

*Mr. Jellicoe* : They were all mixed together. When he arrived home he believes he took the paper and folded the pieces up in a parcel. He believes he took the parcel down to Inspector Thomson. Thomson did not touch it, and told him to take it to Mr. Skey. Then Mr. Tasker had it and returned it to him, and he says that he could not identify any particular piece. On the morning after the murder he went to the morgue with the pieces of cloth and paper. "I held the paper in my hand," says Carroll; and, I ask, may not this piece covered with blood—supposed to have come from the wound—have been one of the pieces Carroll brought into town with him? If it was, may it not easily have got mixed with the "mass" the doctor extracted from the body when making the *post-mortem*, and, if by chance it did get amongst that "mass," it would be found afterwards amongst the other paper at the surgery. Moreover, the doctor does not seem to have shown any particular care in connection with the paper he was then handling. If the piece of paper in question was in Carroll's possession, it is quite possible the whole thing is explained; and I say the evidence of Carroll and Dr. Cahill is open to that interpretation. From Inspector Thomson's evidence you will see he says he had a word with Norman, who said he saw footprints leading in the direction of Chemis's house over the spur, and it was on Norman's suggestion that Benjamin was sent for a search-warrant. Attention was directed to Chemis's house. Norman said that he observed footprints, a fact in no way corroborated by any of the constables who accompanied him. Thomson says, "We all three went through the scrub to Chemis's house. When we reached there Chemis was outside. Norman showed us the track. [Dagger and revolver produced.]

*Mr. Earnshaw* (examining dagger and sheath) : Where does the rust come from—from the dagger?

*Mr. Jellicoe* : I do not think I can assist you on that point at all, because you will find from the evidence before you that the Executive, or some of the Ministers, rigged up what they thought would represent a man, and tried their hand upon it with the dagger. I think Mr. Richardson, one of the Ministers, will tell you that it was used in various experiments. I think it will be found that the coat was used as well in these experiments. You will bear in mind that Inspector Thomson at this time had picked up pieces of paper at the gorse-bushes and put them into an envelope. [Exhibit marked G1 and H put in, and explained.] The large piece is said to have been taken from Chemis's bedroom. Then, there is the piece found in the coat-pocket, which is in no way connected with the other paper. He had three packets of paper in his possession when he left Chemis's house—some found in the gorse-bushes in one pocket, some found in the bedroom in the second pocket, and a third lot, found in the kitchen, which he put into a third pocket.

*Mr. Earnshaw* : What evidence is there to connect these pieces?

*Mr. Jellicoe* : Inspector Thomson swears that Benjamin brought him the large piece in the kitchen, and he put it into his pocket. I am going to ask you to consider what he did with all the pieces. You will observe that he does not take upon himself to swear that this large piece came out of the bedroom, that certain other pieces came from the gorse, and another from the kitchen. Not at all. He says he took the paper out of separate pockets when he arrived in Wellington, and labelled the envelopes. There was, I venture to put with the greatest respect, a fair probability of Inspector Thomson being mistaken with reference to the pockets in which he placed these various pieces of paper.

*Mr. Earnshaw* : When he put these pieces of paper in his pockets, did he make any memorandum on them at the time?

*Mr. Jellicoe* : Yes, I think he did. With regard to the first package, he wrote the word "Gorse" on the back of the envelope.

*Mr. Gully* : He did not profess to distinguish from recollection what he put in each particular pocket.

*Mr. Jellicoe* : That is so. But it is just possible, as I have already observed, that he quite honestly may have made some mistake as to the pockets in which he placed the several papers.

*Mr. Allen* : He could not have made a mistake with the gorse-envelope? No; but it must be qualified with his statement that he marked the envelopes as they are now when he got back to Wellington in the evening. Then, he says he was certain they did not get mixed.

*The Chairman* : I want to see the envelope marked "Gorse."

*Mr. Jellicoe* : He says he indorsed one envelope "Gorse," but when he got back to Wellington he put all the envelopes on the table and set to work to label each envelope in which he had placed paper; and it is also perfectly possible that he labelled the wrong envelope, or the papers were mixed.

*Mr. Gully* : I think the envelopes were produced at the trial.

*Mr. Jellicoe* : He would not have been allowed to give evidence of the indorsement on the gorse-envelope if it existed, as it would have had to be produced.

*Mr. Allen* : Evidently he produced it. He says, "I wrote the word 'Gorse' on the back of the envelope. This is the same envelope." It must have been produced at the trial.

*Mr. Jellicoe* : There is this to be considered : At the end of the page he says, "I then, after an hour, took the envelopes out of the tail-pocket, and marked on the flap what there is now; and marked second as now, and did the same with the third; I marked flaps. I am certain contents did not get mixed." If they did not get mixed, then I admit it is a strong circumstance. But was it not both possible and probable for them to have been mixed?

*The Chairman* : He says here he took the envelopes out of his pocket. There must have been more than one. They all should be marked on the flaps.

*Mr. Jellicoe* : He says the keys of his press had been mislaid. "I placed them back in the pockets I had taken them from." There is a probability that in placing them back in his pockets he mixed them. He says, "I took the papers on the 5th to Mr. Tasker, and put each in its turn into a clean envelope. I took no papers out of the other two envelopes, only the gorse one."

*The Chairman* : He says, "I marked each of the fresh envelopes as the former ones had been marked." So that the envelope marked "Gorse" is evidently not one of these.