

searched this very place and did not find anything, though they searched it immediately after the murder. I had photographs taken of the place. These things were found in the bed of the creek, and the search had been made in July. The photographs were taken for the purpose of being produced to the jury. [The photographs were laid on the table.] At that time, Sir, the principal point did not come out. We were, so I am instructed, able to prove that this knife was Chemis's. Now, you must not, of course, take that as from me. That sheath and that knife can be proved, as I understand, to be Chemis's. Both the shot-pouch and knife are perfectly well known in Kaiwarra. The question is if this knife is Chemis's, not whether it is the knife with which the wounds were inflicted or not, but whether it is Chemis's knife. A witness for Chemis, and I think also Chemis and his wife, say that Chemis had no sheath-knife. That is why I am at a disadvantage in not having seen the depositions in the perjury case. I speak only from recollection. I believe that Mrs. Chemis said that Chemis had no sheath-knife, but the affidavits which they put forward swear to it positively. We state that these witnesses did not understand all this about the sheath-knife, but there was some idea about a sheath-knife in the minds of the witnesses. It is quite immaterial to my point whether this is the knife or not with which the murder was committed. My point is that these people were guilty of deliberate falsehood on this subject. This, Sir, is one of the reasons why I say that, unless you know what the evidence was which was to be brought in answer on the part of the police, you cannot know the whole of the case. If the witnesses have committed themselves to a series of deliberate falsehoods before the knife was discovered, surely that is material. The shot-pouch contained shot which corresponded with the shot taken from the body. Mr. Tolley weighed the shot and examined it. Mr. Tolley was not examined, but would have been called by us.

*Mr. Jellicoe:* Mr. Tolley put the shot in his hand and said they were No. 3, and then said they are mixed with Nos. 4, 5, and 6.

*Mr. Bell:* He compared the shot in the pouch with the shot in the box. The shot in the pouch is here, and any member of the Committee can take the shot from the little box in one hand and the shot from the pouch in the other. If this shot was not greased neither was the shot in the second pouch greased. The shot in the body corresponded with the shot in the pouch; and the second pouch was undoubtedly Chemis's, as you will see in the evidence for the prosecution in the perjury case.

*Mr. Jellicoe:* Chemis said that he never did carry a knife since he was a sailor.

*Mr. Bell:* All I am able to say is that I was instructed that there is overwhelming evidence to show that this is Chemis's knife.

*The Chairman:* You might state to the Committee what course to pursue to obtain that evidence.

*Mr. Bell:* By examining Inspector Thomson, and, possibly, Mr. Skerrett. It is said that I was instructed by the Crown to take charge of this case. That is not so. I refused at first, and recommended the police to go to Mr. Skerrett. It was found that it would be better for me to take it, as I had the whole of the evidence in my mind. I received no instructions from the Crown at all in the matter, save the permission to defend the prisoners. Mr. Skerrett was more familiar with the evidence of this case than I was. It was his duty to get up the evidence. I was counsel.

*The Chairman:* I was going to ask you if you thought that a man who committed a deed of that kind would not be bound to have some blood upon his clothes?

*Mr. Bell:* No doubt; but the police did not visit Chemis's house until next day. I should not expect to find blood on clothes in a murderer's house after that lapse of time.

*The Chairman:* The evidence is that he wore a certain suit on the day that the murder was committed, and was wearing the same suit on the following day.

*Mr. Bell:* The question is whether he was wearing the same clothes on Friday as he was on Saturday, or only clothes similar? You put me the question whether he would not have blood on his clothes. I would not expect to find such clothes in a murderer's house. Some evidence was taken as to clothing, but I have had considerable experience in such matters, and I never trust the evidence of people who say they can specify how a person was dressed. You will find that they cannot remember, and their evidence rarely agrees.

WEDNESDAY, 14TH SEPTEMBER, 1892.

MR. H. D. BELL continued:

I wish to make it clear that I cannot say that either Carroll or Healey can speak to the contents of the drawer. I never spoke to them on the subject. I only remember what I was instructed at the time of the police prosecution. I spoke yesterday of the pouch, and I alluded to it as being Chemis's; what I meant by that was that the pouch was recently in Chemis's house. I desire to call attention to the armourer's evidence, as that is a point which has been commented on. In cross-examination by myself the armourer, Bradford, said, "There was no difference in the condition of the barrels at the breech. Looking down from the breech I could see no difference in the condition of the two barrels. Neither barrel was rusty. I did not feel the left barrel with my finger except at the muzzle; there it was caked. I judged it was caked similarly all the way down. To the eye the left presented no difference to the right in appearance. You can only judge of the caking by the feel, not by the eye." I do not know whether the Committee are aware of the manner in which the subsequent difference in the state of the barrel was accounted for at the trial. It is mentioned by the Chief Justice in his notes incidentally. He says that this might be accounted for by the inside of the barrel near the muzzle having been wiped. On the 1st of June, when the police visited the prisoner's house, it is proved that Benjamin put his finger in one of the barrels, and pulling it out found that it was marked with powder. He said, "This gun has been fired." This is how we accounted for the difference