

made, as far as the evidence discloses, with respect to those articles, the boots, or the false whiskers, or the knife. Mrs. Chemis also swears that her husband never carried a sheath-knife. How was it possible, if this man had stabbed Hawkings, that he could have escaped without some blood spurting from the wound on to his clothing? Jeremiah Buckley also deposes that Chemis never carried a sheath-knife. Then there is the affidavit of McClelland; he is another witness who found paper about the hills. Then there is John Mack, who saw Chemis the day after the murder serving milk at his house. He asked if he had heard that Hawkings had been killed. Chemis replied, "No; this is the first I heard of it; how did he get killed?" The witness said, "They picked Hawkings up with a hole in his neck." Then there is James Gibson, who was in the habit of shooting over Chemis's property, and found a certain piece of paper, marked No. 2, which was dug out of the clay with a pocket-knife. The next affidavit is that of H. W. Oakley, who at three minutes past 5 left his work. While rounding the last bend he heard the noise of a vehicle on the main road. He hurried to intercept it, hoping to get a lift to Pipitea Point. He found the cart was going towards the Hutt. No person driving a grey horse passed him between Barber's road and Pipitea. The vehicle he observed must have been Hawkings cart.

*Mr. Moore* : Might it not have been the cart that Chemis was in?

*Mr. Jellicoe* : It is just possible, but it would be rather too late. It must have been Hawkings, if they did not afterwards pass each other. That is the whole of the evidence submitted to the Executive. Colonel Hume received statements of Blandford, Pickering, Hogg, and Sedgwick. These throw little light on the matter, but rather tend to complicate it. They suggest that there was another person to whom suspicion might attach. His Excellency the Governor was pleased to hear me on behalf of the condemned man. At the audience the late Sir Harry Atkinson was present throughout, and took part in the proceedings, and generally assisted His Excellency. Lord Onslow was pleased to examine the little girl, the daughter of Chemis. Sir Harry Atkinson examined her also. The examination was conducted quite apart from Mrs. Chemis. What questions they put to the child I do not know, but Sir Harry informed me that they desired to test the statements the child had made to me, as stated in my affidavit. Ultimately His Excellency commuted the death sentence on this man, but, before deciding, he went out and inspected the track across the ranges in order to judge of the time it would have taken Chemis to walk the distance if he committed the murder.

*Mr. Earnshaw* : What time did he find that it took Chemis to walk over the ground?

*The Chairman* : The average time it would take?

*Mr. Jellicoe* : I received no information on the subject. I had also, by permission of His Excellency, an opportunity of interviewing the condemned man. It was only under the direction of His Excellency the interview was granted. I took down all that the condemned man said to me. Here is the statement made, as you are aware, long after the affidavits had been placed in the Governor's hands. I will read this statement to the Committee. [Statement read.] That is the whole of the statement just as he made it to me. Well, as I have said, if the evidence I have read had been called, if Chemis and Mrs. Chemis had been allowed by law to give evidence, can any one doubt what would have been the result? The man must have been acquitted. On the evidence at the trial and these affidavits, although none of the deponents had been cross-examined at the time, the Governor commuted the death sentence. Now, the Chief Justice pointed out in his charge in Benjamin's case that it was material, on the trial of Chemis, to consider whether the articles I had produced were in the drawer at the time the police searched it, and the only persons who by any possibility could give evidence on that point were Chemis and Mrs. Chemis on a prosecution of the police for perjury. A charge was, therefore, preferred against Benjamin, Thomson, and Campbell for perjury in reference to the evidence they gave as to what they found and did not find on the 1st June at Chemis's house; and I desire to put before members of the Committee the whole of the evidence given on that investigation, because it was remarked by the Magistrate in dismissing the case that he regarded the evidence of Chemis and his wife as the evidence of interested persons, and for that reason the case ought not to go to trial. The Chief Justice said much the same thing in his charge to the grand jury. He pointed out that both Chemis and his wife were deeply interested in the result of the perjury prosecution, and moreover, that the Magistrate in the Court below had dismissed the charge, and that that was a circumstance the grand jury should take into consideration. He also invited them to consider that no authority in this country had before thought it proper to institute a prosecution against the police for perjury. I point out to you that the Government specially created an Official Assignee in Bankruptcy a Resident Magistrate, without salary, for the purpose of hearing the perjury charges. It was the first case Mr. Graham was asked to adjudicate upon, although Mr. Robinson, the then Resident Magistrate at Wellington, and other competent and experienced Resident Magistrates, were then available.

*The Chairman* : Was not Mr. Robinson ill at the time?

*Mr. Jellicoe* : Possibly he was; but he was sitting in Court a day or two later. I do not think it necessary for me to comment on the fact that, notwithstanding all the difficulties that were placed in my way in bringing about a commutation of the death sentence, it was a marked circumstance that an inexperienced new hand should be specially appointed to dispose of the charges against the police. It is a little extraordinary also that a Resident Magistrate appointed without salary should be accompanied on the Bench by Mr. Fergus, the Minister of Justice, the gentleman who had created the difficulties disclosed in the correspondence, and the Premier. It is not necessary for me to impute motives, but the circumstance was unfortunate, for it naturally gave rise to some uneasiness and suspicion in the minds of a great many people. I do not for a single moment wish to imply that these gentlemen asserted any influence to bring about the dismissal of the charges, but still their presence on the Bench tended to create an uneasy feeling in my mind, more especially as their friend and ally, Mr. Bell, was also defending.

*The Chairman* : Is that not somewhat out of our case?