

mass, any more than he has for saying that a piece of the 23rd did not. The doctor's newspaper may have been the *Evening Post* of the 23rd.

*Mr. Moore*: Do you wish us to understand that this piece of paper, after the doctor giving up the mass, would tend to prove the distinction between the other papers in the mass of papers in Chemis's house?

*The Chairman*: I think that the doctor's evidence before the Supreme Court on this point should be the most reliable.

*Mr. Jellicoe*: I entirely agree. Then he said, "I began the examination on the 6th, about 10 o'clock. I believe I removed all the paper other than the paper taken from the wound." The Chief Justice, in his charge to the jury, said in regard to the caps and powder, "No question has been put as to the whereabouts of these articles; the police have not said that when they could not find any caps and powder they made search for them. If search was made for such things, that was a material circumstance." The police reports produced by Mr. Bell are here. If Carroll and Healy searched for the powder-flask and other articles and did not find them, how is it not a word is stated of that fact in their report of the 5th of June? And the summing up of the Chief Justice shows that search for such articles was not made. Look at Healy and Carroll's evidence on the trial: you will not find a word to show that they ever said they had made any such search. There is not a word mentioned by Healy to show that he searched for powder-flask, for wads, or wad-cutter, or anything of the kind. How far the evidence of the police is reliable may be judged from Campbell's statement before the Committee. Campbell gave evidence as to what occurred in the kitchen of Chemis's house on the 1st of June, when he brought out from the bedroom the handkerchief and its contents. He says he was present in the kitchen whilst Thomson examined the contents. He says that Thomson put the pieces of paper in an envelope; that Thomson indorsed the envelope in his presence in pencil: yet Thomson, when he is called before you, swore that he did not do anything of the kind; that he never did indorse the envelope in Chemis's house; that he did not indorse it until he returned to the police-station. And when you look at Thomson's report, produced by Mr. Bell, you will also find that Thomson did not put the newspaper in an envelope in the kitchen directly it was brought to him by the police; he separated it from the bills and documents, and "put it on one side of the table," and he then proceeded to examine other things, and returned them to the bedroom. The Committee will see that the evidence of Campbell is contradicted both by Thomson and Thomson's report. If concerning a matter of so much importance as to what was done with the pieces of paper alleged to have been brought from Chemis's bedroom there is such material discrepancy in the evidence of the police, how much reliance can be placed on the evidence of Healy and Carroll when called to exculpate their comrade Benjamin?

*Mr. Moore*: Did not Thomson say that he placed the paper in an envelope before he left the house?

*Mr. Jellicoe*: Yes, but Campbell said he saw him indorse the envelope. Campbell professed to give us an accurate detailed account. He did not refuse, like the Inspector, to be cross-examined. If, therefore, the evidence of the identity of the paper alleged to have come from the wound, as well as the identity of the paper alleged to have come from the house, is unreliable, then I submit no case exists against Chemis.

*Mr. Gully*: There is no doubt the main evidence, and the strongest evidence, adduced on the trial was the evidence of the paper.

*Mr. Jellicoe*: And is not the paper evidence a patchwork of many colours—a thing of no pattern? The Committee will remember that in cross-examination Mr. Bell was confronted by me with Campbell's evidence before the Resident Magistrate. He was asked by me, "Did you make any inquiry as to what Campbell meant by 'other appliances' being in the drawer?" Mr. Bell's answer was this: "I did not, because I would not be allowed to ask such a question."

*Mr. Allen*: Where is that?

*Mr. Jellicoe*: I asked Mr. Bell, "Did you make any inquiry as to what was meant by 'other appliances'; did you ask him what those 'other appliances' were?" The answer is, "I did not, because I would not be allowed to ask such a question." The members of this Committee have had sufficient experience of Courts of Justice to be able to say whether that answer is a truthful one. Campbell says in his cross-examination that he saw "other appliances," and Mr. Bell tells you that the law is in such a state that he could not ask Campbell what he meant by "other appliances."

*Mr. Moore*: Would it not have been the duty of the other side to cross-examine on that point?

*Mr. Jellicoe*: The other side might have asked the same question, but that is not the point.

*Mr. Moore*: If the solicitor for the prisoner thought there was anything in reference to that which was necessary to explain, could not the explanation be given by him as to what was meant by "other appliances"?

*Mr. Jellicoe*: But when Mr. Bell comes here and says he would not be allowed to ask such a question, I maintain that he not only knew differently, but his answer is calculated to mislead you.

*Mr. Allen*: We are discussing rights and wrongs of counsel.

*Mr. Jellicoe*: No; I hope the Committee will give me credit for endeavouring to avoid questions of that kind. With reference to Holmes's evidence, Mr. Bell admits that when a witness's name is on the back of an indictment it is the practice of the Crown to call that witness. He tells you, "that practice I adopted." Did he? What does Holmes say? I refer the Committee to paragraph 2, Holmes's evidence. You will bear in mind that Mr. Bell, on the trial of the libel action, *Bell v. Jellicoe*, admitted that Holmes's evidence was substantially correct. Next, Mr. Bell, on the 4th September, referring to the false whiskers spoken of by Blandford, said that what was