

referring to the prisoner, and he says these words: "He said he had some dynamite-caps there," and, then, in the next line, he says, "I saw dynamite-caps."

*Mr. Jellicoe*: Do you not think that if the jury had had Holmes's evidence before them it would have destroyed the inference they drew from Durrell's evidence? Holmes, in his evidence, suggests that a week before the murder took place, or thereabouts, that the suggestion of fear Durrell speaks of no longer existed?—I think it is probable that, as far as Durrell's evidence had any weight, it might have made some difference. The statement made by the prisoner is not evidence for him. It may or may not be fair law, but it is the law. I thought Mr. Bunny could not have called Holmes.

*Mr. Jellicoe*: Holmes's name was on the back of the indictment. Is it not the practice to call persons whose name is on the back of the indictment to be called by the Crown whether examined or not?—Yes; and that practice I adopted. I went, as I have already said, to Mr. Bunny, in the presence of Mr. Maurice Richmond, and told him what Holmes said, asked him if he wanted Holmes kept, and if so, I would call him. Mr. Bunny said he did not want him kept, and as it was inconvenient for him to be present I allowed him to go. The fair practice was followed by me with that witness as with reference to every other witness.

*Mr. Jellicoe*: Did you open the case to the jury on the murder or did Mr. Maurice Richmond?—I think I did.

*Mr. Jellicoe*: Did you tell the jury in opening the case that when Hawkings left town on the 31st May he had some papers in his pocket?—Yes, I think I did.

*Mr. Jellicoe*: Did you say that it was to Chemis's advantage to get possession of these papers?—I think it is possible that I did. It is in my mind that they were papers connected with Native land, and it was Native land that was in dispute.

*Mr. Jellicoe*: To what papers did you refer—was there any evidence?—Oh! yes. Mrs. Hawkings says he had some Native "papers, and deeds, and things." In opening a case I am careful to divide the matter just as I do the arguments: matters certain to be proved, and matters possible to be proved.

*Mr. Jellicoe*: You said that you would be able to show that it was to Chemis's advantage to obtain these papers?—I said something to that effect; not those words.

*Mr. Jellicoe*: Could you describe the nature of the documents it was to Chemis's advantage to obtain?—I did know then. The documents were produced at Mr. Skerrett's office on that day. I did know then, but not now.

*Mr. Jellicoe*: Did you show by any evidence that it was to Chemis's advantage to obtain possession of any paper?—I do not remember.

*Mr. Jellicoe*: There is nothing suggested in the Judge's notes. I have gone through the evidence carefully?—I presume the papers related to a Native lease, but I cannot say now. Mr. Bolton took a private lease on the 19th of September. That lease, I presume, was produced. I do not at all admit that I used the language that you attribute to me. It is impossible that I could have used those words.

*Mr. Jellicoe*: I am quoting from the *New Zealand Times*, and that was a paper which fairly reported the law Courts in those days.

*The Chairman*: I do not think that it matters to us.

*Mr. Jellicoe*: Did you tell the jury in opening that the evidence of Dr. Cahill would go to show that the stab could be caused by the stiletto found in Chemis's House?—I did.

*Mr. Jellicoe*: Did you suggest that the murder was the work of a foreigner, not an Englishman?—Probably I did.

[*Mr. Jellicoe* read report from the *New Zealand Times*].

*The Chairman*: I do not think that part of the evidence is matter for the Committee. For practically what occurred between counsel at the trial has nothing to do with the Committee. What we have to confine our minds to is the bearing of evidence given by witnesses at the trial, and anything fresh. The Crown Prosecutor might bring out matters as strong as the counsel for the defence.

*Mr. Jellicoe*: I remind honourable members that Mr. Bell has said here that the evidence of the stiletto was only used as a makeweight. It is necessary for me, I submit, to impeach his opening address to the jury, and it is necessary for him to explain it.

*Mr. Bell*: You will remember the answer that I gave about the stiletto and the paper collar. I believe the point was in any case of importance, but it was not so minutely considered.

*Mr. Jellicoe*: But you told the jury that the defence would possibly try to put the blame upon another's shoulders?—Yes, it is quite likely that I did so.

*Mr. Jellicoe*: And that the prosecution would show that the individual alluded to had nothing to do with it?—Yes.

*Mr. Jellicoe*: Will you tell us to whom you referred, and in the manner in which you proved he had nothing to do with it?—I think it must have been Lydden. I called Lydden.

*Mr. Jellicoe*: In the written speech that you produced yesterday I find you have not given one or two matters which are referred to in the published report of your summing up to the jury. Did you not in summing up to the jury again suggest that the crime had not been committed by an Englishman?—Yes, I did.

*Mr. Jellicoe*: Did you suggest that the stiletto was only to be found among a limited class?—Yes.

*Mr. Jellicoe*: I find you said, if you want to get at the murderer of a man murdered with a stiletto, you must look for a foreigner?—Yes; that is so.

*Mr. Jellicoe*: And you told the jury that when it was found that the wounds had been made by such an instrument as a stiletto, that reduced the class from which they had to find the murderer—namely, to the class of people in whose possession stilettos are commonly found?—Yes; you