

*The Chairman*: I think that in the meantime the Committee will have to adjourn. The Clerk can be instructed to notify the parties implicated, and if they think proper then they will be at liberty to attend. If they do not chose to attend, then we, at all events, will have done our duty.

*Mr. Jellicoe*: It is very evident we cannot proceed further to-day.

Adjourned till Monday.

MONDAY, 22ND AUGUST, 1892 (Mr. C. H. MILLS, Chairman).

Mr. Gully appeared for the Crown, and Mr. Jellicoe for the petitioner.

*The Chairman* (addressing Mr. Jellicoe): Some evidence has already been taken, but the Committee would like to understand whether you intend to confine the evidence before them to what was adduced before the lower Courts, or whether you intend to examine other witnesses besides those you named. I think you mentioned two witnesses last Friday.

*Mr. Jellicoe*: I shall abide by what I said last Friday; and, moreover, I undertake to do my utmost, consistently with my duty to the petitioner, to make my statement as concise as possible.

*The Chairman*: That is really the position the Committee are anxious to be in, so that, instead of its being a very lengthy case, we shall be able to get through it in the limited time we have at our disposal.

*Mr. Jellicoe*: I will do my best to shorten the case. A report was made by His Honour the Chief Justice to His Excellency the Governor, which honourable members will find set out in the papers placed on the table of the House during the session of 1889. Perhaps, in order to assist the Committee, it would be more convenient if I read that report, because it directs attention at once to the salient points of the case. This report is one to which, no doubt, the Committee will attach great weight. It is addressed to the Honourable the Minister of Justice. In considering the evidence taken before His Honour the Chief Justice, the Committee will consider whether the other evidence that was also available, though not called, is not material for the consideration of this Committee:—

“This statement,” says His Honour the Chief Justice, quoting from Appendix H.—33, of 1889, “is not intended to convey any conclusion of my own on the evidence as to the prisoner’s guilt.”

“I enclose herewith a copy of the notes of the evidence taken by me at the trial.

“At the trial an application was made to me by Mr. Bell to admit evidence of statements made by Mr. Hawkings, the person alleged to have been murdered, of grounds for fearing Louis Chemis, so much so as to cause him to procure a revolver for his protection. I did not admit that evidence, as I was of opinion that it was not legally admissible. I mention this application, as His Excellency may be of opinion that the alleged facts, though not legally admissible as evidence at the trial, ought now to be investigated.

“It will be seen from the notes of evidence that there can be no doubt that Mr. Hawkings was murdered on the evening of the 31st May, at probably about a quarter to six in the evening, on the road leading from the Hutt Road, near Kaiwara, to his house, and at the spot on the road about forty-five or fifty yards from a bend in the road nearer to the Hutt Road. The evidence appears conclusive that very near this bend Mr. Hawkings was first struck by a bullet from a firearm fired from the left side of the road going up, probably from amongst the gorse bushes there, Mr. Hawkings being on the right-hand side of the road; that in loading this firearm portions of newspaper were used in remarkable quantity; that the bullet striking against a knife in Mr. Hawkings’s pocket glanced off and did not wound, though it bruised him; that he probably fled down the hill pursued by his assailant; that in the course of his flight he was stabbed at by a sharp-pointed instrument, and eventually stabbed to death by a sharp and double-edged instrument; that, either in the course of his flight or afterwards, he was shot in the back with a firearm loaded with No. 4 shot, and newspaper being used as a wad or otherwise in loading; that the portions of newspaper used in loading the firearm from which the bullet was fired, as well as the firearm from which the shot was fired, were of the first, second, and third columns of the second page, and first and second and third columns of the fourth page of the *Evening Post* of the 23rd May, 1889; that the assailant was actuated by motives of revenge; that, suspicion having been directed to the prisoner, his house (situated about a quarter of a mile, or a little more, from the spot of the murder), in his presence, was searched on the following day, about four o’clock in the afternoon, and he was found to be in possession of a dagger, which, from the post mortem examination, corresponds in every particular as to dimensions and strength with the instrument which must have been used; that he was in possession of a muzzle-loading gun, of which one barrel had certainly recently been fired off; that as to the other barrel, whether that had not also been recently fired off was open to doubt, inasmuch as, though the inside of the left barrel was found four days after the 31st rough and rusty, while the right was sooty and greasy, this difference might be accounted for by the inside of the left barrel, near its muzzle, having been wiped or otherwise interfered with, while the right barrel had not been wiped or interfered with; that the prisoner was also found in possession of several cast bullets, which, being too small for the barrel of the gun, would, if fired from that gun, have required some material to be wrapped round it, and that paper would have been a suitable material; that a shot-pouch was also found in his possession containing No. 4 shot, mixed, however, with No. 6 shot, the latter largely prevailing in numbers; that this shot was greased; that this is a device for causing shot not to scatter; that portions of the same columns of the same newspaper used in both loadings were found in the prisoner’s house, either in the locked drawer (of which the prisoner had the key) in which the stiletto, bullets, and shot were found, or on a shelf in the parlour.

“The prisoner accounted to the police officers who searched his premises for the appearance in the gun of having been recently fired off by saying he had fired at some quail. The police, though they made a search of the premises for evidence, and the search therefore may be believed to have been minute, found no powder-flask or powder, no percussion-caps, no wads or wad-cutter.