

FRIDAY, 30TH SEPTEMBER.

Mr. Gully addressed the Committee in support of the Crown proceedings taken against Louis Chemis, and Mr. Jellicoe replied upon the whole of the evidence before the Committee.

*Mr. Jellicoe:* I may tell the Committee, before hearing the address of counsel, that Mrs. Chemis has asked me if I could call any one who could give any further evidence as to the sheath-knife which was said to have belonged to Chemis. She would like the Committee to call such further evidence, if it is obtainable. For my part, I do not know of any further evidence on this point. I think all the evidence obtainable has been called. I can only draw the attention of the Committee to her request. I understand that some difficulty exists in regard to bringing Chemis before the Committee.

*The Chairman:* A reply has been received from the Justice Department to the effect that it would require a writ of *habeas corpus* to bring him down, and we would have to make an application for it to the Supreme Court at Auckland. After speaking to the Hon. Mr. Cadman, the Minister of Justice, on the subject, it was decided to bring him down to Wellington Gaol; the Committee could go and examine him there. That would save a lot of expense and trouble.

*Mr. Gully,* addressing the Committee, said: I do not propose to analyse the evidence. It appears to me you have before you a complete analysis of the evidence that has been given. Also, you have had the proper and reasonable inferences which are to be drawn from it pointed out to you. I therefore consider it unnecessary in addressing you to attempt to go over the evidence again. Neither do I propose to address you on those allegations in the petition which may be said to charge a corrupt administration of justice. These charges of corruption against the various persons connected with the administration of justice, I understand, have been practically abandoned. What I do desire to address you upon is this: that there are some considerations which I think it my duty to put before you, and to which I am sure you will give weight in dealing with the case. In the first place, this Committee is asked to perform a function which is, so far as I am aware, entirely without precedent. By this proceeding it is sought to convert a Committee of the House into a Court of Criminal Appeal; a Court with the widest possible power, but irregular in its composition, and subject, obviously, to great disadvantages in dealing with such a case as the present. It must already have been manifest to honourable members that, in such a case as this, the principal evidence which has been brought before you being in writing, though on oath, the Committee is subject to the great disadvantage of not being able to judge, from the demeanour of the witnesses, as to the weight and value of their testimony. No gentleman who has ever been on a jury can help feeling the wide difference there is between evidence coming from the mouth of a witness and written testimony, even though it should be on oath. This remark as to the disadvantage under which the Committee labour should have still more weight when you consider that many of the statements which come before you are prepared by the solicitor, and not by the person deposing. The words are, partly at least, the words of the solicitor, and not of the witness. In the second place, I beg to draw your attention to the fact that this case has already been in its various stages before no less than six separate legal tribunals; and the object of this petition is to ask the Committee to review the whole of these decisions, and reverse at least three of them. Although I may not be able to induce you to refuse to consider the prayer of the petition, I submit that this is a function you ought not to perform at all. But, at all events, the fact that you are asked to do this should compel you to use the utmost caution in arriving at any conclusion which would have the result of reversing the decisions of the ordinary judicial and legal tribunals of the colony. You are asked first of all to say that the verdict of the jury upon the trial of Louis Chemis was wrong, and that it should be reversed, and that Chemis ought to have been acquitted. In point of fact, to begin with, you are asked virtually to override the verdict of the jury in Chemis's case; and you are asked at least to dissent from the opinion of his Honour the Chief Justice when he says that the verdict of the jury was justified by the evidence. It is true he was not giving expression to any personal opinion of his own as to whether he would have convicted Chemis on the same evidence; but he says plainly and unmistakably that the evidence was such as, in his opinion, justified the verdict of the jury. Next, you are asked to reverse the decision of the Magistrate when he discharged Benjamin without calling evidence for the defence on the prosecution for perjury. I do not think it necessary to say anything about the charges against Mr. Graham—that he had corruptly exercised his functions. It suffices to say that you are asked to reverse the decision of the Resident Magistrate given upon the evidence he had before him. Thirdly, you are asked to say that the grand jury, in throwing out the bill for perjury against Benjamin, were also wrong, and that their decision, as well as the decisions of the other tribunals, must be reversed. Without analysing the facts proved, I am entitled to put this to you: that the evidence given before these tribunals, even though it may not absolutely satisfy you as to Chemis's guilt, at least made out a strong case against him, and was such that a jury, or any other tribunal, might fairly draw from it the inference of his guilt. It is not possible for you, I think, to come to the conclusion that the main evidence against Chemis was founded on any mere mistake or series of mistakes. It appears to me, without detailing the evidence, that you are forced to come to the conclusion that, if the charge against Chemis, and particularly the proofs with regard to the discovery of the papers, were not true, it was because those proofs were perjured. No doubt it has been sought in these proceedings to suggest a possible mistake. But is there any reasonable possibility of a mistake—such a mistake as would destroy the weight of the testimony of such a remarkably conclusive series of coincidences? That is a matter for your consideration. It appears to me there is no possibility of mistake. The only alternative, then, is that there was perjury on the part of the principal officers of the Police Force in this town. That is the position which the petitioner, or those who advise her, have recognised and adopted from the first. They saw that it was perjury or nothing, and that was undoubtedly the reason of the proceedings taken against Benjamin. It was conceived, apparently, by