

*Mr. Jellicoe* : The Committee might go on with the consideration of the petition, and if it is found that the interests of any one are likely to be prejudiced—if the Committee see that some sort of case is likely to be made out against any individual, then the Committee might invite him or them to attend.

*Mr. Gully* : The charges, as formulated, are of a wholesale nature, involving misdirection on the part of the Judge and misconduct on the part of sundry others. With the case as it may affect any individual or individuals I decline to have anything whatever to do. My position in the matter is that I simply represent the matter in its relations to the interests of the Crown.

*Mr. Jellicoe* : Detective Benjamin has already obtained the assistance of the Crown. He had the advantage of the Crown's Law Officer for his defence on the charge of perjury. He was defended by my friend's predecessor in office, Mr. Bell, and I say even now he is substantially represented by the Crown Solicitor.

*The Chairman* : I feel this is a serious matter for the persons who may become implicated, and that we should deal with it not with a strict regard to the legal aspects of the case, but as a committee sitting in a Court of equity. Would it not be possible to narrow down the issues involved so as to enable us to give notice to any one implicated, so that they might at least have the opportunity of attending, and take what action might seem necessary in the circumstances?

*Mr. Jellicoe* : There is still another matter to be considered in relation to the question of notice to these persons. Suppose I am able to come here and adduce evidence that would establish a case of perjury, the Government probably would be bound to take up and prosecute that charge. In that case I should be disclosing the whole of the evidence to the person or persons to be afterwards charged, and it would be manifestly unfair to do so at this stage.

*Mr. Swan* : What, generally speaking, is the nature of the evidence proposed to be taken?

*Mr. Jellicoe* : We rely generally on the evidence set forth in the records of the House, and the evidence taken in the charge before the Resident Magistrate's Court. I shall submit that on that evidence there is sufficient shown to demand investigation.

*The Chairman* : Can you give the Committee an idea of any direct evidence likely to be taken?

*Mr. Jellicoe* : All the facts are set forth in the documentary evidence I have mentioned, and there is at least one member of the late Ministry willing to come here and give evidence in connection with this case. Then I shall satisfy the Committee that a case of hardship was experienced in conducting the prosecution before the Resident Magistrate's Court; and then I think the Committee will agree that the whole matter ought to be further inquired into. What we ask for is a merciful consideration of the case, and for justice. I trust the Committee will, in dealing with all the facts of this case, remember that a grave doubt existed in the mind of the Executive and the Governor as to Chemis's guilt, and it was in consequence of that doubt that the Crown commuted the death sentence. Supposing, however, it could then have been shown that perjury was committed in the proceedings taken against Chemis, then clearly he would have been entitled to a pardon.

*The Chairman* : The Committee are most desirous of getting this petition narrowed down to certain issues, if that can be done. Meantime I now ask the Committee is it desired that we proceed with the case without giving notice to any of these parties?

*Mr. Allen* : I do not see how we can proceed to deal with it now. There are a great number of persons said to be implicated by it.

*The Chairman* : If we adjourn the case at this stage would counsel be prepared to narrow down the issues to the smallest compass? Is it not practicable to narrow them down to this?

*Mr. Allen* : Charges are made against the late Ministry; there can be no doubt about that. Are we to ask that they may have an opportunity of being present and defending themselves?

*Mr. Jellicoe* : Suppose there was a charge against the Department of Justice, surely the Committee would proceed to deal with the petition, and then, if a *prima facie* case of misconduct was made out, an opportunity would be afforded the officer complained of to defend himself.

*The Chairman* : If the petition implicated only officers of the department I, as Chairman, would ask the Government to have some one here to defend the character of the lot. But I see that there are other persons implicated outside of the department.

*Mr. Jellicoe* : The only one outside of the department is Detective Benjamin, and he can be well represented by my friend.

*The Chairman* : Mr. H. D. Bell's name is also mentioned, and then there is Mr. Fergus, a member of the late Government.

*Mr. Jellicoe* : Against Mr. Fergus there is no charge; it is only a grievance. It is not intended to be suggested as a charge. We do not say that Ministers acted unfairly or improperly in dealing with Chemis's case. All we say is that there may have been errors of judgment on their part. I take it that no one says the Ministers are otherwise interested or involved.

*The Chairman* : Can you tell us what other evidence you wish to bring before the Committee? Have you any other material witnesses you intend calling?

*Mr. Jellicoe* : I will limit my evidence entirely to the public documents, but I may call one of the late Ministry—the Hon. Mr. Richardson. He made a very full investigation into the case, I believe.

*The Chairman* : I am glad to hear you intend to call him.

*Mr. Jellicoe* : There may be one or two questions to be put to Mrs. Chemis regarding the state of her husband's counsel at the date of the trial.

*Mr. Gully* : I have not the slightest objection to the course you propose to take. What I want to make clear is that I must be relieved from all suggestion that I act for any one but the Crown. Mr. Jellicoe has attempted to identify me with some of these people, but that I most distinctly deny. That is the position I take up. I have no objection to the course you propose to pursue so long as it is distinctly understood I am relieved from acting for any other person in this matter but the Crown.