

have therefore all the constables swearing that they are unable to identify any single piece of paper or any paper at all.

*The Chairman* : They never marked the exhibits.

*Mr. Jellicoe* : You have before you the whole of their evidence, and I think I have satisfied you that they admitted before the Magistrate what they denied in the Supreme Court.

The Committee adjourned.

TUESDAY, 13TH SEPTEMBER, 1892.

*Mr. H. D. Bell* : Sir, I have received a copy of the Judge's notes in the case *Bell v. Jellicoe*, and I put them in. There is only one part of the evidence given by John Holmes that I wish to refer to. [Mr. Bell then read the cross-examination of Holmes from the Judge's notes, and handed them in to the Chairman.] I wrote out the speech and arguments when I was about to address the jury in order that I might submit it to my junior, Mr. Richmond. I have that address, and I cannot put my arguments before the Committee now better than I put them then. It is in Mr. Gully's possession, and I ask that it may be taken. There are some pencil notes on the margin, partly in Mr. Richmond's writing and partly in my own. I cannot say whether I used them in my address or not. The arguments are those that I read in addressing the jury, and I have nothing to add to them. But I wish to be permitted to answer the arguments since offered by Mr. Jellicoe and Mr. Richardson. This address to the jury answered all the arguments adduced at that time. I think the Committee should have some newspaper report of the trial before them, giving the statement that Chemis gave when called upon. I may say, Sir, that I am at this disadvantage: I have not been able to read the depositions taken at the inquiry against Benjamin for perjury. I understand the original depositions are here, but I have no copy of them. If I refer to these I am not speaking from anything more than memory. The question of the "paper" was that which I principally discussed in this argument. I said then, and I repeat it now, that it was mathematically proved, if Inspector Thomson is to be believed, that the murderer came out of Chemis's house. [Mr. Bell here read his address to the jury.] When I said that, that the production of the paper in the body excluded all possibility of conspiracy, I said so for this reason: The paper produced by Dr. Cahill was not extracted from the murdered man's body until the 6th June, whereas all the other papers were in the hands of Mr. Tasker by the 5th or early on the 6th. I think, Sir, that I particularly asked the jury to look at the paper marked "gorse," and compare it with the paper found in the gorse bushes. If the Committee see Mr. Thomson and hear him give his evidence, and see the detectives and hear them give their evidence, they would be in a position to judge of the care with which the evidence was given by these men. I observe in Mr. Jellicoe's comments several proofs of the absolute impossibility of arriving, from the Judge's notes, at anything like a correct estimate of the value of the evidence given. One instance I will supply. Witness Carroll said that he had held the papers he had in his hand at the Morgue. To the best of my recollection that answer was given to the question, "Can you say whether you had had them at the Morgue?" and he said, "I had them in my hands at the Morgue." Mr. Jellicoe suggests that he had them in his hands while the doctor dissected the body. As far as I can remember, the point that was being sought was whether Carroll had the paper in his possession throughout the morning. We were tracing it continuously in his possession. The matter of the powder-flasks arose in my address to the jury. The point is this: The shot in the shot-flask, which was found in the drawer, did not correspond with the shot found in the body. [Here read evidence.]

*The Chairman* : I understand that we were told that the shot found in the pouch was greased.

*Mr. Jellicoe* : Yes.

*Mr. H. D. Bell* : The shot did not correspond in the same proportions. The No. 4 shot was mixed with the No. 6 shot. The shot in the original flask was greased. Now, I asked in my speech, "Where is the powder-flask?" The prisoner when called upon to say why sentence should not be passed upon him, and my speech being the last thing he had heard from the prosecution, said that "There was a powder-flask there in the drawer." Now, Mr. Jellicoe has put it throughout that the detectives were the only witnesses who swore to there being no powder-flask there. He refers to Detective Benjamin and Detective Campbell. Now, that may be the whole of the evidence before you, but I will show you how incomplete the matter is as set before you by Mr. Jellicoe. Of course the powder-flasks never actually came into question on this point until the prisoner made his statement. There were two occasions on which the drawer was searched by the police. On the first occasion the knife was taken, but not the gun; on the second occasion the gun was taken also. When the gun was taken Constables Healey and Carroll were there. The former certainly was there. That is to show that there is other evidence than the detectives that there was no powder-flask there at that time. That evidence you have not got so far. They were not asked any questions on the subject.

*Mr. Jellicoe* : Are they not in the Judge's notes?

*Mr. Bell* : No. [After reading on page 18 of the Chief Justice's report, Mr. Bell continued] : Therefore there were two searches made—one by Campbell, Benjamin, and Inspector Thomson on the 1st, and the second by Carroll, Healey, Benjamin, and Campbell. The drawer was seen by these five persons, as I was instructed at the time of the police prosecution. Of course the charge of perjury will have to be made against five persons—all policemen.

*The Chairman* : The first search was made on the Saturday morning, and the second on the Wednesday morning following.

*Mr. Bell* : Yes, that is so.

*Mr. Jellicoe* : It is not said that a search was made.