

Any look at the plan, and at the map, will show that, unless that man returned the way he came, he could not have got to Hawkings's except by travelling up and down, and going through Chemis's and close to Chemis's house.

It was probably some sportsman who went down by Barber's road.

Almost certainly, whoever went to commit that murder did go over the hills, because of the dogs at Dimmock's not having announced a stranger.

But the man Joseph saw was coming direct away from Hawkings's, and, if he had been about to commit a murder, he would have gone direct from where he was first seen to the scene of the murder, and not have gone out of his way to show himself upon a frequented track.

6. The evidence of the boy Lee as to the man running up the road early next morning :

This seems too absurd. Probably he dreamt it. He could not have heard the man running.

I am bound to comment on one fact, and that is, that the Chemis's children are not called.

Mr. Bunny will tell you it is hard that prisoner's wife cannot be called. That may be so; often it is not so. It is a rule, at least, as often good for the prisoner as bad for him.

But in this case, where there are children of an age quite able to give evidence, it cannot but be significant that they are not in the box.

Surely they must know whether their father was at home between 5.30 and 6 o'clock—the crucial hour—whether he left home after his arrival at 5.

In such cases one expects some account—if there is evidence to be obtained—of the prisoner's whereabouts at the time of the murder. That evidence could have been given you. It has been withheld. But pray, remember, that all these points in prisoner's favour pass away if you are satisfied that the paper came from his house. If you are, then, whether there were a hundred men on the hills with guns, and though you were assured that the knife produced was not used, and that the gun produced was never fired at the murdered man, you would feel sure that, with some gun loaded in Chemis's house, Hawkings had been murdered, and that, with some two-edged knife in the hands of the man who loaded that gun in Chemis's house, Hawkings was stabbed; and so different kinds of shot in Chemis's house would make no difference. The case comes back to that cardinal and central question—standing on the basis of that fact—supported by the other concurring circumstances of grave suspicion, so pointing to the prisoner—that even the prisoner's counsel seems astonished that Chemis was not arrested on the morning of the 1st June.

Now, I am to leave the case, so far as the Crown is concerned, to you. Let me pray you, when you come to deal with it in your room, to seriously consider whether there is foundation for the suggestions that have been made in, and will doubtless be made in, Mr. Bunny's speech, of something like a concoction by the police of evidence. Such, for instance, as the hints that the police have scraped off verdigris, or polished the knife, or some such matter. If juries could only see how far different from the common idea presented by counsel for prisoners is the real administration of criminal justice, they would form another conclusion. The opportunities for concoction of false evidence are open and simple. Why, we could have filled the shot-pouch with No. 4 shot, and found the ramrod on the ground, and invented a confession. A more scrupulous regard for the interests of the prisoner could not be had. Every scrap of evidence tending for or against him is communicated to his counsel as received—copies of all plans, photographs, and documents to be used are supplied; and English justice is administered as the English love of fair-play demands. But in all cases of murder a considerable part of the evidence is the result of the searches and discoveries of the police. Their evidence must be strictly examined, as must that of all others. But to reject evidence because, and only because, it is given by the police, is to reject a necessary and essential part of all cases of murder depending on circumstantial evidence, and, as I have said, such cases form the vast majority. The safety of our lives depends upon a far different view being taken by those who are the final, and unquestioned, and secret arbiters of the facts.

SUMMING UP OF THE CHIEF JUSTICE AT THE TRIAL OF LOUIS CHEMIS FOR MURDER, 15TH JULY, 1889.

His Honour summed up. He said it was necessary for them to consider the whole of the facts with an unbiassed mind. The crime was an atrocious one, and, from the fact that the prisoner at the bar belonged to a nation which it was understood used such a weapon as was undoubtedly used in murdering the deceased, there was a proneness to hastily conclude that there was some connection between the prisoner and the crime. Another reason why they should approach the consideration of the case with a judicial mind was the technicality of some of the evidence. When it was put forward by the prosecution as the main ground against the prisoner that a small piece of paper found in the body of the murdered man fitted with a piece of paper found in the prisoner's house, it appeared at first sight as being of a small and technical character, and it therefore required that they should approach the consideration of the evidence with a perfectly judicial mind—that was to say, that they must exercise their reasoning-powers when considering the facts which were said to be proved. The question for them to consider was, were they satisfied beyond all reasonable doubt that the prisoner committed the crime? Probably when they came to consider the matter they would find many facts consistent with his guilt, and many facts consistent with his innocence, and if that should be the case they could not convict him. In order, therefore, to convict the prisoner they must find that the facts were consistent with his guilt, and inconsistent with his innocence. The first thing to be done was to consider what facts relied upon by the Crown were proved, and in order to do that they must consider whether the witnesses were credible; and, secondly, admitting their trustworthiness, did they prove the facts in support of which they were called? The principal evidence against the prisoner was the evidence of police constables. Mr. Bunny, in his careful and earnest address to them, had called their attention to the opinion of