

between 5 and 6 o'clock on a winter's night. Mr. Bell's next point is, the character of the murder was evidently revenge, and the object not larceny. Now, I ask this Committee, reviewing the whole of the evidence from beginning to end, whether there is anything in it to warrant such a statement? He next says, "There is the probability that the murder was committed by a foreigner, *because committed*"—mark, not that "there is a probability" that the murder was committed—by a two-edged knife, and in a passionate manner, showing the passion of a Spaniard, a Greek, or an Italian. First, I ask honourable members to consider whether the possession of a two-edged knife can be said to be national to foreigners of the nationalities named by Mr. Bell; secondly, can the use of a double-edged knife be said to show either the passion of a foreigner in the first place, or the passion of an Italian (for this is the prisoner's nationality); and yet the Crown Prosecutor declaimed to the jury that the possession and use of a double-edged knife showed that the crime was probably committed by a foreigner, and that the murderer was either a Spaniard, a Greek, or an Italian. Next, says Mr. Bell, there is the possession by the prisoner of the stiletto—"two-edged, strong, and 5½ in. long," and "just fitting by its measurement the wound found by the doctor in the heart of the murdered man. Honourable members know that after death wounds contract. Whether the stiletto fitted such a wound is nothing to the point, as the evidence shows that deceased's paper collar and the cuts in the coat, which neither could contract or expand, were never considered by the Crown witnesses or the jury. Mr. Bell before this Committee has admitted it. I contend, without fear of contradiction, that the collar-cut and the coat-cuts when compared with the stiletto completely negative the suggestion of Mr. Bell to the jury on this part of the case. It was established by the Executive that there was no correspondence between the stiletto and the coat- or collar-cut. Again, Mr. Richardson has sworn that when he and the Executive examined the stiletto immediately after the trial it was not a cutting-weapon, that it made a puncture instead of a cut; that the cuts in the collar and the clothing were 1 in. wide, while the stiletto was but ¾ in. in width. The next point Mr. Bell relies on has reference to the bullets. He says, "How many owners of double-barrel guns would have bullets?" He says, in effect, You have to look for a person that has in his possession bullets and a double-barrel gun—the prisoner has both. Now, ask yourselves, he says, how many owners of double-barrel guns would have bullets: surely, he says, it is not usual to fire bullets; therefore, says the Crown Prosecutor, if you can connect the prisoner with bullet, with a gun, and then you are satisfied Hawkings was killed by a bullet, you will have little difficulty in concluding that he is the murderer. The answer to Mr. Bell's suggestion is this: the investigation by Executive demonstrated that no bullet had been fired. At the trial, no doubt, Dr. Cahill's theory was made that a bullet had been fired, and no person seems to have questioned it. Nobody seems to have examined the clothing for the purpose of testing the theory of the Crown that a bullet was fired. But directly the clothing finds its way into the possession of the Executive it is examined by gentlemen experienced with the use of firearms—Sir Harry Atkinson, the Hon. Mr. Richardson, Colonel Hamlyn, Colonel Hume, and Captain Coleman; and all arrived at the conclusion that no bullet had been fired.

*The Chairman:* Would not that be a matter of opinion?

*Mr. Jellicoe:* The jury ought to have had the evidence of experts on such crucial questions. They had none. Again, the jury, aided by the Crown, ought to have made the same examination of the clothing as the Ministers made before advising His Excellency the Governor to commute the death sentence, and as you had made. I am, of course, not blaming Mr. Bell for on the trial no one questioned that a bullet had been fired or that that bullet had come into contact with the clothing of the deceased. The next point Mr. Bell makes relates to the lawsuit between Hawkings and Chemis. He refers to the claim and the defence. I refer to the proceedings in the Supreme Court upon the hearing of that case. I will call the attention of the Committee to what Mr. Cooper, the Registrar of the Court, says on page 2 of the Judge's notes. He says that the plaintiff's evidence in "*Hawkings v. Chemis*" was taken on the 15th of January, 1889. The evidence for the defence was taken on the 19th of January; that, when all the evidence was taken, the case was adjourned for further consideration. The Committee are aware, and the Crown Solicitor will agree in what I am now about to say, that where a Judge tries an action, after hearing evidence, he may either give judgment at once, or reserve the case for further consideration in the case. The Judge here took the course of reserving the legal argument for further consideration. On the further hearing only questions of law would be dealt with; no further evidence could be given on either side. Mr. Cooper, the Registrar, says the case was never set down by either party for further consideration. You will also remember that Mr. Bell suggested "that compromises had been attempted were useless." Ask where is there the slightest evidence of either the success or failure of any attempt to compromise, or of any attempt in fact. I also ask you to bear in mind that whatever documents were material to that case must have been put in evidence by one side or the other, and that after the 19th of January they were under the consideration of the Judge. Now, granted that Hawkings had a Native lease; that he subleased his land to Chemis. In what way could the possession of the original lease under which Hawkings held the land, benefit Chemis in the lawsuit. If Chemis was liable at all he was liable under his contract with Hawkings without reference to Hawkings's title to the property. No documentary evidence relating to Hawkings's title could assist Chemis in repudiating his contract with Hawkings, especially as the action, so far as the facts went, was then practically at an end, and only awaited the decision of the Judge. Neither was there any evidence to suggest that Chemis knew that Hawkings had in his possession any documents which could assist him in the lawsuit, and certainly nothing from which anyone could assume that he was in the habit of carrying such documents about with him, or that on the evening of the 31st of May he had any papers in his possession. How, then, could it be fairly said that Hawkings's death would assist Chemis? Mrs. Hawkings says she never told any one that her husband carried a pocket-book. Admitting that Hawkings was murdered, how could that circumstances affect Chemis's liability in the action. The Committee must know that an action,