

*The Chairman*: I do not think, Mr. Jellicoe, that the knife would be a suitable weapon, so that this knife would not make any difference to the evidence.

*Mr. Jellicoe*: Not in the slightest.

*The Chairman*: I understand all the wounds were made by a double-edged weapon.

*The Committee*: Was there no evidence for the defence?

*Mr. Jellicoe*: Mr. Bell was not called upon to say anything for the defence. [Reads written decision of Resident Magistrate Graham.] I beg to refer honourable members to page 107, volume 8, "New Zealand Law Reports." It recites the charge of perjury. [Reads.] I venture to say, with the greatest possible respect, in the face of the Chief Justice's charge to a grand jury constituted of the editors and newspaper proprietors we complained of to Mr. Justice Richmond, and the Judge's statement that no competent authority had thought it proper to take up the case, that it had been investigated by a magisterial inquiry and dismissed, and that such a grand jury could not now avoid adhering to, or being influenced by, the opinions they had previously expressed; and, as Judge Richmond said, properly expressed. I produce the *Evening Press* again of the 8th October, 1889, with reference to what occurred at the trial. I prefer to rely upon reports rather than ask the Committee to rely on anything I may state. [Reads.]

*The Chairman*: I was going to ask you, Mr. Jellicoe, what became of the shot which was taken from the wound?

*Mr. Jellicoe*: It is here, Sir. It was produced at the trial by Dr. Cahill. I desire to point out to the Committee Dr. Cahill says that the stiletto at the time he handled it first was rusty; he admits that there were no spots of blood upon it, and it had verdigris on it on the hilt, and he says that the wound on the neck "could have been made with some such instrument." I will point out to the Committee that Dr. Cahill did not insert it into the wound at the side.

*The Chairman*: I think it is somewhere stated that Dr. Cahill washed the stiletto before he put it in.

*Mr. Jellicoe*: Dr. Cahill did not insert it into the wound at the side. That wound would not correspond with the stiletto. It was not proved that the stiletto, the blade of which was 5½ in. long, could have made the wound on the side—the wound which penetrated the lungs. Mr. Skey states that there were no traces of blood on the stiletto or on its sheath, though he found some rust on the stiletto. If the blood had been removed by hot water, the rust would also have been removed. The evidence about the gun is conflicting. The Government armourer swore that the two barrels could not have been fired on the same day, which does not at all fit in with the theory that both shot and bullet were discharged.

*The Committee*: Where is that?

*Mr. Jellicoe*: The Chief Justice in his report refers to the bullet.

*The Committee*: I think it is only an assumption that a bullet was found.

*Mr. Jellicoe*: Perhaps Dr. Cahill says he only removed one kind of shot from the gunshot wound; and yet Chemis's pouch contained two different sizes of shot. I submit to the Committee that the logical deduction is that this pouch could not have been used by the person who fired the death-shot at Hawkins. Benjamin informed Dr. Cahill that the gun had not been recently used. If, however, the gun was not used, and the stiletto was not used, the revolver, admittedly, was not used. These circumstances demonstrate, if anything can demonstrate, the innocence of the accused. A man accused of this crime could not have stronger evidence of his innocence than these weapons and his own spotless clothing, even if he was unable to offer any explanation as to his whereabouts. Again, the prosecution proved that the gun had been fired recently, which agrees with the statements of Chemis and his evidence as to the quail.

*The Chairman*: (Paragraph 175, page 25, H.-33, 1889, Dr. Cahill, recalled by the Court) From that it appears that he washed it before inserting it in the wound.

*Mr. Jellicoe*: Yes; but in cold water.

*The Committee*: It was washed before it was given to Mr. Skey.

*Mr. Jellicoe*: Mr. Skey says, in Benjamin's case, that blood could not be washed off by cold water, and I assume it is his business to tell us, as an expert.

*The Chairman*: I call attention of the Committee to this case. It appears to me that the doctor examined the stiletto before it was inserted, and he thought there was no blood on it (see page 1, H.-33, about line 20). It would seem, from the statement of His Honour the Chief Justice, that a bullet was used.

*Mr. Jellicoe*: Yet no one has suggested that both bullet and shot were fired from Chemis's gun recently before the deed was committed.

*The Committee*: Is there any evidence to show that some one heard two shots?

*Mrs. Chemis*: A fishcurer heard two shots.

*The Chairman*: (See page 30, H.-33, near the top, John May). He states he heard something which he took to be two shots from a gun.

*Mr. Jellicoe*: That is evidence taken in the Magistrate's Court. On page 1 the Chief Justice says the evidence is conclusive about the bullet.

*The Committee*: I cannot see the evidence in reference to the bullet.

*Mr. Jellicoe*: On the evidence given at the trial in the Supreme Court alone Chemis ought to be acquitted; but, on the other hand, if that evidence without doubt established his guilt, then he ought to have been hanged. He is either guilty or innocent, and if innocent there is no reason in the world why he should be left in gaol. What would His Excellency have done had he been able to adjudicate upon the evidence which came out on the charge of perjury, including as it did the lengthy cross-examination at the hands of the Crown Prosecutor, Mr. Bell, the advocate for the police, of not only Chemis, but of all his witnesses? There can be no doubt as to the manner in which he would have exercised the prerogative of the Crown. I would like, Sir, if it were possible by communicating with the Magistrate's Court, to obtain the search-warrant that was issued for the pocket-book.