petition involves questions of misdirection by the Judge, miscarriage of justice, and likewise perjury. In these charges a number of persons are included.