

*Mr. Jellicoe* : Yes; the only question at all doubtful in my mind is whether it was clearly proved that he put any other paper in his pocket except pieces picked up on the road. Of course, it is also possible he may already have had some paper in it. I should be very sorry to say that there was no scrap of paper in my pocket unless I turned it inside out.

*The Committee* : It appears that the paper was put in the handkerchief.

*Mr. Jellicoe* : I take it he says he brings this away himself. He does not deliver up the large quantities or any portion of the paper found in the dwelling-house until he gets to the station. Well, what he did with that we do not know; Campbell may have put it into his pockets among some other papers—loose papers. Mr. Skey, I think, should keep a better record. He should know when and to whom he delivers exhibits.

*The Committee* : What does that refer to?

*Mr. Jellicoe* : I do not know.

*The Chairman* : It does not seem to have any point.

*Mr. Jellicoe* : They all seem to have had paper: there is no doubt about it. *John Tasker's evidence* : This witness seems only to have pasted together pieces of paper in order to connect them.

*The Chairman* : That is all.

*The Committee* : It is generally admitted that the pieces of paper are connected.

*Mr. Jellicoe* : They may have been.

*Mr. Gully* : They fit exactly.

*Mr. Jellicoe* : A good deal of juggling is involved, if I may so speak, in transferring the thousand and one pieces of paper from one hand to the other—from envelope to envelope, and from place to place.

*The Committee* : Is that traced anywhere?

*Mr. Jellicoe* : No, it is not traced. It came to Mr. Bell's knowledge that there was another piece of paper found which Mr. Bell was forced to place before the Court, whichever way it told. *Re old gun* : I wish the Committee's consideration of the statement made by the Government Armourer, which seems very positive and very deliberate.

*The Committee* : That is the left barrel?

*Mr. Jellicoe* : It was on the Tuesday he examined the gun. There was no heat applied; so that gets rid of the suggestion by witness Tolly. It is extraordinary that Dr. Cahill says nothing about it till the end of the case. I understand that refers to his trying the stiletto in the wound. That came out quite as an accident in the examination.

*The Chairman* : Rather peculiar, before seeing that there was no blood on it.

*Mr. Jellicoe* : That is based upon evidence which I submit is to be relied upon. I assume the doctor did what any reasonable man would have done if he was going to experiment with the weapon. He says, "I examined the weapon for blood myself." He does not suggest that there was any blood on it. Again, the Chief Justice calls attention to the fact that this dagger fits the wound. If it fitted the wound, did not Dr. Cahill push it into the wound right up to the hilt; and, if so, what was the reasonable result? This is all the evidence which is before the Committee; and I desire to point out to honourable members that, supposing Chemis to be an innocent man—supposing on his return home after 5 o'clock he remained at home for the rest of the evening, with his wife and children, there were only two persons in this world who could testify to that fact—his wife and himself, and perhaps his little children, if they could be considered competent witnesses—that is to say, if their ages would permit them to give evidence. There was no one else in the world to prove his innocence.

*The Chairman* : Unless some one else was there.

*Mr. Jellicoe* : Unfortunately, in August, 1889, neither he nor his wife were competent witnesses as the law then stood. His mouth was closed; his wife's mouth was closed. But in the following month—September, 1889—the Legislature of New Zealand passed the Criminal Evidence Act, enacting that any person charged with any offence whatsoever, "the wife or the husband may be called as witnesses for the defence." That statute was only passed on the 16th September, 1889, little more than a month after this unfortunate man was convicted. If that statute had been law at the time of the trial he could have gone into the witness-box and given evidence on his own behalf, and he could have called his wife to give evidence in his defence; but as a matter of law he could not; and I say that, if there were only two persons in the world who were able to testify to his innocence, it was harsh and arbitrary—yea, a despotic law—that prevented that evidence being given.

*The Committee* : If the case was to be reheard, would it come under the new Act?

*Mr. Jellicoe* : As the law stands, there can be no new trial in a criminal case, and we have no Court of Criminal Appeal. I shall be able to explain the course that was taken after the statute was passed. Next, the condition of the counsel for the defence of Chemis was such as to render him absolutely unfit to conduct the defence of anybody, much less that of a man on his trial for murder. We all regret the untimely death of the counsel; he was taken from the Court in an exhausted condition, and died either that night, the following day, or day after. I would also point out to the Committee that the jury was a remarkably young one, and that the Crown challenged a number of persons. There were very few men on it over forty years of age. It was substantially a juvenile jury. I do not say they did not dispose of the case honestly, according to their lights. After retiring for four hours they returned with a verdict of "Guilty." I desire to draw attention to what occurred immediately before Chemis was sentenced. I have here a copy of a local newspaper dated the 16th July, and which accurately states all that occurred.

*The Committee* : Which paper?

*Mr. Jellicoe* : The *Evening Press*. His Honour assumed the black cap, and the Registrar asked the usual question of the prisoner, Why the sentence of the Court should not be passed upon him? The prisoner, in a clear strong voice, &c., said, "I reckon the detectives treated me bad; they