

1892.

NEW ZEALAND.

## PUBLIC PETITIONS A TO L COMMITTEE

(REPORT OF, ON THE PETITION OF ANNIE CHEMIS, OF KAIWARA, TOGETHER WITH PETITION, AND MINUTES OF EVIDENCE AND APPENDIX).

*Brought up on the 7th October, 1892, and ordered to be printed.*

## REPORT.

PETITIONER alleges that on the 15th day of July, 1889, her husband, Louis Chemis, was wrongfully convicted for the murder of one Thomas Hawkings.

Petitioner prays that an inquiry may be made into all the circumstances in connection with the said conviction, and that justice may be done to her husband.

I am directed to report that, while the Committee have been unable to find sufficient evidence to justify them in advising any definite action, still they are of opinion that the case is one which should be carefully reconsidered, and therefore recommend the Executive to review the evidence taken by your Committee, and deal with the prisoner in such manner as they may consider true justice demands.

7th October, 1892.

C. H. MILLS, Chairman.

## PETITION.

To the Honourable the Speaker and Members of the House of Representatives in Parliament Assembled.

THE humble petition of Annie Chemis, of Kaiwara, the wife of Louis Chemis, now a convict, sheweth,—

One Louis Chemis was, on the 15th day of July, 1889, convicted of the crime of murder committed on one Thomas Hawkings.

The counsel for the defence was, prior to and during the trial, seriously ill, and was, during the last days of the trial and especially during his speech for the defence, so visibly incapacitated by the increase of the malady, as to materially interfere with his conduct of the case and the delivery of his speech. The counsel for the defence went from the Court to his deathbed, and succumbed to the malady on the 17th day of July, 1889.

The evidence on which the accused was convicted was of a peculiarly frail character, and rested entirely upon the credibility of the police as to whether two pieces of paper were found in the prisoner's house.

No evidence whatever was produced by the defence to account for the occupation by the accused of his time during the time when the murder was undoubtedly committed. The evidence subsequently obtained by Mr. Jellicoe most seriously affected the credibility of the police on the very point of what they found and failed to find in the prisoner's house, and afforded a direct disproof of some of their evidence thereon. The latter evidence also accounted in the clearest way for the condemned man's time from the time when he left work on the night of the murder to the hour of 7 o'clock, which was certainly long after the hour when it was committed.

The evidence also distinctly rebutted evidence on minor points used by the prosecution as evidence against the accused, and of which rebutting evidence your petitioner can prove that they were aware, and which they purposely refrained from using.

Prior to the conviction of the prisoner, and on the 2nd of July, an attempt was made by him to obtain the advice and assistance of Mr. Jellicoe of counsel for the accused.

That attempt was made by your petitioner and a brother-in-law of the accused, because of the illness at that time of the counsel then employed, and when he was being attended at his own house by a medical man.

This application, however, led to the disclosure of the fact that the prisoner had from the first moment of his arrest desired and expressed his desire that Mr. Jellicoe should be employed to conduct his defence, and that the Italian Consul (one George Fisher), a police constable, and Mr. Garvey, the gaoler, all interfered to dissuade him from employing Mr. Jellicoe, and that the Italian Consul did actually, without the prisoner's authority, employ the counsel, since deceased, to undertake the defence.

It will appear that the gaoler again, on the 2nd July then instant, used his influence to induce the prisoner not to employ Mr. Jellicoe, and while the gaoler was thus acting as adviser to the prisoner he was communicating to the Crown Prosecutor his observations of the personal conduct in gaol, which were made for the prisoner's innocence or guilt.

Your petitioner apprehends that your Honourable House will be convinced from this and from the subsequent correspondence with the Honourable the Minister of Justice that there existed a considerable unwillingness on the part of various Crown officials that Mr. Jellicoe should act for the prisoner either during the trial or after the conviction.

Your petitioner does not pretend to allege any motive for such unwillingness; it is sufficient to call your attention to the facts, and to leave you to judge if she is not justified in her opinion.

Under these circumstances Mr. Jellicoe arrived at the conviction that he could not trust the officers of justice with any clue to the evidence he was procuring to substantiate the innocence of the condemned man. You will observe that, in seeking a commutation of the capital sentence, I had to show that the police were unreliable, and it was not then unreasonable without absolutely accusing them of perjury or other misconduct, to object to their sharing the confidence of my advisers, or the confidence of the convict, until the evidence was complete and perfected.

It was essential, in order that Mr. Jellicoe might obtain certain clues to complete the evidence exculpating the condemned man, that he should see him and inform him as to the evidence he had procured, and obtain such information from him as might enable him to complete it.

The Hon. the late Minister of Justice, Mr. T. Fergus, professed, as will appear by the correspondence, to desire to give proper facilities to the prisoner to place before the Government any statement he might consider material to the due consideration of his case. Your honourable House will form your own judgment from the correspondence as to the nature of the facilities which were given, and judge whether it is usual to send a Crown shorthand writer to accompany the gaoler and take down every word that passes between a convict and his counsel.

Mr. Jellicoe steadfastly and resolutely, in the interest of justice and as in duty bound to the condemned man, resisted the attempt of the then Ministry to ascertain in its then incomplete state the evidence he proposed to offer, but he had no such reticence in the presence of His Excellency the Governor, and at once placed in his Excellency's hands all the evidence he had procured up to that time, and applied for a private interview with the condemned man to make perfect and complete the case. His Excellency granted the said application.

Immediately after the receipt of His Excellency's communication, granting admission to the prisoner, Mr. Jellicoe added to the sixteen affidavits, which he sent to His Excellency, fourteen other affidavits.

These further affidavits tended greatly to strengthen and confirm the previous affidavits in their vindication of the innocence of the condemned man, and are set out in the papers placed upon the table of your honourable House during the session of 1889.

In every affidavit procured by Mr. Jellicoe, as aforesaid, the person making the affidavit tendered himself for examination. Every one of these affidavits was placed in the hands of the late Ministry.

Besides the evidence contained in these affidavits, there were grave questions for the consideration of the then Executive arising out of the depositions taken before the Resident Magistrate and the evidence taken at the trial, involving a conflict of evidence very material indeed in the light of some of the affidavits above referred to.

During the time the matter was under consideration by the Executive, Mr. F. H. D. Bell, the then Crown Prosecutor, was nightly in attendance upon Ministers in the Cabinet-room, conferring and advising with them on the matter, and one of the Ministers (the Hon. Mr. T. Fergus), during the same period, in the lobby of the House, spoke of your petitioner and her husband, and of Mr. Jellicoe, your petitioner's solicitor, in violent language, and was remonstrated with by one of the honourable members of your House.

The said F. H. D. Bell, as the Crown Prosecutor, was greatly interested in supporting the conviction of your petitioner's husband, and used every influence he possessed with the late Ministry to sustain the same.

That His Excellency was pleased, on due consideration of the further evidence adduced by Mr. Jellicoe on my behalf and after a personal and private examination of the convict's child by His Excellency and the Premier, and after graciously affording Mr. Jellicoe an audience, to commute the death sentence passed upon the said convict to one of penal servitude for life.

That at the time of the trial of the convict it was neither competent for your petitioner or her said husband to give evidence as a witness.

That on the 14th day of August, 1889, your petitioner preferred information charging Lionel Benjamin, a police officer, with wilful and corrupt perjury. The following is a copy of the information:—

“The information and complaint of Annie Chemis, of Kaiwara, taken upon oath this 14th

day of August, 1889, before me, J. R. Blair, Esq., one of Her Majesty's Justices of the Peace in and for the said colony, who saith that she hath just cause to suspect, and doth suspect, that Lionel Benjamin, of Wellington, at the City of Wellington, on the 12th day of July, 1889, in the evidence he gave on oath before Sir James Prendergast, Knight, Chief Justice, on the hearing of a charge of murder then preferred against one Louis Chemis, did falsely and corruptly commit wilful and corrupt perjury—to wit, he falsely stated: 'I found two or three pieces of paper in the drawer I searched—small pieces of newspaper, about the size of palm of hand—two or three pieces—I placed these in the pocket-handkerchief on the bed. Campbell found a number of pieces of paper in the drawer he searched. I placed them in the handkerchief on the bed. I put everything into the pocket-handkerchief. I took it out to the Inspector in the kitchen. I found no gunpowder, no powder-flask, no caps. I brought away the pouch and bullets—everything but the revolver and gun. We searched the House; no quail there. I did not see a wad-cutter. I saw no such thing in the house,'—against the peace of our Lady the Queen, her crown and dignity, being an indictable offence.

"ANNIE CHEMIS.

"Taken and sworn before me the day and year first above mentioned, at Wellington aforesaid—  
J. R. Blair, Justice of the Peace."

The Ministry of the day thereupon, on the 20th day of August, 1889, appointed Charles Christie Graham, Official Assignee, at Wellington, to be a Resident Magistrate to hear and determine the said charge, and that although one Henry Wirgman Robinson was the Resident Magistrate at Wellington.

The information against Lionel Benjamin was heard before the said Charles Christie Graham, at Wellington, on the 26th, 27th, 28th, and 29th days of August, 1889, when the Hon. T. Fergus and the Hon. Sir Harry Atkinson occupied seats, on each side of the said Resident Magistrate, upon the Bench.

Mr. F. H. D. Bell, the Crown Prosecutor, appeared to defend the said Lionel Benjamin, and all the influence and forces of the Justice Department and Police Department were brought to bear to secure the dismissal of the said information.

Your petitioner respectfully submits to your honourable House the evidence taken before the said Resident Magistrate as establishing a strong *prima facie* case against the said Lionel Benjamin, fit for investigation before a jury.

The evidence of your petitioner's husband was taken before the Resident Magistrate, in the presence of the Hon. the Premier, and he was severely cross-examined by Mr. F. H. D. Bell, the Crown Prosecutor, for nearly two days, and although, from the precautions taken by the Crown, he was unaware of the nature of those proceedings, your petitioner submits that it will not only be found that his testimony was altogether unshaken, but wholly corroborated the statement which he was induced, after conviction, to forward to the Governor before he had an opportunity of consulting Mr. Jellicoe. The said Charles Christian Graham dismissed the said charges, and said, in doing so, that the evidence of your petitioner, and that of her husband, was the evidence of interested persons. Your petitioner thereupon elected to be bound over to prosecute under "The Vexatious Indictments Act, 1870," and after considerable difficulty your petitioner succeeded in being bound over.

The said Charles Christie Graham placed every obstacle in your petitioner's way, and it was only on the pressure of Mr. Jellicoe, her counsel, that he accepted the necessary recognisances without being compelled to do so by the Supreme Court.

Subsequently application was made to the Supreme Court on your petitioner's behalf for a rule *nisi* calling on the accused, and on the Solicitor-General, to show cause why the indictment mentioned in her said recognisances should not be presented to the grand jury in some judicial district other than the Wellington Judicial District; and why, if an indictment should be preferred and found a true bill, it should not be tried in such other judicial district, on the ground that a fair and impartial trial of the indictment could not be had by a grand jury of the Jury District of Wellington, and, in the alternative, to show cause why the presentment of the indictment should not be postponed till the sittings in Wellington in January, 1890, on the ground that a fair and impartial trial of the indictment could not be had before the grand jury empanelled for the then next sittings.

An affidavit by your petitioner and Edwin George Jellicoe, her solicitor, was filed in support of the application for a rule *nisi*, which established that a very great and general prejudice as to the matter in question existed throughout the Wellington Jury District, and amongst those likely to serve as grand jurors; that the Chief Justice of the Supreme Court had stated, on the hearing of an interlocutory application in a libel action, *Bell v. Jellicoe*, also arising out of the trial of Louis Chemis for murder, that, in his opinion, a strong feeling existed in Wellington, upon which he would certainly grant a change of venue in that action if it were applied for; that Henry Blundell, Louis Blundell, and John Chantrey Harris, three of those drawn to sit on the grand jury before which your petitioner was bound over to present the indictment, were proprietors of newspapers which had published articles approving the action of the Resident Magistrate in dismissing the case of perjury before him, and expressing an opinion that the prosecution had shown a very weak case; that Percy Brown, another of the grand jurors drawn, was a son-in-law of the Magistrate who dismissed the case; and that Charles Alexander Baker, another of the grand jurors drawn, was a son of the Sheriff, and the Sheriff had expressed an opinion that the grand jury would ignore the indictment.

The application was heard by Mr. Justice Richmond, and, being strenuously opposed on behalf of the Solicitor-General and Lionel Benjamin, it was refused.

Your petitioner accordingly presented indictments against the said Lionel Benjamin at the next sitting of the Supreme Court at Wellington.

The following is a copy of the charge of the Chief Justice to the grand jury upon the said indictment:—

“This is a charge arising out of the recent prosecution and conviction of Chemis for murder. It appears that on the trial of the indictment against Chemis, Benjamin, one of the Wellington police detectives, was a witness. There are two charges on separate indictments, one of them is for saying that he found in a particular drawer in Chemis’s house in the bedroom some pieces of paper, and that he took them out and gave them to another officer of the police. At any rate, he found pieces of paper in the drawer in Chemis’s bedroom. It is that this is false to his knowledge, and that he was guilty of wilful and corrupt perjury in so saying. The fact that the paper was found there was most material to the charge against the prisoner, so as that there is no doubt about the indictment having been presented against Chemis; no doubt about Benjamin having given this evidence; no doubt about the materiality. The question for the grand jury is whether satisfactory evidence is brought to show that an indictment can be found against him for this so saying about the paper. Now, the Court is aware, and you will now be aware of it, although we cannot shut our eyes to what is told us in the newspapers of what takes place in the Courts. However, we know now that these charges were made before a Magistrate, and that after investigation and depositions taken at considerable length, that the Magistrate thought that there was no case to send to trial, and therefore did not commit Benjamin to take his trial. The law is that the person who is a prosecutor or a prosecutrix is bound over to prosecute if it is so desired. Such a course is taken here. A recognisance has been entered into by the wife of Chemis, who is bound over to prosecute before the Supreme Court. I say that although Chemis has been convicted of the highest and most serious crime known and committed, that it has not been considered that any recognised authority should take up a prosecution of Benjamin for this perjury; that is, no doubt, remarkable to begin with. Mrs. Chemis is prosecuting this charge against Benjamin for having made this alleged false statement. Now, Benjamin says that he found certain pieces of paper in a drawer; she has to prove the falsity of this statement. The only direct evidence I can see is that of a convict who now stands, certainly not under sentence of death, because the sentence has been commuted. It has been held by Lord Justice Lush that a person who is under sentence of death shall not be a competent witness at all, and held not to be a competent witness; but Chemis is now under sentence of imprisonment for life, and certainly before any tribunal which has to consider the trustworthiness of witnesses, it is quite clear that a person under sentence for life cannot give his testimony under any fear of punishment; and that is a matter which seems to me of consequence. The only other direct evidence I can see to be brought before you is the convict’s wife’s. With regard to her I need not say anything. Now, it sufficiently appears from the depositions, and even if it did not, I should consider it my duty to point out that, although it is no part of the duty of a grand jury to try a case, no part of the functions of a grand jury to hear the evidence of the defence, but that its function is to ascertain whether there is or whether the evidence appears to be credible, sufficient to justify that the person charged should take his trial before a common jury; but I am not prepared to say, in a case of this kind, that it would not be competent for you, if you should think, and if the circumstances that come out before you show, that the facts are as I am now about to point out, that Benjamin’s evidence really was that in the presence of another detective (Campbell) he found this paper, and he forthwith handed it to the Inspector of Police; it seems to me perfectly competent for you to say in the public interest that we ought not to proceed to deal with this case without having the evidence of Campbell and Thomson. If you think, on the evidence that shall be brought before you, that it shall be right and proper, though it is certainly not for you under ordinary circumstances to try a case, yet it will be perfectly competent for you to say we cannot deal satisfactorily with this bill without hearing the evidence of those persons who were present there—Chemis and his wife, named in the indictment, and the names I have mentioned, Detective Campbell and Inspector Thomson. I think the same observation which I have made in that case will apply to the other indictment. It is this: that on the same occasion Benjamin did say, no doubt, that he found certain articles. No doubt the presence or absence of those articles in the house of the prisoner was of value. Whether there were percussion-caps in the drawer or whether there were not, whether there was a powder-flask in the drawer or rather whether there was not, and whether there was a wad-cutter or not; and, further, as to whether there were quail seen in the house by Benjamin. Benjamin says he did not see these things, whereas it is said that they were there, and that he did see them. On this same occasion Detective Campbell and Inspector Thomson were also there; the same observation applies. The only direct evidence of what took place on that occasion, and of what was in the drawer, could have been only the persons who were present on that occasion. As to whether these things were in the drawer the next day, or the next hour, or the day before, must be, in my opinion, quite immaterial. With these observations I ask you to retire to your room, and the bills will be presented to you.”

The Chief Justice took a remarkable course in inviting the grand jury to go outside the list of witnesses on the back of the indictment and outside the evidence in support of the charge, and to call persons whose names are not on the back of the indictment, and whose evidence could only be “in exculpation of the accused.” The Chief Justice went further. He not only suggested to the grand jury that they should obtain exculpatory evidence by calling persons not named on the back of the indictment, but he directed them not to call the evidence of witnesses whose names were on the back of the indictment, and whose testimony tended strongly to corroborate the evidence of the principal witnesses for the prosecution. He told the grand jury that corroborative evidence was irrelevant. In fact, the Chief Justice, while he by his charge proposed to curtail the undoubted rights of the grand jury to call all the witnesses named on the back of the indictment, and to consider all the evidence for the prosecution, indicated to them that they might go beyond the unwritten law to obtain what was unquestionably evidence for the accused.

*Primâ facie*, the grand jury had no concern with any testimony but that which was regularly offered them with the bill of indictment, on the back of which the names of the witnesses were in-



serted, their duty being merely to inquire whether there was sufficient ground for putting the accused party on his trial before another jury of a different description. But if they were unable to satisfy themselves of the truth sufficiently to warrant their determination, they might properly seek other information relative to facts; but further than this they could not proceed.

The Chief Justice failed to lay any stress on the really authoritative statement of the law as laid down by Mr. Chitty, and backed by the authorities of Hall, Blackstone, and Hawkins, and resorted to the dubitative statement of Mr. Chitty. But Mr. Chitty says that the propriety of calling a witness not tendered by the prosecution can only exist "in case the grand jury may not be able to elicit the truth from the witnesses for the prosecution, and are actually convinced of that circumstance."

No such case had arisen. The Chief Justice had suggested it to them, and suggested that they should call before them two persons who must be witnesses for the defence, if the case went to trial, and who were most deeply interested themselves in the throwing out of the bill—namely, Inspector Thomson and Detective Campbell.

It is to be regretted that it did not occur to the Chief Justice to pursue the same course when the prisoner Chemis was tried, since it might have assisted the grand jury, who were extremely doubtful on that occasion, to throw out the bill against him.

Your petitioner offers, for the consideration of your honourable House, the following considerations:—

1. The circumstances surrounding the conviction of the prisoner were almost unprecedented. It has happened that men have been convicted on circumstantial evidence, but your petitioner believes never, at all events in living memory, on one single thread of circumstantial evidence without one iota of support from any surrounding fact.

2. Your petitioner is satisfied that she can, with the aid of counsel, convince your honourable House that this is actually the case in the present instance.

Again, the state of health of the prisoner's counsel was such as to make it physically impossible that he could do justice to the prisoner; and, while paying every tribute to the excellent intention and desire of the counsel who is gone, your petitioner must state that owing, she believes, entirely to his great debility, he failed to produce evidence of great importance to the prisoner, and which was actually in his possession at the time of the trial.

Again, the evidence produced, and witnesses tendered to the Executive for examination, who will certainly impeach the reliability of the evidence as to the one circumstance which alone remains to justify the conduct of the jury.

Again, there is conclusive evidence of witnesses, all of whom were examined before the Magistrate on the perjury charges, to prove the occupation of the prisoner during the whole of the time at which the murder was committed.

Your petitioner, therefore, humbly prays that your honourable House will inquire into all the circumstances aforesaid, and afford your petitioner such assistance as may be necessary to obtain justice for her unfortunate husband, and the prosecution by the State of all those persons on whose false testimony her said husband was wrongfully convicted.

And your petitioner will ever pray, &c.

Signed in the presence of E. G. Jellicoe, solicitor, Wellington.

ANNIE CHEMIS.

[Mr. E. G. Jellicoe, of counsel, has consented to appear on behalf of the petitioner.]

## MINUTES OF EVIDENCE.

THURSDAY, 18TH AUGUST, 1892.—(Mr. C. H. MILLS, Chairman).

*Mr. Gully* : My position here is on behalf of the Crown, and I wish it to be distinctly understood that that is the sole aim and limit of my action in the matter. It must be understood I do not represent or appear in the interest of any one else, and it must not be assumed that I do in any way represent those persons whose conduct may be challenged by these proceedings. It will be observed that the petition attributes misconduct to several persons, from Ministers of the day downwards. Against some of these persons a direct charge of perjury is set forth, and, inferentially, the charge of perjury is repeated against others—Detective Campbell in particular. It will be remembered perhaps that last year I suggested to the Public Petitions Committee, in the question for a retrial of this case, that some notice should be given to the parties whose conduct was likely to be impugned, so that if they thought fit they might be present or have their case represented at the Committee's inquiry. That was entirely a suggestion on my part, and it now rests with the Committee to decide whether or not that course is to be followed in this instance. My position in the matter, then, is perfectly plain. My duty is to protect the administration of justice, but it is no part of my duty to protect the character of any one concerned in these proceedings. This, I apprehend, is beyond the purpose for which I am present here.

*The Chairman* : Would it not be possible for counsel to narrow the issues down, so that the Committee might have an idea of the facts of the case with respect to the parties implicated? In that case the Committee would be in a better position to decide as to who were the persons that might be called.

*Mr. Gully* : The issue should be formulated by the solicitor.

*Mr. Jellicoe* : The main object of the petition is to obtain an investigation into the grievance of the petitioner Chemis. As far as practicable I have confined myself to a recital of these grievances. To make the case complete it is necessary to allude to the actions of various persons alluded to, Detective Benjamin amongst others; but I do not know how far it is necessary that he should be represented at this stage of the inquiry, unless the Committee think it requisite to have his evidence taken. Benjamin was indicted for perjury before the Chief Justice. The Chief Justice gave a certain ruling when the case came before the grand jury, and in consequence thereof the prosecution failed. The case was represented to the Department of Justice, and the petition is now before this Committee with the view of having the whole matter further investigated.

*The Chairman* : Do you not think it is fair and right that the people likely to be implicated should receive notice of the fact with the view of giving them an opportunity of being present should they think fit?

*Mr. Jellicoe* : I do not think it should be assumed by the Committee at this stage that any one will be implicated. If it should turn out during the inquiry that any one is implicated, and that proceedings should be taken, the Committee's decision may or may not necessitate a separate investigation—perhaps a prosecution and a defence; and such investigation will then be conducted altogether apart from any proceedings here.

*Mr. Allen* : Do you ask any question in regard to misdirection by the Judge who tried the case?

*Mr. Jellicoe* : What we state is that justice has been denied to Chemis, and that it was to some extent withheld at the instance of the late Government.

*Mr. Moore* : I take it that that means, if the whole case is to be gone into, then we should have what evidence there is, or which can be adduced for the other side.

*Mr. Jellicoe* : I have no objection at all to such a course. If Messrs. Thomson, Benjamin, and Campbell are so advised, I can see no reason why they should not be here and defend themselves, or give such evidence as they may think fit in the circumstances.

*Mr. Earnshaw* : Then you think that the parties whose conduct is likely to be impugned should be here in order that they may hear what is going on, and, if so advised, take steps for their own defence?

*Mr. Jellicoe* : No doubt it is suggested that more than one person is interested by these proceedings, and a direct charge of perjury was made against at least one of them. The petition alleges to some extent a grievance against members of the late Ministry and against certain officials. It would hardly be expected that all the parties likely to be affected should attend, but they might still be to some extent represented as a whole. After being duly presented to the House of Representatives, the petition was remitted to this Committee for inquiry into its allegations, and I apprehend it is open to any one interested to attend and take part in the proceedings.

*The Chairman* : Should the parties implicated not be able to attend then, after we have taken the evidence, a copy of it might be given to these parties for their perusal, and if they were not satisfied they could come before the Committee and take what steps they thought advisable.

*Mr. Gully* : I would point out that the petition involves questions of misdirection by the Judge, miscarriage of justice, and likewise perjury. In these charges a number of persons are included.

*Mr. Jellicoe* : The Committee might go on with the consideration of the petition, and if it is found that the interests of any one are likely to be prejudiced—if the Committee see that some sort of case is likely to be made out against any individual, then the Committee might invite him or them to attend.

*Mr. Gully* : The charges, as formulated, are of a wholesale nature, involving misdirection on the part of the Judge and misconduct on the part of sundry others. With the case as it may affect any individual or individuals I decline to have anything whatever to do. My position in the matter is that I simply represent the matter in its relations to the interests of the Crown.

*Mr. Jellicoe* : Detective Benjamin has already obtained the assistance of the Crown. He had the advantage of the Crown's Law Officer for his defence on the charge of perjury. He was defended by my friend's predecessor in office, Mr. Bell, and I say even now he is substantially represented by the Crown Solicitor.

*The Chairman* : I feel this is a serious matter for the persons who may become implicated, and that we should deal with it not with a strict regard to the legal aspects of the case, but as a committee sitting in a Court of equity. Would it not be possible to narrow down the issues involved so as to enable us to give notice to any one implicated, so that they might at least have the opportunity of attending, and take what action might seem necessary in the circumstances?

*Mr. Jellicoe* : There is still another matter to be considered in relation to the question of notice to these persons. Suppose I am able to come here and adduce evidence that would establish a case of perjury, the Government probably would be bound to take up and prosecute that charge. In that case I should be disclosing the whole of the evidence to the person or persons to be afterwards charged, and it would be manifestly unfair to do so at this stage.

*Mr. Swan* : What, generally speaking, is the nature of the evidence proposed to be taken?

*Mr. Jellicoe* : We rely generally on the evidence set forth in the records of the House, and the evidence taken in the charge before the Resident Magistrate's Court. I shall submit that on that evidence there is sufficient shown to demand investigation.

*The Chairman* : Can you give the Committee an idea of any direct evidence likely to be taken?

*Mr. Jellicoe* : All the facts are set forth in the documentary evidence I have mentioned, and there is at least one member of the late Ministry willing to come here and give evidence in connection with this case. Then I shall satisfy the Committee that a case of hardship was experienced in conducting the prosecution before the Resident Magistrate's Court; and then I think the Committee will agree that the whole matter ought to be further inquired into. What we ask for is a merciful consideration of the case, and for justice. I trust the Committee will, in dealing with all the facts of this case, remember that a grave doubt existed in the mind of the Executive and the Governor as to Chemis's guilt, and it was in consequence of that doubt that the Crown commuted the death sentence. Supposing, however, it could then have been shown that perjury was committed in the proceedings taken against Chemis, then clearly he would have been entitled to a pardon.

*The Chairman* : The Committee are most desirous of getting this petition narrowed down to certain issues, if that can be done. Meantime I now ask the Committee is it desired that we proceed with the case without giving notice to any of these parties?

*Mr. Allen* : I do not see how we can proceed to deal with it now. There are a great number of persons said to be implicated by it.

*The Chairman* : If we adjourn the case at this stage would counsel be prepared to narrow down the issues to the smallest compass? Is it not practicable to narrow them down to this?

*Mr. Allen* : Charges are made against the late Ministry; there can be no doubt about that. Are we to ask that they may have an opportunity of being present and defending themselves?

*Mr. Jellicoe* : Suppose there was a charge against the Department of Justice, surely the Committee would proceed to deal with the petition, and then, if a *prima facie* case of misconduct was made out, an opportunity would be afforded the officer complained of to defend himself.

*The Chairman* : If the petition implicated only officers of the department I, as Chairman, would ask the Government to have some one here to defend the character of the lot. But I see that there are other persons implicated outside of the department.

*Mr. Jellicoe* : The only one outside of the department is Detective Benjamin, and he can be well represented by my friend.

*The Chairman* : Mr. H. D. Bell's name is also mentioned, and then there is Mr. Fergus, a member of the late Government.

*Mr. Jellicoe* : Against Mr. Fergus there is no charge; it is only a grievance. It is not intended to be suggested as a charge. We do not say that Ministers acted unfairly or improperly in dealing with Chemis's case. All we say is that there may have been errors of judgment on their part. I take it that no one says the Ministers are otherwise interested or involved.

*The Chairman* : Can you tell us what other evidence you wish to bring before the Committee? Have you any other material witnesses you intend calling?

*Mr. Jellicoe* : I will limit my evidence entirely to the public documents, but I may call one of the late Ministry—the Hon. Mr. Richardson. He made a very full investigation into the case, I believe.

*The Chairman* : I am glad to hear you intend to call him.

*Mr. Jellicoe* : There may be one or two questions to be put to Mrs. Chemis regarding the state of her husband's counsel at the date of the trial.

*Mr. Gully* : I have not the slightest objection to the course you propose to take. What I want to make clear is that I must be relieved from all suggestion that I act for any one but the Crown. Mr. Jellicoe has attempted to identify me with some of these people, but that I most distinctly deny. That is the position I take up. I have no objection to the course you propose to pursue so long as it is distinctly understood I am relieved from acting for any other person in this matter but the Crown.

*The Chairman*: I think that in the meantime the Committee will have to adjourn. The Clerk can be instructed to notify the parties implicated, and if they think proper then they will be at liberty to attend. If they do not chose to attend, then we, at all events, will have done our duty.

*Mr. Jellicoe*: It is very evident we cannot proceed further to-day.  
Adjourned till Monday.

MONDAY, 22ND AUGUST, 1892 (Mr. C. H. MILLS, Chairman).

Mr. Gully appeared for the Crown, and Mr. Jellicoe for the petitioner.

*The Chairman* (addressing Mr. Jellicoe): Some evidence has already been taken, but the Committee would like to understand whether you intend to confine the evidence before them to what was adduced before the lower Courts, or whether you intend to examine other witnesses besides those you named. I think you mentioned two witnesses last Friday.

*Mr. Jellicoe*: I shall abide by what I said last Friday; and, moreover, I undertake to do my utmost, consistently with my duty to the petitioner, to make my statement as concise as possible.

*The Chairman*: That is really the position the Committee are anxious to be in, so that, instead of its being a very lengthy case, we shall be able to get through it in the limited time we have at our disposal.

*Mr. Jellicoe*: I will do my best to shorten the case. A report was made by His Honour the Chief Justice to His Excellency the Governor, which honourable members will find set out in the papers placed on the table of the House during the session of 1889. Perhaps, in order to assist the Committee, it would be more convenient if I read that report, because it directs attention at once to the salient points of the case. This report is one to which, no doubt, the Committee will attach great weight. It is addressed to the Honourable the Minister of Justice. In considering the evidence taken before His Honour the Chief Justice, the Committee will consider whether the other evidence that was also available, though not called, is not material for the consideration of this Committee:—

“This statement,” says His Honour the Chief Justice, quoting from Appendix H.—33, of 1889, “is not intended to convey any conclusion of my own on the evidence as to the prisoner’s guilt.”

“I enclose herewith a copy of the notes of the evidence taken by me at the trial.

“At the trial an application was made to me by Mr. Bell to admit evidence of statements made by Mr. Hawkings, the person alleged to have been murdered, of grounds for fearing Louis Chemis, so much so as to cause him to procure a revolver for his protection. I did not admit that evidence, as I was of opinion that it was not legally admissible. I mention this application, as His Excellency may be of opinion that the alleged facts, though not legally admissible as evidence at the trial, ought now to be investigated.

“It will be seen from the notes of evidence that there can be no doubt that Mr. Hawkings was murdered on the evening of the 31st May, at probably about a quarter to six in the evening, on the road leading from the Hutt Road, near Kaiwara, to his house, and at the spot on the road about forty-five or fifty yards from a bend in the road nearer to the Hutt Road. The evidence appears conclusive that very near this bend Mr. Hawkings was first struck by a bullet from a firearm fired from the left side of the road going up, probably from amongst the gorse bushes there, Mr. Hawkings being on the right-hand side of the road; that in loading this firearm portions of newspaper were used in remarkable quantity; that the bullet striking against a knife in Mr. Hawkings’s pocket glanced off and did not wound, though it bruised him; that he probably fled down the hill pursued by his assailant; that in the course of his flight he was stabbed at by a sharp-pointed instrument, and eventually stabbed to death by a sharp and double-edged instrument; that, either in the course of his flight or afterwards, he was shot in the back with a firearm loaded with No. 4 shot, and newspaper being used as a wad or otherwise in loading; that the portions of newspaper used in loading the firearm from which the bullet was fired, as well as the firearm from which the shot was fired, were of the first, second, and third columns of the second page, and first and second and third columns of the fourth page of the *Evening Post* of the 23rd May, 1889; that the assailant was actuated by motives of revenge; that, suspicion having been directed to the prisoner, his house (situated about a quarter of a mile, or a little more, from the spot of the murder), in his presence, was searched on the following day, about four o’clock in the afternoon, and he was found to be in possession of a dagger, which, from the post mortem examination, corresponds in every particular as to dimensions and strength with the instrument which must have been used; that he was in possession of a muzzle-loading gun, of which one barrel had certainly recently been fired off; that as to the other barrel, whether that had not also been recently fired off was open to doubt, inasmuch as, though the inside of the left barrel was found four days after the 31st rough and rusty, while the right was sooty and greasy, this difference might be accounted for by the inside of the left barrel, near its muzzle, having been wiped or otherwise interfered with, while the right barrel had not been wiped or interfered with; that the prisoner was also found in possession of several cast bullets, which, being too small for the barrel of the gun, would, if fired from that gun, have required some material to be wrapped round it, and that paper would have been a suitable material; that a shot-pouch was also found in his possession containing No. 4 shot, mixed, however, with No. 6 shot, the latter largely prevailing in numbers; that this shot was greased; that this is a device for causing shot not to scatter; that portions of the same columns of the same newspaper used in both loadings were found in the prisoner’s house, either in the locked drawer (of which the prisoner had the key) in which the stiletto, bullets, and shot were found, or on a shelf in the parlour.

“The prisoner accounted to the police officers who searched his premises for the appearance in the gun of having been recently fired off by saying he had fired at some quail. The police, though they made a search of the premises for evidence, and the search therefore may be believed to have been minute, found no powder-flask or powder, no percussion-caps, no wads or wad-cutter.

"The jury, no doubt, credited the evidence, and concluded that the possession of the paper by the prisoner was proved, and that it connected him with the crime. It was proved that the prisoner had returned home that evening shortly before five o'clock; that his residence was about a quarter of a mile from the spot where the murder was committed; that he had the means of knowing that Mr. Hawkings had gone into town that day, and had not returned at five o'clock, and that Mr. Hawkings's usual hour for returning was before six o'clock.

"There was some evidence of motive, and of expressions of the prisoner of ill-feeling towards Mr. Hawkings.

"At the trial, in the cross-examination of witnesses for the prosecution, there was much suggestion on behalf of the prisoner that other persons bore ill-feeling towards Mr. Hawkings. It did not seem to me that anything came out in this cross-examination.

"In the course of the case it appeared that at about five o'clock in the afternoon of the day of the murder a man with a gun was seen proceeding along a public track on the Kaiwara hills, first in a direction away from Hawkings's land, and afterwards towards Barber's slaughter-yard; this slaughter-yard is on the Kaiwara side of the prisoner's house, and not far from it. Who this man was was not shown at the trial. From one of the witnesses called by the Crown it was proved that early in the morning after the murder a person living on the Ngahauranga Road saw a man, a stranger to him, running up that road towards Johnsonville.

"The prisoner was not arrested till the 5th June; it was not till the 6th that the shot-wound was found to contain portions of the newspaper of the 23rd May. At the trial the police officers were closely questioned by the counsel for the prisoner for the purpose of showing that the paper said to have been found in the house might have been in truth found on the spot; the jury, however, were, in my opinion, justified in concluding that there had been no mistake in this matter. The stiletto found in the prisoner's house on being examined by Mr. Skey bore no traces of blood. It appeared, however, that before being examined by him it had, in the course of the post mortem examination, been inserted into some of the wounds and made bloody, and afterwards washed in cold water. The fact that no blood-stains were discoverable by Mr. Skey was therefore quite consistent with the supposition that it had been used in the murder.

"Accompanying this statement are the plans produced at the trial; the photographic copies of the portions of newspaper relied upon as connecting the convict with the crime. The originals are in a box with the Registrar, who, of course, will deliver them to any person you appoint to receive them from him. The stiletto, shot-pouch, bullets, &c., are also in the possession of the Registrar.

"I have, &c.,

"JAMES PRENDERGAST.

"The Hon. the Minister of Justice.

"P.S.—It has not, I think, been usual to give a detailed account of the case when reporting in reference thereto for His Excellency's information. As, however, the evidence is very lengthy, and much matter of little importance introduced by the cross-examination, I have thought that the foregoing account, which cannot be looked upon as exhaustive, might aid His Excellency in considering the case."

Now, as to the evidence given before the jury. I will endeavour to direct attention to its chief features, because honourable members will possibly have an opportunity of referring to all the papers, which are printed, and are records of the House. The first witness called was the Registrar of the Supreme Court, who produced some papers in an action in which Hawkings was plaintiff and Chemis defendant. Hawkings had sued Chemis in ejectment in respect of land occupied by Chemis. The case came on in December, 1888, when judgment was reserved, and this evidence was tendered to suggest a motive for the murder. The plan now produced was proved by Mr. Anderson, surveyor. I need not trouble the Committee with any questions of ownership of the land; it is sufficient to say it was sub-leased to Chemis.

*The Chairman:* Was it land leased from Hawkings to Chemis?

*Mr. Jellicoe:* Yes, it was leased for eighteen years from 1st August, 1888, at a rental of £14 a year. It was a lease of only nine acres of land. The next witness called was Charles Bowles. I ask honourable members to pay special attention to his evidence, because he was residing in the house of the Hawkings's. He and a lad named Norman were employed by Hawkings to work about his farm. It will be found, without my going into details, that up to the time of the arrest of Chemis, some six or seven days after the murder, no police-constable had made the slightest search of Hawkings's premises—either his farm or his homestead; in fact, no person had suggested or ever anticipated that was a place that ought to be searched. Indeed, it has never been searched from that day to this. Charles Bowles said—"I am a labourer; reside with Mrs. Hawkings at Kaiwara. Carterton is my residence. On 31st May I resided at Hawkings's. Had been there since 27th March. Am cousin to Mrs. Hawkings. I came down to get married; was so on 15th April last. I had known deceased fourteen years last May. He lived 15 chains off the present house. Old one pulled down, now lives in new house. Farm is about 500 acres. He used not often to have business to do in town, only on Fridays. He used to go in on Fridays. He delivered his butter regularly on Friday to Dixon. He used to go in with horse and cart. He had the mare eight years. He used to drive that mare. He never used to ride, he always walked up alongside the mare. On the 31st we were cutting firewood, I and young lad, Norman—firewood for the house, all afternoon till quarter to five. After that we got the cows in, and were milking till a quarter to six, then went in and had tea about six o'clock." You will observe that this was near the time when the murder was committed. "Hawkings left for town about ten o'clock in the morning, driving the trap and mare. I never saw him after that alive. We were about half to three-quarters of an hour at tea. Norman had tea with us. He had nine children, and Mrs. Hawkings. They were all at home that evening. Age of the eldest boy eight years. He usually got back at six, hardly ever later in winter. After tea I said to Mrs. Hawkings, 'It is strange he has not come in.' She said she had expected him. We kept waiting. We waited till

ten minutes to eight." Honourable members will find that the spot where the murder was committed is not distant from Hawkings's house more than three or four minutes' walk, and here are these people having their tea, and waiting until ten minutes to eight o'clock, when this witness said, "It is strange he has not come in." "She said, 'You had better go down the hill and see if you can see him.' I looked at the time. I got the lantern. I went about six or seven chains from the house to where is another house; there I found the mare and trap, this side of where they are living." [The mare and trap had entered through the gate into the enclosure surrounding the homestead, and stopped there. According to Mr. Bowles, who discovered the mare and trap, the mare was standing still in the enclosure.] "The near-wheel was in the paling fence. I looked; I called for Mr. Hawkings. I found the reins tied up at the front board of the trap, as he always did at the bottom of the hill. I got the horse out of the fence; I took the horse and trap home, and gave it to Harry Norman. It is a dwelling-house, unoccupied. I then went down to look for Hawkings. I followed the road right round until I came to where I found Mr. Hawkings. I found him laid straight across the road, feet towards the bank, head towards the gully. I found him lower down the bend—forty or fifty yards lower down. I took hold of his wrist. I turned him over on his back. I put my hand on his stomach. I found he was quite dead. I left him lying on his back." According to this evidence, Mr. Bowles was the first person who came upon the body, or in any way interfered with it. Instead of going back to the household, when he found Hawkings on the road in this condition, he goes away from the house in an opposite direction. He went to some butchers (Dimock's) who were carrying on business on the Hutt Road. He says, "I left him on his back, and I went down to Mr. Dimock's. Before I got there I saw young James McCallum leading a horse up to Mr. Cates's stables." I am not suggesting anything against Mr. Bowles at this moment; but supposing he had been in any way connected with the crime, and he was met coming from the direction where Hawkings was lying dead, his object would be frustrated by meeting this man McCallum. He meets him on the road, and he says: "I asked him to go back and tell Mr. Dimock that I found Mr. Hawkings dead up the hill. I returned to the horse until Mr. Dimock came up, where I was standing with the horse."—

*The Chairman*: Have you a plan that might be placed before the Committee; we would be able to follow the evidence better? [Plan of locality produced and the position of Hawkings's house, the shed, Dimock's house, and Chemis's house (No. 21) explained.]

*Mr. Jellicoe*: The evidence for the prosecution shows that the distance between Hawkings's house and Chemis's house cannot be traversed under twenty or thirty minutes. His Excellency Lord Onslow went out and walked over the ground for the purpose of satisfying himself on that point. If the evidence as to time is carefully considered, Chemis must have committed the murder, if at all, within twenty minutes or so after he arrived home on the 31st of May.

*The Chairman*: I intend to go out to the locality myself, and perhaps members of the Committee will accompany me.

*Mr. Jellicoe*: I am glad to hear that honourable members will go. They will understand the lay of the country better; then they will be able to appreciate any description of mine. The witness says: "I waited with the horse until Mr. Dimock came up where I was standing with the horse." There is no suggestion that he went on to the house and reported himself. He was found waiting with the horse and cart when Mr. Dimock came up. He next returned down the road with McCallum. He continues: "It was William Dimock and Victor Dimock. Victor went up with one or two more to where I found the body, and William Dimock and myself went to the telephone at Dimock's. I informed him to telephone to Dr. Martin. Dr. Martin was not at home. Dr. Cahill came out. I should say it was half-past eight. I cannot say what time it was Dr. Cahill came out. I went up the hill with him and five or six more. It was a very cold, windy night. It was starlight; not dark; no moon. Wind blowing direct up the gully. We call it a south-east wind." This road is almost south-east, and rises up the gully, and there was a south-east wind blowing. Honourable members will form their own opinion as to the quantity of newspaper that would be likely to remain stationary on the gorse bushes or at this spot with such a wind blowing. "Mr. Dimock and young McCallum and Dr. Cahill and myself went up. The doctor looked at him, and we brought the body down the hill. Police had not arrived up to then. Dr. Cahill followed us down to Mr. Dimock's. Police came out fifteen to twenty minutes after we brought the body down. We had the body down the hill before the police came, but not into the express. When the police came they borrowed Mr. Dimock's express, and the body was, by order, taken to the Morgue. I stopped down at the bottom of the hill till half-past twelve. Mr. Dimock and the police took the body into town. Before Dr. Cahill went into town he and Constable Carroll went up and saw Mrs. Hawkings. They came down before the body was taken away. Carroll rode in the express. I did not see Mrs. Hawkings that night." That is such an extraordinary circumstance that I specially direct the attention of the Committee to it. Here is a man who is sent out to look for Hawkings. He goes out to see where Hawkings is. He finds his horse and cart in the condition and position described, and lower down the road he finds Hawkings lying dead. He proceeds to call in the aid of Dimock. He is met on his way by McCallum. He meets McCallum on the road, a few yards from where the body lay. He returns to the horse and cart, and, instead of going on to the house, he waits alongside the horse and cart, and about the road with Dimock until the police and one person and another arrive—until the body is taken away, and he says, "I did not see Mrs. Hawkings that night." It is a curious circumstance that he did not go back to the household and report himself, or explain what had befallen his master. He says Dr. Cahill went up with police-constable Carroll before the body was taken away; and it is an extraordinary circumstance that, although Bowles was sent out at eight o'clock to see for Hawkings, and had not returned when Dr. Cahill arrived, neither Mrs. Hawkings nor any other person appears to have gone out to ascertain the reason Bowles did not return. Although this man Bowles lived on the premises, worked on the farm, and returned to the enclosure around the house, he did not go into the house and acquaint the inmates of what he had discovered. He

does not see Mrs. Hawkins again that night. He says, "I did not go to sleep that night." That is his statement. "I did not go into the house till six the next morning." Then he goes on: "Then I saw Mrs. Hawkins. Next morning we milked the cows—about a quarter to seven. I went down to where Hawkins had been lying. It was light. I only took notice of the blood. No one there at first. I had just started to leave the spot when Constables Carroll and Healy came up. I then went back and met them at the spot where Mr. Hawkins had been lying, and the two constables came up to Mrs. Hawkins's house. They were ten minutes looking at the trap and mare. They left. I did not leave with them. I stopped at the house. Same morning about 10 I passed again the spot where the body was found. I drove Mrs. Hawkins to the Morgue. At that time no one [knew?] where the body had been. I returned about half-past 3 or 4 o'clock. I drove Mrs. Hawkins back. As we returned, Inspector Thomson and Constable Campbell were on the bank at the bend of the road. That is where the trap generally rested. They were picking up scattered paper, and cloth that had been shot off Mr. Hawkins's clothes." This is on the Saturday afternoon, the Committee will observe. "They were on the left-hand side as you go up at the bend and amongst the gorse. The gully runs out there. A little way above the bend there is a gate across the road 2 chains or so up from the bend. The gate was open the night before when I went to look for Mr. Hawkins. He would generally shut the gate if there were cattle, but there were no cattle at this time in there." Now, honourable members will see that on Saturday afternoon Inspector Thomson and Detective Campbell are found for the first time on the road—"on the bank at the bend of the road." "They were picking up," as the witness says, "scattered paper." The Committee, in the consideration of that statement, will have regard to what Bowles said was the condition of the weather. Now, when honourable members come to look at the evidence of Inspector Thomson, they will find that, when he left Wellington to go out to make an inspection of the *locus in quo*, he had received information from Dr. Cahill—that was the only information he had received—that Hawkins had died from a stab-wound. No suggestion had been made to Inspector Thomson before leaving town on the Saturday afternoon that Hawkins had died from a gunshot-wound. Now, assuming that to be the fact—I have no reason to dispute it—in what way, I ask, would the papers that he and Campbell found lying on the road assist the then theory of the prosecution, that the deceased had died from a stab-wound? Indeed, according to the evidence of Inspector Thomson, he did not know at that time anything about a gunshot-wound. His attention was only directed to searching for a weapon that would cause stab-wounds, and it was not directed to the necessity of picking up pieces of paper lying on the road.

*Mr. Houston*: The police would be likely to pick up anything.

*Mr. Jellicoe*: I do not dispute that, or that Inspector Thomson did pick up pieces of paper, but whether he attached the same importance to the pieces of paper he then found as he would have done had he been aware that a gunshot-wound had caused the death of the deceased is quite a different matter. The only point is whether Mr. Inspector Thomson, or any other human being, if made aware that a man had died from the effects of stab-wounds, would have at once directed his attention to evidence which could only be consistent with death from a gunshot-wound.

[*Mr. Fisher, M.H.R.*, here entered the room and said,—*Mr. Chairman*, I do not intend to stay in the room, and should not have come had I not received this notice from you, as certain unfounded statements have been made connecting me with this case. *Mrs. Chemis* can have no possible knowledge of those statements, and I intend to take no notice whatever of them. (*Mr. Fisher* withdrew).]

*Mr. Jellicoe*: *Dr. Cahill* was the next witness examined. He said, "I was summoned by telephone from *Dimock's*. I got the message about twenty minutes to 9. I was in. I started at once, after getting a few things. I arrived, I should say, five minutes past 9. I met the two *Dimocks* at the gateway, at the entrance to *Hawkings's* road from *Hutt Road*. I met *William Dimock* and two or three others—I think *Bowles* was amongst them. I went with them up this road to where the dead body of *Hawkings* was on the road, lying on his back, head up hill and towards gully, lying across the road. Blood about 6ft. or 5ft. lower down the road. This accounted for by *Bowles*, by saying he had turned the body over. It was a pool of blood soaked into the dust on the road. We had a lantern; could not have found our way up without one. I examined the body. I could not make complete examination then because of light, and I did not think it necessary. I asked to have the body taken to *Dimock's*. I went with them. I remained by the body till it was handed over to the police. I observed when on the hill two incised wounds on either side of neck, from which blood was issuing. Constables *Carroll* and *Webb* came out. I delivered the body to them to take to the morgue. Before removing the body I removed a watch from body. It was going, and indicated a quarter-past 9. I gave it to *Bowles*. Having given the body to the police, I took one of the police to examine where the body had been lying. I went up and examined the cart. I there saw *Mrs. Hawkins*. I then returned down hill with *Carroll* to *Dimock's*, the body still there in charge of the other constable. I then left. I was at the Police Office that evening. I went there about 11 o'clock, or soon after. Up to that time I had not communicated any suspicion to any one except to *Dr. Robertson*. I saw *Sergeant-Major Morice* there at 11, and told him suspicion." Now, it is a curious circumstance that a doctor should go out, and at 9 o'clock find a dead body, which had been stabbed to death, lying in a pool of blood on the road, and that such a matter should not excite his suspicion until two hours afterwards. It is, to say the least of it, very extraordinary. I need not trouble you with a description of the twenty-one stab wounds, as the doctor's evidence is fully before you, as I think that in reading it *in extenso* I should be occupying your time unnecessarily.

*Mr. Earnshaw*: How many wounds were there?

*Mr. Jellicoe*: I think the doctor says twenty-one.

*Mr. Earnshaw*: Are they gunshot-wounds?



*Mr. Jellicoe*: He has not up to this point mentioned the gunshot-wounds. He gives a full description of the wounds which he found existing on making the *post-mortem* examination. "Having opened the chest, I found the left pleural cavity filled with blood and clots of lung-collapse, and I now found that the wounds previously described beneath the armpit had entered the upper lobe of the left lung—six of them. The right pleural cavity contained blood and clots, and the apex of the lung had a small circular wound, which had evidently been made by a small pellet of shot, the position being in a direct line with a gunshot-wound. [Q. I want to know about the wound in the heart?] Any of the wounds in the jugular would cause death. I opened the pericardium, which contains the heart; it was full of blood and clots. On the upper part on the left side there was an incised wound  $\frac{3}{4}$ in. in length; a similar wound  $\frac{1}{4}$ in. in length opened into the left auricle of the heart. The distance between the inner wound in the heart and the outer wound on the surface of the body which passed through the lung was 5in. That wound corresponds with one of the six wounds under the armpit. I measured the depth with probe. As to the jagged wound on the back, it was on the back of the right shoulder, close to the spine and above the angle of the shoulder-blade; that not incised was a ragged round hole, circumference  $1\frac{1}{4}$ in. by  $1\frac{1}{4}$ in. There were a large number of shot-wounds outside this hole." Then he goes on to describe the wound—a jagged wound "on the back of the right shoulder, close to the spine and above the angle of the shoulder-blade." "The shot had passed into the body. I traced that wound in the interior; it passed slightly upwards and outside to the right. One pellet I presumed had passed into the lung. As to the flesh that had been injured by the jagged wound, I took out the mass, put it in a piece of paper, and carried it home on the Saturday. This was on the 1st June—Saturday. I got the paper out of my bag. I brought the bag from home. The paper was in the bag when I left home on the morning of Saturday. I put it into the bag that morning. It was newspaper. I remember putting it in my bag. I got it from one of my rooms. I do not know what paper it was. I do not keep files of the paper. I do not preserve them. I do not think I had had a *New Zealand Times* that morning. It is not my habit to have old papers. Sometimes half a dozen. I have the *Post* and *Press* regularly." Again, I would point out to honourable members that this evidence is worthy of special consideration. Here is a doctor making a *post-mortem* examination. He has in his bag some newspaper. He is in the habit of taking the *Evening Post* and *Press*. It is not his habit to keep more than half a dozen old papers at a time. Half a dozen old papers would more than cover a paper of the 31st May. He says he took from the body a mass containing shot, and put that mass into a newspaper which he had in his bag. He is not able to say what newspaper it was, except that he is able to say this: that he does not think it was the *New Zealand Times*. He was asked this question: "As to the incised wounds on the body?" He replied, "They were all clean incised wounds, clean cut at both extremities. I mean that they were made by a double-edged instrument. The wounds on the surface of the body were  $\frac{3}{4}$ in. on the surface. The wound on the pericardium  $\frac{1}{2}$ in., and on the heart  $\frac{1}{4}$ in. That shows that the instrument with which the wounds were made tapered. The distance between the inner wound and the outer was 5in.; therefore the instrument must have been at least 5in.; besides that, I have not made any allowance for distance through the clothing. Having regard to the wound severing the jawbone, the instrument must have been a very strong one. The mass I took from the shot-wounds I took to my house, and produced it at the inquest. I took it home again. I had not changed the wrapping. I took it home on Monday, 3rd June. I dissected it on 6th June. Before that I had not taken the shot out. On 6th June I opened the parcel. The whole of the wrapping did not come away." Now, the doctor admitted that a small portion of his newspaper might have remained adhering to the mass that he brought away from the body of the deceased. If it did so remain it would have been only a small portion of the paper. The doctor was cross-examined, but in order to keep this inquiry within reasonable limits I shall content myself by referring to evidence which was given for the prosecution, especially as His Honour the Chief Justice says in his memorandum, "There was a considerable amount of cross-examination, but it did not seem to him that anything came out of it." I do not propose to read the doctor's cross-examination, or, indeed, any of the cross-examination, unless my learned friend Mr. Gully, who has an intimate acquaintance with the case, directs my attention to any particular portion, which I shall then read with pleasure. Mr. William Dimock was the next witness examined. He says, "On the 31st I saw Hawkings. He came up to the house about half-past 5 in the evening." Honourable members will observe that nearly every person who went up this road to the scene of the murder found pieces of paper here and there and everywhere. I do not think you will have any difficulty in coming to the conclusion that the neighbourhood was frequently resorted to by picnickers, who either took their luncheon or food with them wrapped in papers, newspapers, or pieces of newspapers, and, having eaten their luncheon, threw the paper away. This accounts for the large pieces of paper and of newspapers being found there and about the adjacent hills. After the murder I suppose every one going through these properties seeing pieces of paper on the ground picked them up. You will find that some of the pieces were very large. Supposing a person went out with a gun (I only mention this as a matter worthy of consideration) to kill Hawkings, and he wanted a piece of paper for wadding, the probability is he would pick up a piece of this waste-paper lying about and use it. If this is reasonably probable I venture to think it is some evidence tending to establish Chemis's innocence. Besides, you will find in the evidence adduced for the prosecution on the perjury charge that Chemis was at this time in possession of wads, and had therefore no occasion to use newspaper for gun-wadding. A mistake may have been made by the police, and reasonably made, when they stated they found a piece of paper in Chemis's house which corresponded with that found in the wound. The constable may have been confusing what was picked up in the house with what was picked up at the scene of the murder. If the large piece produced was picked up at the scene of the murder, then there is no single circumstance to connect Chemis with the crime. It is conceded by Mr. Gully that if the paper theory is unreliable the case for the prosecution is gone.

*Mr. Gully* : I think, before we go any further, the exhibits in the case should be before the Committee. [Exhibits produced by the Registrar of the Supreme Court.]

*Mr. Jellicoe* : The exhibit marked "No. 1" was, it is said, found in Chemis's house. *Evidence of Michael Green* (the time between witness first seeing Chemis and the commission of the murder): This witness says he was laying a gas-main on the 31st May, working with others at the end of a road in Kaiwara, within a hundred yards of the Rainbow Hotel, a little past Taylor's shop, on the further side from Wellington. On this point the Committee will have to consider—supposing this witness to be right in his account of the time—what interval there was from the time of his first seeing Chemis to the commission of the murder. To help to fix the time, you might consider how long it took this man, and those who were with him in a spring-cart, to come from Kaiwara to Government Buildings, and passing Hawkings on the way. He says they met Hawkings this side of Pipitea Point, Green and his companions coming into town and Hawkings going out. The clock was striking 5 p.m. as they passed Government Buildings. The next witness (Capling), who was in the cart, says they met Hawkings in his cart going out at this side of the Railway Hotel. Green says he and his companions knocked off work at twenty minutes to 5 p.m.; and that, coming into town, their horse walked a part of the way and trotted a part. The Committee would have to consider what distance would be covered by the witness between half-past 4, when Chemis knocked off, and twenty minutes to 5, when they say they knocked off. *Evidence of Robert Mackie*: This witness is agent for the *Evening Post* at Kaiwara, and a storekeeper there. On the 31st May Chemis called at his shop, in his working-dress, for the *Evening Post*, at half-past 4 o'clock. Green says that he knocked off work at 4.30. Hawkings called at Mackie's half an hour after Chemis had been there getting the *Post* and two loaves, which he took away with him. *Evidence of George Lee*: This witness takes Chemis home in his cart at "something" to 5. Chemis picked him up at Kaiwara at a few minutes to 5 o'clock. Lee brings him along to the bottom of his own lane, where Chemis got down. How long it would take to get from Kaiwara, from Mackie's, the storekeeper, to the place where Lee took up Chemis, honourable members of the Committee will have an opportunity of judging.

*The Chairman* : Would it be right to assume that, having completed his work, he knocked off at that time?

*Mr. Jellicoe* : No; some men knock off at half-past 4. Chemis's habit was to get home as soon as he could.

*Mr. Moore* : But that was the usual time for him to knock off.

*Mr. Jellicoe* : That is what they all say. There was nothing unusual in knocking off at that time. After taking Chemis into the cart, Lee stops to pick up some horse-feed, and after going half a chain he drops Chemis at his gate. He saw Chemis walk up the road. Up to this time Chemis had no weapon: nothing in the shape of a gun was seen about him. The gate was probably reached a few minutes after 5 o'clock. But no witness attempts to fix the time within a few minutes. No one would believe them if they did. Lee says it was about 5 o'clock when they left Chemis. It is important to ascertain the time it would take Chemis to go from his gate to his place, get his gun, cross the ranges, and waylay Hawkings at about half-past 5 o'clock at the place where he was killed.

*Mr. Earnshaw* : How could he know he would waylay that man, who was in town?

*Mr. Jellicoe* : Of course. It is said, however, Chemis had an opportunity of knowing Hawkings had gone to town, and had not returned; but it is impossible that Chemis could have known the exact moment when he would meet Hawkings at this spot. Suppose the suggestion of the prosecution is correct, he could only have known when he left his gate that Hawkings had not then returned; he could not tell what time he would return. Lee's evidence is also important on account of his cross-examination. The next morning he had seen a man running up the Ngauranga Road. He thought it strange to see a man at that time, and he watched the man past the house. Witness could see he had no gun.

*The Chairman* : I was about to ask whether it was possible to see Chemis any distance after his leaving Ngahauranga in the direction of Chemis's house.

*Mr. Jellicoe* : No; there is a bend which commences almost immediately. You could not see Chemis's house from the road.

*The Chairman* : Lee says he saw him "going up the road."

*Mr. Jellicoe* : Lee saw him start up the road. He could see Chemis carried no gun. If he had a gun Lee must have seen it. There was nothing unusual in Chemis obtaining a lift on this occasion. It was usual for Lee to take him in the cart, and drop him at his gate.

*Mr. Earnshaw* : Is there no evidence in regard to demeanour of Chemis up to the time of his going home?

*Mr. Jellicoe* : Not the slightest: there is nothing whatever to suggest anything unusual in his demeanour. None of the witnesses called by the prosecution suggest it. If they could have obtained evidence that Chemis was excited, or that he was in a frenzy, there might have been something for consideration. *Evidence of Mary Hawkings*: Mrs. Hawkings deposes to her husband going to town. He did not come home at the usual time. They had tea at a quarter to 6; they were all in at that time. Bowles wanted to go and look for Hawkings, but she said, "He will come home all right sober enough." She says she saw Bowles return with the horse and cart, but without the driver. She does not say that she made any remark on seeing her husband's horse and cart without any driver. Bowles gives up the horse and cart to Norman; even Norman does not return to Mrs. Hawkings to give her any explanation. Bowles might at least have explained to Norman the circumstances of finding the horse and cart without a driver, but neither of them appear to have gone to Mrs. Hawkings and acquainted her of their discovery. She says it was her mother who came and told her her husband was killed. *William Durrell's evidence*: The trial in this case is taking place in the month of August. Durrell says he had a conversation with Chemis the previous March. Chemis served him with milk. Once witness could not pay the whole of the

account, and he explained that he had a lawsuit which would cost him from £10 to £12. Chemis replied that was nothing. Chemis said that he had a lawsuit, and if he lost his case it would cost £50 or £60; he said it was the case of Hawkings's, and, if he lost the case, God knows that it would ruin him. *John Tucker's evidence*: Then Tucker is called. He is a labourer at Newtown with Mr. Harlen, a milkman. He was in Harlen's employ last Christmas. He says he saw Chemis there on the Sunday before Christmas. Chemis said he had leased some land of Hawkings, 40 or 50 acres; that he wanted to chuck it up; that it did not pay; that Hawkings did not want him, unless he chucked up the house and land he was living on, to make a slaughterhouse. He said, "The son of a bitch wanted to do him the same as he had done one or two more." Witness asked Chemis if he thought Hawkings would get away with him, and Chemis replied, "If he get the better of me, I will fix the bugger so that he will get away with no other." Now, all that is going back to a period nine months before the murder, and that is all there is as to evidence of motive. *Emma Harlen's evidence*: This witness is called to corroborate Tucker as to Chemis being at her residence on Christmas Day. *William Wilson's evidence*: This witness is a shorthand-writer on the *Evening Press*. The day after the murder he goes to Kaiwara on the business of the paper. He picked up several pieces of paper on Hawkings's ground. This evidence also points to the fact that quantities of paper were lying about. He hands some pieces (described) to Detective Campbell and to Norman. *Stephen Green's evidence*: This witness also speaks to finding pieces of paper which he picked up, and which he handed over to Detective Benjamin. He identifies these papers by date 17th November. *Peter Joseph's evidence*: This witness speaks to a man going across the hill who had a gun and no dog. That was on the 31st of May, and very near 5 o'clock. But he says the prisoner Chemis was not that man.

*Mr. Moore*: Would that be in the direction of Chemis's house?

*Mr. Jellicoe*: No; his evidence suggests rather that it refers to another man that he saw going from the direction of Hawkings's. It was a matter, no doubt, which the police might have inquired into; but apparently no inquiry was made. *Cecilia Phillips's evidence*: This witness was barmaid at the Kaiwara Junction Hotel. She knows O'Dowd, but she observed nothing extraordinary in his manner on the 31st May. *William Skey's evidence*: This is the Government Analyst, who examined the stiletto and sheath-knife brought to him for blood, but found none. His evidence must be qualified by what Dr. Cahill says. *Henry Bradford's evidence*: This witness is Government Armourer, to whom detective brought a double-barrel muzzle-loading gun. He says he hardly thinks the left-hand barrel had been fired off on the 31st May. He put the barrels on the fire, and one of the nipples was exposed to the same heat as the breeches. *Thomas James Tolly's evidence*: This witness is a gunsmith, in the employ of Mr. Denton. He is in conflict with the Government Armourer, and rather suggests that the Government Armourer spoiled any evidence that might have existed of any value by putting this nipple in the fire. He goes on to describe the shot. *Lawrence Carroll's evidence*:—

*Mr. Allen*: What was the date of the murder?

*Mr. Jellicoe*: The 31st May.

*Mr. Allen*: You said July just now.

*Mr. Jellicoe*: That was the date of the trial.

*Mr. Allen*: You said it was nine months before that Tucker saw Chemis in the Adelaide Road.

*Mr. Jellicoe*: That was an error. Lawrence Carroll is the constable who examined the body of Hawkings and took it to the morgue. He found a pocket-handkerchief, a memorandum-book, but no pocket-book on the body. The cheque-book was contained in the pocket-book. Mrs. Hawkings speaks of having put the money into her husband's pocket-book, and giving him the pocket-book. Now, whoever committed this murder must have purloined the pocket-book. The possession of that pocket-book would have been the strongest evidence against a person charged with this murder. This constable was first on the spot. The next morning he examined the ground with another constable. They saw Bowles standing some distance above pool of blood. After examining the place they went up to Hawkings's house, and afterwards returned to the place where the pool of blood was. They found a stone 18 yards further down than the pool and 8 yards off the road, on the left side going up. Carroll produces the parcel No. 1, containing the handkerchief. Constable Healy found two smaller stones stained.

*The Chairman*: What was the distance—45 or 50 yards?

*Mr. Jellicoe*: That was, I think, the distance between the stones they found from the pool of blood. Carroll says that he picked up some of the paper, and some was picked up by others and handed to him. It is said by the prosecution that the pieces found in the wound are connected with three pieces found on the spot, and that the pieces found on the spot are connected with the larger piece found in the house; and, if the pieces found on the spot connect with the piece found in the house, that is direct evidence against Chemis.

*Mr. Houston*: The case practically rests on the paper.

*Mr. Jellicoe*: The piece coloured red. [Exhibit referred to.] Carroll says he arrived in town at twenty past 9 at night, and the paper was picked up about 8 o'clock the next morning. He put the pieces in his pocket, and locked them up in his house in May Street. You will now see what took place. There was a delay and a change of the papers when shifted about from one hand to another. The constable says they were never out of his charge until the 5th of June, when he took them to Inspector Thomson, who did not touch them, but told him to take them to Mr. Skey. He did so, and on the 6th he received back what he supposed to be the same paper. But he may have made a mistake as to the pocket he placed these pieces of paper in at the time he first received them, and may have made a mistake when he produced them to Inspector Thomson, or handed them to Mr. Skey or Mr. Tasker. He says, very properly of course, that he believes he got back the same paper from Mr. Skey and Mr. Tasker.

*The Chairman*: What is this question: "I did not unfold the pieces of paper. I could not identify them"?

*Mr. Jellicoe*: They were all mixed together. When he arrived home he believes he took the paper and folded the pieces up in a parcel. He believes he took the parcel down to Inspector Thomson. Thomson did not touch it, and told him to take it to Mr. Skey. Then Mr. Tasker had it and returned it to him, and he says that he could not identify any particular piece. On the morning after the murder he went to the morgue with the pieces of cloth and paper. "I held the paper in my hand," says Carroll; and, I ask, may not this piece covered with blood—supposed to have come from the wound—have been one of the pieces Carroll brought into town with him? If it was, may it not easily have got mixed with the "mass" the doctor extracted from the body when making the *post-mortem*, and, if by chance it did get amongst that "mass," it would be found afterwards amongst the other paper at the surgery. Moreover, the doctor does not seem to have shown any particular care in connection with the paper he was then handling. If the piece of paper in question was in Carroll's possession, it is quite possible the whole thing is explained; and I say the evidence of Carroll and Dr. Cahill is open to that interpretation. From Inspector Thomson's evidence you will see he says he had a word with Norman, who said he saw footprints leading in the direction of Chemis's house over the spur, and it was on Norman's suggestion that Benjamin was sent for a search-warrant. Attention was directed to Chemis's house. Norman said that he observed footprints, a fact in no way corroborated by any of the constables who accompanied him. Thomson says, "We all three went through the scrub to Chemis's house. When we reached there Chemis was outside. Norman showed us the track. [Dagger and revolver produced.]

*Mr. Earnshaw* (examining dagger and sheath): Where does the rust come from—from the dagger?

*Mr. Jellicoe*: I do not think I can assist you on that point at all, because you will find from the evidence before you that the Executive, or some of the Ministers, rigged up what they thought would represent a man, and tried their hand upon it with the dagger. I think Mr. Richardson, one of the Ministers, will tell you that it was used in various experiments. I think it will be found that the coat was used as well in these experiments. You will bear in mind that Inspector Thomson at this time had picked up pieces of paper at the gorse-bushes and put them into an envelope. [Exhibit marked G1 and H put in, and explained.] The large piece is said to have been taken from Chemis's bedroom. Then, there is the piece found in the coat-pocket, which is in no way connected with the other paper. He had three packets of paper in his possession when he left Chemis's house—some found in the gorse-bushes in one pocket, some found in the bedroom in the second pocket, and a third lot, found in the kitchen, which he put into a third pocket.

*Mr. Earnshaw*: What evidence is there to connect these pieces?

*Mr. Jellicoe*: Inspector Thomson swears that Benjamin brought him the large piece in the kitchen, and he put it into his pocket. I am going to ask you to consider what he did with all the pieces. You will observe that he does not take upon himself to swear that this large piece came out of the bedroom, that certain other pieces came from the gorse, and another from the kitchen. Not at all. He says he took the paper out of separate pockets when he arrived in Wellington, and labelled the envelopes. There was, I venture to put with the greatest respect, a fair probability of Inspector Thomson being mistaken with reference to the pockets in which he placed these various pieces of paper.

*Mr. Earnshaw*: When he put these pieces of paper in his pockets, did he make any memorandum on them at the time?

*Mr. Jellicoe*: Yes, I think he did. With regard to the first package, he wrote the word "Gorse" on the back of the envelope.

*Mr. Gully*: He did not profess to distinguish from recollection what he put in each particular pocket.

*Mr. Jellicoe*: That is so. But it is just possible, as I have already observed, that he quite honestly may have made some mistake as to the pockets in which he placed the several papers.

*Mr. Allen*: He could not have made a mistake with the gorse-envelope? No; but it must be qualified with his statement that he marked the envelopes as they are now when he got back to Wellington in the evening. Then, he says he was certain they did not get mixed.

*The Chairman*: I want to see the envelope marked "Gorse."

*Mr. Jellicoe*: He says he indorsed one envelope "Gorse," but when he got back to Wellington he put all the envelopes on the table and set to work to label each envelope in which he had placed paper; and it is also perfectly possible that he labelled the wrong envelope, or the papers were mixed.

*Mr. Gully*: I think the envelopes were produced at the trial.

*Mr. Jellicoe*: He would not have been allowed to give evidence of the indorsement on the gorse-envelope if it existed, as it would have had to be produced.

*Mr. Allen*: Evidently he produced it. He says, "I wrote the word 'Gorse' on the back of the envelope. This is the same envelope." It must have been produced at the trial.

*Mr. Jellicoe*: There is this to be considered: At the end of the page he says, "I then, after an hour, took the envelopes out of the tail-pocket, and marked on the flap what there is now; and marked second as now, and did the same with the third; I marked flaps. I am certain contents did not get mixed." If they did not get mixed, then I admit it is a strong circumstance. But was it not both possible and probable for them to have been mixed?

*The Chairman*: He says here he took the envelopes out of his pocket. There must have been more than one. They all should be marked on the flaps.

*Mr. Jellicoe*: He says the keys of his press had been mislaid. "I placed them back in the pockets I had taken them from." There is a probability that in placing them back in his pockets he mixed them. He says, "I took the papers on the 5th to Mr. Tasker, and put each in its turn into a clean envelope. I took no papers out of the other two envelopes, only the gorse one."

*The Chairman*: He says, "I marked each of the fresh envelopes as the former ones had been marked." So that the envelope marked "Gorse" is evidently not one of these.

*Mr. Jellicoe* : With this kind of juggling and shuffling, putting the paper first into one envelope, then into another; taking the pieces from one pocket and putting them into another I ask, is there no possibility of Inspector Thomson having made a mistake?

*The Chairman* : He says, "This is the envelope in which the paper found in the gorse and on the road was in. I handed it to Mr. Tasker."

*Mr. Jellicoe* : That is the new envelope, which you have here. Can honourable members be certain, having regard to their knowledge of human nature, that in the shuffling of these papers there has been no mistake at all? Inspector Thomson goes on to say, "I had directed Benjamin to wait at the morgue till he could get the result of the *post mortem*. This was about 10 a.m. Some time after he came back to me, and told me that Dr. Cahill had sent out a message to him that the deceased had been murdered with some sharp instrument." You will see that this bears out what I have already said was the fact. When Thomson went out at 1 o'clock the only information he had was that the man had been murdered with some sharp instrument, and I say that if his attention was directed to the stab-wound he would have no particular reason for thinking the paper found would have a material bearing on the case; and I further say that, if he was not then directing his attention to evidence consistent with a shot-wound, his subsequent recollection in connection with the paper is not to be relied upon or trusted. It was long afterwards that it became important to recollect which particular pocket, and which particular envelope the various pieces of paper collected had been placed in. It is true he says, "My theory was that there had been a gunshot, but at that time there was nothing to support it." He was consequently not paying any particular attention to the paper evidence at this time. His theory was that there was a gunshot; but the information from the doctor was that it was a stab-wound.

*The Chairman* : What time was it we are now referring to, when Inspector Thomson was at Mrs. Chemis's house?

*Mr. Jellicoe* : On the Saturday afternoon, 1st June. At that time he says he had no information that would support the theory of the gunshot-wound. From what he heard on the road, he thought there was a gunshot-wound. He previously understood it was a stab-wound.

*The Chairman* : Did not the doctor say on the same night that the man had been murdered with a sharp instrument?

*Mr. Jellicoe* : After Thomson had left Wellington to go out to Kaiwara the doctor intimated that there was also a gunshot-wound. Thompson did not know of it until he returned from Kaiwara. He did not get the doctor's information till very much later—some time in the evening. Benjamin brought the information that it was a stab-wound with some sharp instrument, and he had heard nothing about the gunshot. He (the Inspector) did not take the gun away that night. And I put it to honourable members, if the Inspector's theory was that the man had been murdered by a gunshot, and he found on Chemis's premises a gun which, according to the police evidence, appeared to have been recently discharged, how was it that he did not bring the gun away? The very weapon which fitted his theory he left behind. He says, "I did not take away the gun that night." I say that fact demonstrates that they had no idea that Hawkings had been killed by a gunshot-wound at all. Their attention was directed towards looking for a sharp instrument. They found a stiletto, and brought it away. They left behind the gun, which, according to Benjamin, had been recently discharged, and they left behind also a revolver.

*The Chairman* : I think the next paragraph gives some information about that.

*Mr. Jellicoe* : Yes; he says, "I did not look upon the gun as an important feature at that time." Then, why should they have paid particular attention to the paper they found? I say that their recollection is not to be trusted regarding this paper. Next he says, "I was, I dare say, an hour and a half reading the evening newspaper. After reading the paper, I marked the envelopes. I marked the envelopes when the whole matter was fresh in my recollection"—that is, after he had been reading the evening newspaper for an hour and a half. "I did not notice what pieces of paper they were; I thought it would take more time than I could give to it." That shows that he never dreamt at that time that the paper was going to play an important part in the case. The Press had severely criticized the police for not having made an arrest, and, as a consequence, the suggestion is that the Press criticism induced them on the 5th June to make an arrest, and to use all their efforts to prove the man they arrested guilty rather than to investigate the crime further. *Lionel Benjamin's evidence* : *Re morgue*, he was a long time thinking about it.

*The Chairman* : Those were two of the principal witnesses.

*Mr. Jellicoe* : One said, "Bowles, and Norman showed us the track." Benjamin said, "Bowles showed us the way." Not the way by the road, but the way across the hills.

*The Chairman* : Are we now dealing with the Saturday?

*Mr. Jellicoe* : Yes. You see the paper which he says he found in the drawer was about the size of the palm of a hand. You will note this does not involve the large piece at present. You see he was arrested in his working-clothes. You see, gentlemen, that the police theory that he was murdered by gunshot is met with the damning fact that they left behind the revolver and the gun, and brought away the sharp instrument—the stiletto. Now, you see he says, first of all, he brought everything away, and now he admits he saw some caps there which he did not bring away. That is the sheath of the stiletto. I call attention to the barrel of the gun, which might have been fired two or three days or even a week before. *William Campbell's evidence* : You see he carried the paper loose in his pocket. "I cannot say I saw Thompson put the paper into an envelope." It is just possible, and I do not put it higher than that, that he may have put pieces of paper in his pocket like the other constables. He was in their presence, and may have picked up the pieces of paper from the gorse. I do not suppose he would stand idly by. He might have put pieces of paper in his pocket loosely and brought them in to Wellington. "I then picked up small pieces of paper." Now, you have the fact established that he did pick up pieces of paper.

*The Committee* : Did he place any in his pocket?

*Mr. Jellicoe*: Yes; the only question at all doubtful in my mind is whether it was clearly proved that he put any other paper in his pocket except pieces picked up on the road. Of course, it is also possible he may already have had some paper in it. I should be very sorry to say that there was no scrap of paper in my pocket unless I turned it inside out.

*The Committee*: It appears that the paper was put in the handkerchief.

*Mr. Jellicoe*: I take it he says he brings this away himself. He does not deliver up the large quantities or any portion of the paper found in the dwelling-house until he gets to the station. Well, what he did with that we do not know; Campbell may have put it into his pockets among some other papers—loose papers. Mr. Skey, I think, should keep a better record. He should know when and to whom he delivers exhibits.

*The Committee*: What does that refer to?

*Mr. Jellicoe*: I do not know.

*The Chairman*: It does not seem to have any point.

*Mr. Jellicoe*: They all seem to have had paper: there is no doubt about it. *John Tasker's evidence*: This witness seems only to have pasted together pieces of paper in order to connect them.

*The Chairman*: That is all.

*The Committee*: It is generally admitted that the pieces of paper are connected.

*Mr. Jellicoe*: They may have been.

*Mr. Gully*: They fit exactly.

*Mr. Jellicoe*: A good deal of juggling is involved, if I may so speak, in transferring the thousand and one pieces of paper from one hand to the other—from envelope to envelope, and from place to place.

*The Committee*: Is that traced anywhere?

*Mr. Jellicoe*: No, it is not traced. It came to Mr. Bell's knowledge that there was another piece of paper found which Mr. Bell was forced to place before the Court, whichever way it told. *Re old gun*: I wish the Committee's consideration of the statement made by the Government Armourer, which seems very positive and very deliberate.

*The Committee*: That is the left barrel?

*Mr. Jellicoe*: It was on the Tuesday he examined the gun. There was no heat applied; so that gets rid of the suggestion by witness Tolly. It is extraordinary that Dr. Cahill says nothing about it till the end of the case. I understand that refers to his trying the stiletto in the wound. That came out quite as an accident in the examination.

*The Chairman*: Rather peculiar, before seeing that there was no blood on it.

*Mr. Jellicoe*: That is based upon evidence which I submit is to be relied upon. I assume the doctor did what any reasonable man would have done if he was going to experiment with the weapon. He says, "I examined the weapon for blood myself." He does not suggest that there was any blood on it. Again, the Chief Justice calls attention to the fact that this dagger fits the wound. If it fitted the wound, did not Dr. Cahill push it into the wound right up to the hilt; and, if so, what was the reasonable result? This is all the evidence which is before the Committee; and I desire to point out to honourable members that, supposing Chemis to be an innocent man—supposing on his return home after 5 o'clock he remained at home for the rest of the evening, with his wife and children, there were only two persons in this world who could testify to that fact—his wife and himself, and perhaps his little children, if they could be considered competent witnesses—that is to say, if their ages would permit them to give evidence. There was no one else in the world to prove his innocence.

*The Chairman*: Unless some one else was there.

*Mr. Jellicoe*: Unfortunately, in August, 1889, neither he nor his wife were competent witnesses as the law then stood. His mouth was closed; his wife's mouth was closed. But in the following month—September, 1889—the Legislature of New Zealand passed the Criminal Evidence Act, enacting that any person charged with any offence whatsoever, "the wife or the husband may be called as witnesses for the defence." That statute was only passed on the 16th September, 1889, little more than a month after this unfortunate man was convicted. If that statute had been law at the time of the trial he could have gone into the witness-box and given evidence on his own behalf, and he could have called his wife to give evidence in his defence; but as a matter of law he could not; and I say that, if there were only two persons in the world who were able to testify to his innocence, it was harsh and arbitrary—yea, a despotic law—that prevented that evidence being given.

*The Committee*: If the case was to be reheard, would it come under the new Act?

*Mr. Jellicoe*: As the law stands, there can be no new trial in a criminal case, and we have no Court of Criminal Appeal. I shall be able to explain the course that was taken after the statute was passed. Next, the condition of the counsel for the defence of Chemis was such as to render him absolutely unfit to conduct the defence of anybody, much less that of a man on his trial for murder. We all regret the untimely death of the counsel; he was taken from the Court in an exhausted condition, and died either that night, the following day, or day after. I would also point out to the Committee that the jury was a remarkably young one, and that the Crown challenged a number of persons. There were very few men on it over forty years of age. It was substantially a juvenile jury. I do not say they did not dispose of the case honestly, according to their lights. After retiring for four hours they returned with a verdict of "Guilty." I desire to draw attention to what occurred immediately before Chemis was sentenced. I have here a copy of a local newspaper dated the 16th July, and which accurately states all that occurred.

*The Committee*: Which paper?

*Mr. Jellicoe*: The *Evening Press*. His Honour assumed the black cap, and the Registrar asked the usual question of the prisoner, Why the sentence of the Court should not be passed upon him? The prisoner, in a clear strong voice, &c., said, "I reckon the detectives treated me bad; they



ay they could find no powder-flask in my place; it was right along with the shot, and with one hand they could have taken up either. There were three or four quail in a tin," &c. (see report). . . . "I never use paper at all in my gun. I hope your Honour will see to-morrow." I call attention to this because the Chief Justice seemed to think that the man had stated a pack of falsehoods. Nobody suggests that there was any conspiracy on the part of the police, nor is it necessary to say more than that they were mistaken. I pledge myself to establish the truth of every statement Chemis made. I first propose to explain the correspondence and all that took place on the matter coming into my hands. I undertake to prove the documents which I produce at this moment. I had an opportunity of seeing Chemis on the 16th July, the day following the conviction. In the presence of Warder Millington I took down what he said, and read it over to Millington, and handed it over to Mr. Fergus within an hour after it was taken down.

*The Committee:* Does he speak good English?

*Mr. Jellicoe:* Fairly well; the meaning of what he says can be clearly understood. [Document referred to read.] I have taken this down in the man's own words, so you will appreciate the extent of his English. At the request of O'Dowd I had sent my clerk up to see if he wanted me. The original was handed by me to Mr. Fergus. It was read over to Chemis to test its accuracy.

*The Committee:* Was Mr. Fergus Minister then?

*Mr. Jellicoe:* Yes. I will read a letter which Chemis produced: "I have just heard that some evil-disposed person states that I am too ill to conduct your case," &c. [See letter, p. 49, H.-33, 1889.]

*The Chairman:* What date is that?

*Mr. Jellicoe:* The 2nd July.

*The Chairman:* I do not think the correspondence makes any difference in this case.

*Mr. Jellicoe:* I agree, and shall not trouble you to read the correspondence you find attached to the printed papers. I wish to point out to the Committee that, before I had an opportunity of seeing Chemis privately, he had stated that he wished to make a statement, and he was invited by the Government to do so. He was told that he could make a statement, and it would be duly considered. The statement was made on the 22nd July, 1889. He had no communication with his wife or any person as to what we were doing outside, and we had no knowledge of the statement which had been made and sent privately by him to the Governor.

*The Chairman:* On what date did you take action on his behalf?

*Mr. Jellicoe:* On the 16th July; the first letter is dated the 16th.

*Mr. Allen:* Do I understand that you had no knowledge of the communication made by Chemis?

*Mr. Jellicoe:* Not until long after.

*Mr. Allen:* He did not mention it at the interview with you?

*Mr. Jellicoe:* Possibly at the private interview he said he had sent a statement. I have no recollection.

*Mr. Allen:* He made a statement to you on the 16th July. That was some time before the 22nd.

*Mr. Jellicoe:* The statement he made to me on the 16th was made in the presence of Warder Millington. I did not see him again except on the occasion when a shorthand note was taken of the interview. There was an interview with him on the 20th. The whole of that interview is reported—every word of it. The Government sent a shorthand-writer, and he took down everything that occurred. Nothing transpired as to any intention on the part of Chemis to send a statement to the Governor. He was afterwards told that any statement he made would be considered, and he sat down and wrote it out. The statement was communicated to me by the Executive after it was printed and placed on the table of the House. I knew nothing whatever about it before. On the 20th, as will be seen by reference to page 57, H.-33, 1889, I was in conflict with the Minister of Justice as to my claim to interview the prisoner privately, and on the very day that I was endeavouring to obtain a private interview the statement was made to the Governor, and that without any intervention on my part. [Statement read.] The reference to the words "good or bad" applies to an action which had been tried before the Chief Justice, or Mr. Justice Richmond, between Chemis and Hawkings. The Judge had reserved his decision, and that is what he refers to when he says the question between him and the dead man is in the hands of the Judge, and his death does me neither good or bad. He could not possibly tell how the judgment would go. I have read the evidence of the threat made use of by Chemis a considerable time before the murder was committed, having reference in some way or other to the lawsuit. I will now read the evidence from page 41. There were several affidavits submitted to the Governor prior to the prosecution of Benjamin for perjury taking place. All these witnesses were cross-examined by Mr. Bell, who conducted the defence of Benjamin. Holmes's affidavit certainly shows that, if it be true that four or five months before the murder there had been any ill-will on Chemis's part towards Hawkings, on the Saturday night before the murder it had ceased to exist; and had Holmes been allowed to give evidence he would have destroyed the so-called evidence of ill-will or threats. Ellen Collins, Minnie Flaws, and Sarah Eagles were summoned to give evidence in connection with the milk-bills sent out by Chemis, the suggestion being that if it could be shown that Chemis had been in the habit of sending out the milk-bills on the 1st of the month and had not done so on this occasion it would be some evidence for the prosecution, and they were not called for the reasons stated in their affidavit. "Shoot him down like a dog." That is the kind of language Hawkings was proved to have used towards Mrs. Bowles, his mother-in-law, in referring to her son.

*The Chairman:* Was she called?

*Mr. Jellicoe:* She was not. Mr. Bunny did not call any witnesses for the defence. Her evidence shows that ill-feeling existed between Bowles and the deceased. There is something omitted in the publication of this affidavit.

*The Chairman:* It does not seem to be of any importance.



*Mr. Jellicoe* : It was thought perhaps that some part of the evidence ought not to be published. I should like the Chairman to obtain the original affidavit. This witness's evidence refers to the clothing Chemis was wearing when he was examined by the doctor.

*The Chairman* : This was on the evening when the murder was committed.

*Mr. Jellicoe* : Yes. If the statement with regard to the position in which a man would stand when killing a sheep is correct, you would not expect to find blood on the right leg of the trousers Bowles was wearing.

*The Chairman* : What has become of Bowles since?

*Mr. Jellicoe* : I have got some evidence which I propose to give to the Committee.

*Mr. Moore* : Is there any evidence that a sheep had been killed that morning?

*Mr. Jellicoe* : No; no search was made. I applied to Sir Harry Atkinson to have an investigation made by an independent and reliable detective from the Australian Colonies, and unknown to the police of Wellington. Sir Harry Atkinson thought it a feasible proposal, and I believe he did communicate with Australia, but nothing came of it. I could not go myself to make a search, as, without authority of law, the Hawkings family would have been entitled to eject me.

*Mr. Gully* : No evidence as to that could have been produced at the trial of Chemis.

*Mr. Jellicoe* : No; but there is this to be said about it: Supposing Hawkings's premises had been searched, they might have either found or negatived the existence of traces of a sheep having been killed.

*Mr. Kelly* : Did not the police search Bowles?

*Mr. Jellicoe* : No; not at any time. They thought in Chemis they had the right man. Their theory was that he was the murderer, and they contented themselves by setting to work to prove him guilty.

*Mr. Gully* : I do not think there was a suggestion made by anybody that there was even a suspicion against Bowles.

*Mr. Jellicoe* : Yes, there was at the trial, so well as Mr. Bunny could make it. But, unfortunately, he was not in a position to deal properly with the case, owing to the condition he was in. The next witness corroborates the evidence of Nicholl, and you have the fact that Bowles was not afterwards seen wearing the same trousers, although he had been seen by Nicholl frequently afterwards.

*The Chairman* : When was the wad-cutter produced?

*Mr. Jellicoe* : It came from Mr. Bunny's office. You will find it in the evidence. It was lying in the drawer when the detectives found the stiletto. Then we have the affidavit of Robert Dybell, whom Chemis asked to purchase a wad-cutter, and on the 13th April bought one, No. 13, at Denton's, for which Chemis paid him. Chemis afterwards told him his gun killed better with wads. On the 29th May Chemis told Dybell that he had killed two quail at his back door. This was just two days before the murder. On the morning of Thursday, the day before the murder, Chemis again shot two quail from the back of his house. This shows that Chemis discharged his gun for a proper purpose on the day before the murder. Then, Mrs. Mary Anne Holmes saw him both on the Friday and on the Saturday. On the Saturday he was wearing the same clothes as he had worn the night previously. John Daly corroborated Dybell as to the purchase of the wad-cutter. Lambert, the fish-curer, speaks of meeting Chemis on the Friday (31st May), the day of the murder; he describes his dress, and Chemis went to work as usual after their conversation. This and Mrs. Holmes's evidence shows that the clothes worn by Chemis the day of the murder and on the day after were the same. Supposing there was any evidence to show that Chemis had stabbed Hawkings, would not this Committee expect that on the following morning there would have been some stains of blood on his clothing? Here he was going about as usual, wearing the working clothes he had worn the day before. Now, as to the wad-cutter, this box of wads were actually in the possession of the counsel who defended Chemis on his trial, and the fact that it was not produced can only be accounted for by the state of health in which Mr. Bunny then was. Now, directly I was retained, I went out to prisoner's house and brought away the drawer from which the stiletto was taken, and I think it was very unfortunate that the police themselves did not bring it away. The explanation obviously is that they really thought at that time that Hawkings had been stabbed, and they did not trouble themselves about bringing away anything except the stiletto.

*Mr. Lake* : There are two No. 13 wad-cutters there?

*Mr. Jellicoe* : Yes; that is explained further on by Mr. Denton's man. [Affidavit by Edwin George Jellicoe of Wellington, solicitor, read]. I wish to point out that the examination by me of Chemis's child took place on the 21st July. She mentions the circumstance of her father cutting up mangolds. The prisoner's statement addressed to the Governor is dated the 22nd July. Oddly enough he also refers to this cutting of mangolds in his statement. There could be no possible collusion, as, prior to the 22nd July, I had not interviewed Chemis privately. I refrained from asking the child to sign an affidavit, considering her age and the circumstances. Then we have the affidavit of Greaves, which shows that this drawer was the proper place for keeping the powder-flask long before the murder was committed. He also says he was at Chemis's house on the Sunday after the murder, and they were preparing quail for dinner. John Dowd states that Chemis never carried a sheath-knife. It had been suggested that if the murder had not been committed with the stiletto it must have been done with a sheath-knife. Then there is the affidavit of H. C. Blandford, who, on the 31st May, the night of the murder, was taking the last bend in the road to Ngauranga about 9 o'clock in the evening. He heard a rustling in the scrub; he stopped and listened; the night was calm. He heard of the murder of Hawkings next day. A few days after he followed up a certain track in the scrub and found a pair of boots, and what appeared to him to be a pair of false whiskers. He took the things to Detective Benjamin, but he could not find him. The Committee would observe that after the police had left the *locus in quo* with the body, and after the doctor had gone away, there is no account of Bowles's whereabouts until he turns up at 11 o'clock at Norman's, where he stays in the whare until 6 o'clock in the morning. No inquiry has ever been

made, as far as the evidence discloses, with respect to those articles, the boots, or the false whiskers, or the knife. Mrs. Chemis also swears that her husband never carried a sheath-knife. How was it possible, if this man had stabbed Hawkings, that he could have escaped without some blood spurting from the wound on to his clothing? Jeremiah Buckley also deposes that Chemis never carried a sheath-knife. Then there is the affidavit of McClelland; he is another witness who found paper about the hills. Then there is John Mack, who saw Chemis the day after the murder serving milk at his house. He asked if he had heard that Hawkings had been killed. Chemis replied, "No; this is the first I heard of it; how did he get killed?" The witness said, "They picked Hawkings up with a hole in his neck." Then there is James Gibson, who was in the habit of shooting over Chemis's property, and found a certain piece of paper, marked No. 2, which was dug out of the clay with a pocket-knife. The next affidavit is that of H. W. Oakley, who at three minutes past 5 left his work. While rounding the last bend he heard the noise of a vehicle on the main road. He hurried to intercept it, hoping to get a lift to Pipitea Point. He found the cart was going towards the Hutt. No person driving a grey horse passed him between Barber's road and Pipitea. The vehicle he observed must have been Hawkings cart.

*Mr. Moore*: Might it not have been the cart that Chemis was in?

*Mr. Jellicoe*: It is just possible, but it would be rather too late. It must have been Hawkings, if they did not afterwards pass each other. That is the whole of the evidence submitted to the Executive. Colonel Hume received statements of Blandford, Pickering, Hogg, and Sedgwick. These throw little light on the matter, but rather tend to complicate it. They suggest that there was another person to whom suspicion might attach. His Excellency the Governor was pleased to hear me on behalf of the condemned man. At the audience the late Sir Harry Atkinson was present throughout, and took part in the proceedings, and generally assisted His Excellency. Lord Onslow was pleased to examine the little girl, the daughter of Chemis. Sir Harry Atkinson examined her also. The examination was conducted quite apart from Mrs. Chemis. What questions they put to the child I do not know, but Sir Harry informed me that they desired to test the statements the child had made to me, as stated in my affidavit. Ultimately His Excellency commuted the death sentence on this man, but, before deciding, he went out and inspected the track across the ranges in order to judge of the time it would have taken Chemis to walk the distance if he committed the murder.

*Mr. Earnshaw*: What time did he find that it took Chemis to walk over the ground?

*The Chairman*: The average time it would take?

*Mr. Jellicoe*: I received no information on the subject. I had also, by permission of His Excellency, an opportunity of interviewing the condemned man. It was only under the direction of His Excellency the interview was granted. I took down all that the condemned man said to me. Here is the statement made, as you are aware, long after the affidavits had been placed in the Governor's hands. I will read this statement to the Committee. [Statement read.] That is the whole of the statement just as he made it to me. Well, as I have said, if the evidence I have read had been called, if Chemis and Mrs. Chemis had been allowed by law to give evidence, can any one doubt what would have been the result? The man must have been acquitted. On the evidence at the trial and these affidavits, although none of the deponents had been cross-examined at the time, the Governor commuted the death sentence. Now, the Chief Justice pointed out in his charge in Benjamin's case that it was material, on the trial of Chemis, to consider whether the articles I had produced were in the drawer at the time the police searched it, and the only persons who by any possibility could give evidence on that point were Chemis and Mrs. Chemis on a prosecution of the police for perjury. A charge was, therefore, preferred against Benjamin, Thomson, and Campbell for perjury in reference to the evidence they gave as to what they found and did not find on the 1st June at Chemis's house; and I desire to put before members of the Committee the whole of the evidence given on that investigation, because it was remarked by the Magistrate in dismissing the case that he regarded the evidence of Chemis and his wife as the evidence of interested persons, and for that reason the case ought not to go to trial. The Chief Justice said much the same thing in his charge to the grand jury. He pointed out that both Chemis and his wife were deeply interested in the result of the perjury prosecution, and moreover, that the Magistrate in the Court below had dismissed the charge, and that that was a circumstance the grand jury should take into consideration. He also invited them to consider that no authority in this country had before thought it proper to institute a prosecution against the police for perjury. I point out to you that the Government specially created an Official Assignee in Bankruptcy a Resident Magistrate, without salary, for the purpose of hearing the perjury charges. It was the first case Mr. Graham was asked to adjudicate upon, although Mr. Robinson, the then Resident Magistrate at Wellington, and other competent and experienced Resident Magistrates, were then available.

*The Chairman*: Was not Mr. Robinson ill at the time?

*Mr. Jellicoe*: Possibly he was; but he was sitting in Court a day or two later. I do not think it necessary for me to comment on the fact that, notwithstanding all the difficulties that were placed in my way in bringing about a commutation of the death sentence, it was a marked circumstance that an inexperienced new hand should be specially appointed to dispose of the charges against the police. It is a little extraordinary also that a Resident Magistrate appointed without salary should be accompanied on the Bench by Mr. Fergus, the Minister of Justice, the gentleman who had created the difficulties disclosed in the correspondence, and the Premier. It is not necessary for me to impute motives, but the circumstance was unfortunate, for it naturally gave rise to some uneasiness and suspicion in the minds of a great many people. I do not for a single moment wish to imply that these gentlemen asserted any influence to bring about the dismissal of the charges, but still their presence on the Bench tended to create an uneasy feeling in my mind, more especially as their friend and ally, Mr. Bell, was also defending.

*The Chairman*: Is that not somewhat out of our case?

*Mr. Jellicoe* : I only refer to it because it might be said I am here to make unfounded imputations against Ministers. I shall submit that the evidence before the Resident Magistrate established a very strong case, demanding further investigation. If the cross-examination of Chemis by Mr. Bell satisfies this Committee that he was speaking the truth, and that he came out of the cross-examination without his testimony being shaken—that he passed through the ordeal as a truthful man—then I submit that the Committee ought to make such a recommendation as will insure justice being done to this unfortunate individual. Before I go through the evidence I have to ask the Committee to obtain the reports made by Ministers at the time the sentence was commuted. I believe Ministers investigated the whole case, and have left behind them some memoranda of the result of that investigation. I do not know whether any such report has been received by your secretary, but I understand that all the Ministers did make reports, not only for the use of His Excellency, but the guidance of future Ministries and Parliament.

*The Chairman* : Has that evidence before you been published?

*Mr. Jellicoe* : No; but I understand the Registrar has here the original depositions taken in the Resident Magistrate's Court.

*The Chairman* : I ask because I think it probable some of the Committee would like to look over the evidence.

*Mr. Jellicoe* : Quite so. Mr. Cooper will now hand in the depositions. It was thought the Resident Magistrate's inquiry would strengthen the hands of the Ministry in the matter. I never anticipated the Magistrate would dismiss the charge. I claimed that an extremely strong *prima facie* case had been made out, and that it ought to go to a jury for trial. I knew Benjamin would be acquitted if innocent, and that his conviction would be an important element in the future consideration of Chemis's case. [Evidence read.] I desire to point out to the Committee, and I think my learned friend will concede it, that the prosecution was conducted with the utmost fairness. I could have called Louis Chemis to give his evidence before his wife, but, in order to remove the slightest suspicion of a concocted story, I thought it right and fair to have her in the witness-box first, and her evidence closed before Chemis was brought down from the gaol to give his evidence. [Evidence continued.] I desire to point out that Mr. Bell, who was conducting the defence, observed that there had been recently a piece cut from the top of the box, and this no doubt suggested to his mind that it had been cut since the condemnation of Chemis for the purpose of manufacturing the wads produced. It turned out afterwards that the box was cut for experiments in the Cabinet room, and I think, therefore, that Mr. Bell is to be excused for having suggested that some one connected with Chemis cut off the piece for an improper purpose. Mrs. Chemis was severely cross-examined, and asked repeatedly such questions as, "Did you watch him (the detective) narrowly? Did you watch him closely?"—the intention of the cross-examining counsel no doubt being to, if he could, trap the witness into admitting that she was watching closely, and the fact was some evidence that she knew her husband was guilty of the murder, and that any such admission could be used to show that she was not to be regarded as an honest witness. The letter referred to as having been sent to Mrs. Hawkings related to annoyance caused by Mrs. Hawkings's children to Mrs. Chemis's children. [Letter read, dated 5th February, 1889.] That was at the time there was litigation regarding the lease. Evidence was given to prove that the bandbox was handed to the Premier, and he admitted that the box was not in the same condition when it was produced by him in the Resident Magistrate's Court as it was when he originally received it from me. The re-examination of Mrs. Chemis for the purpose of negating Mr. Bell's unfounded statement that the prosecution was by Jellicoe *qua* Jellicoe, and not by Mrs. Chemis on her own behalf. [Evidence continued.]

*Mr. Kelly* : You have not answered the question which was put before—What has since become of George Bowles?

*Mr. Jellicoe* : I understand he has left the colony.

*The Chairman* : Is it a fact that he left a short time after giving his evidence?

*Mr. Jellicoe* : A very short time after—while the perjury charges were going on, or shortly afterwards. I can fix the date pretty clearly.

*Mr. Kelly* : Is Mrs. Hawkings still here?

*Mr. Jellicoe* : Yes, she is still here, I believe.

*Mr. Gully* : Bowles was at the Wairarapa for some time.

*Mr. Jellicoe* : That was Charles Bowles. Norman was subpoenaed to give evidence on the charge of perjury, and I shall have something to say as to his conduct later on.

*The Chairman* : Norman and Charles Bowles were both living at Hawkings's house, were they not?

*Mr. Jellicoe* : Yes. Norman was subpoenaed by me to give evidence at the magisterial investigation. I propose to give some evidence as to what led me to subpoena him. He came into town to give evidence for the prosecution, and the first person he went to was Mr. Bell. He says, "I inquired for Mr. Bell in the library," and "I knew Mr. Bell was Benjamin's lawyer;" and mark, it was to Benjamin he gave his original statement. He also says, "I did not tell the Judge all that was in the statement." He had written out a statement which he had given to Benjamin during the trial of Chemis in the Supreme Court. He told all, he says, with the exception of that about Bowles.

TUESDAY, 23RD AUGUST, 1892.

*Mr. Jellicoe* (referring to paragraphs 44 and 45, pages 8 and 9, H.—33, 1889) : That is the statement by constables.

*The Committee* (paragraph 45) : "When I first saw dagger there was verdigris at head of hilt." Was that referring to the verdigris on the cross handle or the blade?

*Mr. Jellicoe* : I think it was the blade. It was Mr. Skey, the analyst, who referred to the verdigris on the blade; the doctor did not examine it at all.

*The Chairman* : When they first took the dagger, there was rust and verdigris ; Dr. Cahill says he found rust and verdigris.

*The Committee* : Inspector Thomson says he found rust on it.

*Mr. Jellicoe* : I should like the Committee to refer to the search-warrant. It is a search-warrant alleging that a pocket-book had been stolen ; and that bears out Chemis's statement.

*The Chairman* : Is the warrant among these papers ?

*Mr. Jellicoe* : It can be obtained from the police. He seems to have been distressed about this pocket-knife. The Committee will observe he describes the box in Court before it is shown to him, and not knowing what has been found. The shot-pouch is produced ; there is brass on it, and you see he describes it accurately.

*The Chairman* : The wad-cutters : are they here ?

*Mr. Cooper* : Yes.

*The Chairman* : I note the one has been ground, and the other not, which confirms his statement.

*Mr. Jellicoe* : Yes ; although he knew nothing of the wad-cutter I had purchased. He does not know that his wife has given evidence. That sentence should read, " Benjamin took the handkerchief out of the bedroom into the kitchen." *Re* the arrest, I call the attention of honourable members to the fact that if the police on the 1st June had a theory that Hawkings had been killed by gun-shot, and if they then in any way suspected Chemis, why did they not arrest him at once ? Why did they wait until the 5th June, and three days after they had taken possession of the gun ? Their conduct shows that they in no way suspected Chemis before the 5th June.

*The Chairman* : That all took place on Saturday afternoon ?

*Mr. Jellicoe* : Yes. You will note that he saw the chopper and tub when giving his evidence in the Court ; the articles seemed to be old acquaintances of his. I desire to point out that all the affidavits had been forwarded by me to His Excellency the Governor long before my interview. It may be noted that he was cross-examined as to the most minute details. The feathers were put in the fire, and the entrails given to the cat. He was surprised to see a curve in the stiletto, and remarked that it had no such curve when taken by the police. You will recollect that this was done in the Cabinet room by practising on a Ministerial rug (see Mr. Richardson's evidence). The warder confirms his statement : " I knew nothing about it." I wish to draw the attention of the Committee to the nature of John Tasker's evidence, and I will ask honourable members to read the evidence carefully, in order that they may decide whether the remark I am about to make is worthy of consideration. I venture to say that no man on the face of the earth who had not the plans and photographs before him could understand what Tasker was giving evidence about. He had quantities of paper, and he was fitting it together thus : " One fits on two ; two connects with six ; four is a piece from—" &c., &c., &c. How could a man standing in the dock understand what all that meant?—and Chemis says, " I could not make out or understand what they were talking about." You will see that the spring of this powder-flask is a new one, as stated by Chemis. Referring to the pocket-book, he first described it, and the one produced proves to be the same. The fact that they found this pocket-book at Chemis's and left it, is a proof that they did not bring away and produce every article that they found which would have told in favour of the prisoner. The explanation of course may be that they were not then suspecting Chemis.

*The Chairman* : Do I understand now that the sheath-knife is not in evidence, and am I right in understanding that the doctor's evidence shows that it must have been a sharp two-edged instrument which inflicted the wound ?

*Mr. Jellicoe* : Yes.

*The Chairman* : Well, in that case, it is not necessary to have the sheath-knife produced.

*Mr. Jellicoe* : Now, you will see that Chemis gave his evidence about the mending of this powder-flask before I knew anything of that fact. Dybell was telephoned for and he came at once (see Dybell's further evidence). I wish honourable members to observe the date Sir Harry Atkinson was examined.

*The Chairman* : What date does that refer to ?

*Mr. Jellicoe* : It appears on the first page. I refer to this because it is important to show that neither Mrs. Chemis or I had any knowledge of the contents of the papers until after they were placed on the table of the House, and that was after Mrs. Chemis's examination and cross-examination had been concluded. I now come to a matter which may require some explanation. Whilst the magisterial proceedings were pending, the land adjoining Chemis's property, and all the hills in the vicinity, were visited by almost everybody in Wellington who took an interest in this case, and the interest was widespread. Their object was to make a search, and do what they thought the police ought to have done before the trial of Chemis took place. A man named Low, who dreamed a dream that he had seen in one of the gullies near Hawkings's property the knife which the murderer had used, and the shot-pouch, with some other things. Mr. Low was well known by the wags at Kaiwara to honestly believe in his dream, that he was not going to rest till he had searched every gully in the neighbourhood. During the examination he brought to me at my house at Wellington a knife and a shot-pouch ; there may have been something else. I put Low in the witness-box, as I thought the Court should hear what he had to say. He stated—

*The Chairman* : I do not think you should give much time to his evidence.

*Mr. Jellicoe* : It is desirable to point out that Low said he found them at a certain spot. I ascertained that this ground had been searched under the directions of Colonel Hume. I therefore communicated immediately with Sir Harry Atkinson and Colonel Hume, and they agreed to send out the prison warders, by whom the search had been made next morning early. About five o'clock we started, and took the " dreamer " with us, and he pointed out the place where he said he found the articles. After Low was examined, John Coil was examined by me. [The evidence read].

*The Chairman* : I do not think, Mr. Jellicoe, that the knife would be a suitable weapon, so that this knife would not make any difference to the evidence.

*Mr. Jellicoe* : Not in the slightest.

*The Chairman* : I understand all the wounds were made by a double-edged weapon.

*The Committee* : Was there no evidence for the defence?

*Mr. Jellicoe* : Mr. Bell was not called upon to say anything for the defence. [Reads written decision of Resident Magistrate Graham.] I beg to refer honourable members to page 107, volume 8, "New Zealand Law Reports." It recites the charge of perjury. [Reads.] I venture to say, with the greatest possible respect, in the face of the Chief Justice's charge to a grand jury constituted of the editors and newspaper proprietors we complained of to Mr. Justice Richmond, and the Judge's statement that no competent authority had thought it proper to take up the case, that it had been investigated by a magisterial inquiry and dismissed, and that such a grand jury could not now avoid adhering to, or being influenced by, the opinions they had previously expressed; and, as Judge Richmond said, properly expressed. I produce the *Evening Press* again of the 8th October, 1889, with reference to what occurred at the trial. I prefer to rely upon reports rather than ask the Committee to rely on anything I may state. [Reads.]

*The Chairman* : I was going to ask you, Mr. Jellicoe, what became of the shot which was taken from the wound?

*Mr. Jellicoe* : It is here, Sir. It was produced at the trial by Dr. Cahill. I desire to point out to the Committee Dr. Cahill says that the stiletto at the time he handled it first was rusty; he admits that there were no spots of blood upon it, and it had verdigris on it on the hilt, and he says that the wound on the neck "could have been made with some such instrument." I will point out to the Committee that Dr. Cahill did not insert it into the wound at the side.

*The Chairman* : I think it is somewhere stated that Dr. Cahill washed the stiletto before he put it in.

*Mr. Jellicoe* : Dr. Cahill did not insert it into the wound at the side. That wound would not correspond with the stiletto. It was not proved that the stiletto, the blade of which was 5½ in. long, could have made the wound on the side—the wound which penetrated the lungs. Mr. Skey states that there were no traces of blood on the stiletto or on its sheath, though he found some rust on the stiletto. If the blood had been removed by hot water, the rust would also have been removed. The evidence about the gun is conflicting. The Government armourer swore that the two barrels could not have been fired on the same day, which does not at all fit in with the theory that both shot and bullet were discharged.

*The Committee* : Where is that?

*Mr. Jellicoe* : The Chief Justice in his report refers to the bullet.

*The Committee* : I think it is only an assumption that a bullet was found.

*Mr. Jellicoe* : Perhaps Dr. Cahill says he only removed one kind of shot from the gunshot wound; and yet Chemis's pouch contained two different sizes of shot. I submit to the Committee that the logical deduction is that this pouch could not have been used by the person who fired the death-shot at Hawks. Benjamin informed Dr. Cahill that the gun had not been recently used. If, however, the gun was not used, and the stiletto was not used, the revolver, admittedly, was not used. These circumstances demonstrate, if anything can demonstrate, the innocence of the accused. A man accused of this crime could not have stronger evidence of his innocence than these weapons and his own spotless clothing, even if he was unable to offer any explanation as to his whereabouts. Again, the prosecution proved that the gun had been fired recently, which agrees with the statements of Chemis and his evidence as to the quail.

*The Chairman* : (Paragraph 175, page 25, H.-33, 1889, Dr. Cahill, recalled by the Court) From that it appears that he washed it before inserting it in the wound.

*Mr. Jellicoe* : Yes; but in cold water.

*The Committee* : It was washed before it was given to Mr. Skey.

*Mr. Jellicoe* : Mr. Skey says, in Benjamin's case, that blood could not be washed off by cold water, and I assume it is his business to tell us, as an expert.

*The Chairman* : I call attention of the Committee to this case. It appears to me that the doctor examined the stiletto before it was inserted, and he thought there was no blood on it (see page 1, H.-33, about line 20). It would seem, from the statement of His Honour the Chief Justice, that a bullet was used.

*Mr. Jellicoe* : Yet no one has suggested that both bullet and shot were fired from Chemis's gun recently before the deed was committed.

*The Committee* : Is there any evidence to show that some one heard two shots?

*Mrs. Chemis* : A fishcurer heard two shots.

*The Chairman* : (See page 30, H.-33, near the top, John May). He states he heard something which he took to be two shots from a gun.

*Mr. Jellicoe* : That is evidence taken in the Magistrate's Court. On page 1 the Chief Justice says the evidence is conclusive about the bullet.

*The Committee* : I cannot see the evidence in reference to the bullet.

*Mr. Jellicoe* : On the evidence given at the trial in the Supreme Court alone Chemis ought to be acquitted; but, on the other hand, if that evidence without doubt established his guilt, then he ought to have been hanged. He is either guilty or innocent, and if innocent there is no reason in the world why he should be left in gaol. What would His Excellency have done had he been able to adjudicate upon the evidence which came out on the charge of perjury, including as it did the lengthy cross-examination at the hands of the Crown Prosecutor, Mr. Bell, the advocate for the police, of not only Chemis, but of all his witnesses? There can be no doubt as to the manner in which he would have exercised the prerogative of the Crown. I would like, Sir, if it were possible by communicating with the Magistrate's Court, to obtain the search-warrant that was issued for the pocket-book.

*The Chairman* : I would like to ask if you can tell the Committee was any evidence shown at the trial as to why the police did not receive information of this shot-wound previous to Saturday.

*Mr. Jellicoe* : There is no evidence available which can be placed before the Committee. We do not know why the doctor did not conclude it was murder earlier.

*The Committee* : Perhaps because there was not sufficient examination by the doctor.

*Mr. Gully* : The whole thing rests with the doctor.

*The Chairman* : I understand the body was lacerated with the shot, and the clothing discoloured; and I should say it would be evident to laymen that some one had shot him.

*Mr. Jellicoe* : I will ask the Committee to look at the clothing. The doctor and police must have arrived at the conclusion that the man was killed, but what caused the delay in taking action I do not know. It was a most extraordinary thing.

*Mr. Gully* : There may have been errors of judgment on the part of the doctor and police, but they will not assist you one way or the other.

*Mr. Jellicoe* : As regards Mr. Fisher recommending Chemis not to employ me, as far as I am aware he may have been actuated by the best of motives; he may have had reason for thinking I was a person the Judges did not like, and that it would be better for Chemis to employ some other counsel.

*Mr. Jellicoe*, sworn and examined : I have read to the Committee the whole of the notes taken by me at my private interview with Chemis. I took down verbatim everything he said. I have also read to the Committee a copy of the note which I took at the first interview in the presence of Warder Millington. At the first interview, before leaving I read over my note to Chemis and Millington, and they said that it was an accurate statement of what had taken place. During the hearing of the charge against Benjamin, and the examination, on oath, of the convict Chemis, Sir Harry Atkinson was in Court, and after Chemis's cross-examination was completed Sir Harry said to me, "Well, after that evidence, I really believe the man is innocent." I said in reply, "Why do you then allow the Crown authorities to defend Benjamin on this charge?" and Sir Harry replied, "We are bound (or obliged) to support the officials." During the proceedings in the magisterial Court I was in communication throughout with Sir Harry Atkinson, and I placed before him from time to time the evidence I obtained. Sir Harry gave me information that Bowles had left Wellington, and had stayed at Belmont on his way to the Wairarapa. At the suggestion of Sir Harry I personally endeavoured to trace this man Bowles, and I went out one Sunday morning to Belmont. I may say that I was disguised. I went out with a young man named Hare who had been working at Hawkings's. At Belmont I found the witness Norman, who knew Hare was a friend of Bowles, and he concluded that I had come out with their friend Hare for the day. I said, "Jellicoe has offered some reward or found some knife," and that Bowles had asked me to see that the knife was put away securely. I asked him to tell me where it was, and I would see to it. He said, "Did he not give you a note to that effect?" I said, "No; he did not give me any note, but he asked me to come out at once and see that everything was all right," or words to that effect. He then said, "Well, he promised to write to me if he had any communication to make. I do not understand him not writing if he has anything to say." This was all I could get out of him in reference to the matter, except that he did not tell the Judge everything, and had omitted all about Bowles. I stayed with him a little time and tried to get some further information. In reference to the whereabouts of Bowles he said, "He stayed here on his way to the Wairarapa. I am on my way up to him. He writes to say he can get me a job." I had a subpoena in my pocket, and I then gave him the subpoena to attend in the Magistrate's Court the following morning. The man stammers, but spoke to me with little difficulty in the conversation which I had, lasting over an hour. On the following day I called Norman as the first witness. He then began to stutter, and it was quite impossible to get him to give any evidence at all, but what I did get out of him appears in the depositions, and that immediately on his arrival in town he went direct to Benjamin's counsel—the Crown Prosecutor. It is not for me to suggest why he went to the Crown Prosecutor. He repeated to some extent what he told me at the interview the day before. In reference to the evidence he gave at the Supreme Court, he said in his examination, "I did not tell all that I had written down in the statement I gave Benjamin. I left out all about Bowles." There he stopped, and we could get no more out of him. I called Mr. Woodward—my clerk—who was with me for the purpose of giving evidence as to what Norman did tell me, but Mr. Bell objected to any such evidence being given. You will find a note of the Magistrate's ruling at the end of the deposition. On my return to Wellington that evening I reported to Sir Harry what had taken place, and on his advice I sent up young Hare to Charles Bowles for a letter for Norman, and Detective Kerby awaited the reply at the Lower Hutt. The message sent was to the effect that Norman was waiting an urgent note from Bowles and sent up for it. The message returned was that Bowles said he would send his letter by post. Detective Kerby was told off, and watched the post office at the Lower Hutt until the letter was delivered to Norman, and on its delivery Detective Kerby said, "Let me see that letter." There was nothing in it, as I understand, except, "Come here at once, you will get a job," or something to that effect. Sir Harry promised me to do his best to obtain a detective from Australia or some other part to assist in clearing up the matter, and I believe he did communicate with Australia. A difficulty, however, arose, and nothing came of the application. I have to thank Sir Harry for the very great effort he made to probe this case and to assist in getting at the real truth. I deeply deplore the fact that he is not now with us to assist in this inquiry. I do not know that I need trouble honourable members any further. If Mr. Richardson is here he can be called and examined.

*The Chairman* : Do you want to ask Mrs. Chemis anything?

*Mr. Jellicoe* : No; it is not necessary.

*The Chairman* : Have the Committee anything to ask Mrs. Chemis?

*The Committee* : No. Have you any information about Bowles?



*Mr. Jellicoe* : If you had seen Norman's face during the interview I had with him you would, I think, have arrived at the conclusion I did : that he knew more than he had told. I said to him, "Why did you point out the footprints on the track to Chemis's house? You never saw them?" He said, "Oh, yes; I showed them to the police." This man Norman, with the assistance of Bowles, immediately the detectives went out, suggested the track from the scene of the murder to Chemis's house, and pointed out footprints which neither detective observed.

*The Chairman* : Is there any evidence to throw any suspicion upon these two men?

*Mr. Jellicoe* : No, sir; there has been no investigation. Upon the doctor's evidence the man was first shot and stabbed afterwards. Suppose Hawkings was shot by Bowles. It was known in Kaiwara by everybody that Chemis was a foreigner: it was known he had a stiletto; it was known he had a lawsuit pending with Hawkings: is it not most probable that if the murderer wished to direct suspicion to another the person of all persons to whom he would direct suspicion would be Chemis?

*Mr. Gully* : There is not the slightest evidence.

*Mr. Jellicoe* : Oh, yes. One police constable said Norman showed us the track, and another says Bowles showed us the way. That is the track they (Bowles and Norman) suggested Chemis would have taken had he committed the murder. It is a circumstance worthy of consideration that the murderer of Hawkings would endeavour to cast suspicion on Chemis.

*The Chairman* : It certainly was most unusual to stab a body twenty-one times. One would think it must have been a man mad with frenzy. It would have been almost impossible to escape from the blood.

*The Committee* : He was stabbed from the side and behind.

*Mr. Jellicoe* : The stab-wounds look like the work of a person who was not stabbing to murder, but stabbing for some other purpose, and overdoing it. I do not know whether it is necessary for me to wait for Mr. Richardson. I do not wish to be present. I desire that the Committee should obtain, if it could be possible, all memoranda furnished by the Ministers to the Governor containing their reasons for His Excellency to commute the sentence.

*Mr. Gully* : It is only a matter of opinion.

*Mr. Jellicoe* : I do not for a moment suggest that the Committee are in any way bound by the memoranda. At the same time the opinions of Ministers are worthy of respect.

*Mr. Gully* : I am not suggesting that they should be excluded.

*Mr. Jellicoe* : I close the case. Perhaps honourable members will adjourn for the purpose of procuring these documents and examining Mr. Richardson.

*The Chairman* : I think it would be best to take Mr. Richardson's evidence before this private memoranda is placed before the Committee, and then there would be no prejudice one way or the other. It seems to me that it is a matter of very grave importance, and every link is valuable.

*Mr. Jellicoe* : I do not know whether the Committee propose to hear Mr. Gully on behalf of the Crown. What interest he has in the matter I am at a loss to conceive.

*The Chairman* : I think Mr. Gully has just mentioned that he has not decided what course he shall adopt. It will probably be brief.

*Mr. Jellicoe* : I have kept myself within the four corners of the documentary evidence.

*The Chairman* : We therefore adjourn till Tuesday morning, and I understand Detective Campbell will accompany us on Saturday to the scene of the murder.

TUESDAY, 30TH AUGUST, 1892.

Mr. C. C. GRAHAM, Resident Magistrate, examined.

*Mr. Graham* : Mr. Chairman, I wish to make a statement with reference to certain allegations contained in petition referring to myself. First, I wish to refer to my appointment as Resident Magistrate. I wish to state that the reason of my appointment was owing to the fact that Mr. Robinson was unable to attend through a serious illness. I think he was nearly six weeks away after I took up the duties of Resident Magistrate. At the time of my appointment I had no idea that such a case as the Chemis case was coming on. Had I known I should have been rather chary in accepting it—not the appointment, but the responsibility of so important a case. As to Mr. Fergus and Sir Harry Atkinson being on the Bench beside me, a considerable amount of interest was taken in the case, and the Court was crowded, and there being no sitting room available, I asked them to take a seat on the Bench. There were several other gentlemen on the Bench. I think there is a further allegation in the petition to the effect that I threw every obstacle in the way of Mrs. Chemis carrying out the prosecution under the Vexatious Indictment Act. After very grave consideration I adjourned the case over Friday until Monday, I analysed the whole of the evidence very carefully, and I came to the decision that I should dismiss the case. Then, the application made by Mr. Jellicoe for bail; Mr. Bell, the appearing counsel on the other side, considered that in such a case the prosecutrix, Mrs. Chemis, ought to obtain substantial bail, not personal recognisances. Not being familiar with the working of the Act, I agreed with Mr. Bell that she ought to obtain substantial bail. However, the matter was adjourned. I then found that it was not at my discretion at all; that I was bound by the Act to accept her recognisances.

1. *Mr. Jellicoe.*] Was not Mr. Robinson engaged in attending the Court during the same week that this case was first before you?—The records of the Court will show.

2. Is it not a fact that he was sitting in Court dealing with criminal business during the same week that you were disposing of this particular case?—No, I do not think it could be so, because the reason that I was asked to sit was because Mr. Robinson was ill.

3. Would you mind looking at the Court records?—No.

4. By reference to the Court records you would know whether Mr. Robinson sat or not?—Yes.

5. You were appointed without salary?—Yes.

4—I. 1B.



6. What was the amount of bail you first insisted upon—was it not £500?—I do not know. I have no recollection whatever.

7. Did not I remonstrate with you that you had no power to require bail at all—that you were bound to accept the recognisances that were tendered, and did not you refuse my request and consult Mr. Bell?—I cannot say.

8. Did not I tell you that unless you accepted the recognisances that I should apply for a mandamus compelling you to?—Next day.

9. In the morning?—You possibly may have. I have no distinct recollection.

10. Did not I say that if you refused her recognisances I should have to apply to the Supreme Court compelling you to do so?—I think you said so.

11. And then you consented to take the recognisances without bail?—I think that is so. Mr. Bell and I went into the Act together.

12. Why did you find it necessary to consult the counsel for the defence with reference to the recognisances?—Mr. Bell objected to Mrs. Chemis's personal recognisances being accepted as sufficient.

13. What do you consider substantial bail?—I do not think there is any particular amount. I said I should require bail, and you said, "It is not necessary." I looked up the Act, and found by reference that it was not in my discretion. It was for the Supreme Court to say whether bail should be given or not.

14. *Mr. Moore.*] Do you think that your refusing influenced the subsequent proceedings of the trial?—No.

15. *Mr. Allen.*] Not in the prosecution of the perjury case?—No.

16. *Mr. Moore.*] How long before the Chemis case came on were you appointed to act as Resident Magistrate?—A few days.

The Hon. G. F. RICHARDSON, sworn and examined.

17. *Mr. Jellicoe.*] Were you a member of the Executive in 1889 which considered the Chemis case?—Yes.

[*Mr. Jellicoe* read the evidence given by the Hon. G. F. Richardson in the Magistrate's Court.]

18. I believe, from the evidence I have just read, you examined carefully the clothes of the deceased, produced by the police, in the evidence at the trial?—Yes; I examined the clothes carefully and the exhibits.

19. You were one of the Ministers who advised His Excellency to commute the sentence?—I do not think that is a proper question. I am only going to tell the Committee the result as far as I am concerned myself. I may also say that I put my conclusions down on paper, in a long memorandum, written by myself, at the time. I believe the Committee would be permitted to see that memorandum. They would see everything set out there. The memorandum was written so that any future Government dealing with the case might have my views on the matter, when we had everything before us at the time.

20. Have you any objections to that memorandum being produced?—No; it was a document prepared entirely by myself.

21. *The Chairman.*—Would you tell the Committee what you know of the case?—The first point that struck me on examining the exhibits was the fact that no bullet had been fired as alleged by the Crown. That the hole in the right-hand side of the coat, which was caused by some firearm discharged in a downward direction, was too large to be caused by a bullet, but had been made by a charge of shot fired at close quarters. Anybody acquainted with the effect of the discharge of firearms would not for a moment doubt that. The hole in the coat was, I should say, an inch and a half in diameter; whereas a bullet makes a hole smaller than its own diameter. On a broken portion of the knife, which was driven by this discharge out of the waistcoat pocket and found on the ground, there was, I thought, a distinct indentation of a pellet of shot on a portion of the brass lining of the knife. The next point was the wound at the back, and the extraordinary nature of that discharge. There was a large orifice through the clothes worn by the deceased. The charge had only penetrated to the shoulder-blade. From any ordinary gun discharged at short range the pattern would have been closer and the penetration much greater than in this instance. Around this orifice were scattered shot-holes for a considerable radius. The peculiarity of this result to my mind demonstrated that it could not have been caused by any gun; the discharge must have been from some very short-barrelled weapon of large calibre, something like an old ship's pistol loaded with shot fired at close quarters. The weapon used must have been something in the nature of a pistol or double-barrelled gun which had been cut down. There was another point with regard to the first discharge which demonstrates that the weapon could not have been a gun; the line of the first discharge was as nearly as possible in a downward direction, at an angle of forty-five degrees. It is impossible that a long weapon held to the shoulder could have been discharged at such an angle, except the person firing the weapon was suspended in the air, or standing on some raised structure, otherwise he could not be in a position to use the gun in such a direction. I believe, from the character of the discharge and the direction, that it was a short weapon held in the hand, and which might be turned to any angle, and may have been knocked downward when the murderer was in the act of firing.

22. *The Committee.*] Would the man be standing?—When he received the first discharge he must have been standing upright.

23. *The Chairman.*] Do you think that the shot that was fired through the vest-pocket might not have been fired from the hill, and the murderer been below him when he fired the last shot into Hawkins's back?—No. Had the first discharge been fired from a gun held by someone on the side hill it could not have struck the murdered man higher than the knee; the second discharge may have taken place when Hawkins was below the murderer, and possibly in the act of falling.

24. From where the blood was first seen it shows clearly that the man must have ran down the hill before he got the second shot?—I do not recollect about any blood, except near to where the body was found.

25. *Mr. Kelly.*] Was the bullet fired from a pistol or a gun?—There was no bullet, and both discharges were from some short-barrelled weapon. I feel satisfied that every member of the Committee who has any acquaintance with small arms could not come to any other conclusion on carefully examining the clothes of the deceased. With regard to the stiletto, the experiments I made in cloth showed that it was not a cutting weapon. It made a puncture instead of a cut. When you thrust it through anything and withdraw it you can hardly see the hole made, and if you try to make a long cut it is impossible. Some of the cuts on the clothes are over an inch wide. The width of the stiletto is under three-quarters of an inch, and it does not cut. These cuts on the clothes are made with a remarkably keen instrument. The collar has a remarkable cut, showing the use of a keen double-edged instrument, and not with a weapon like a stiletto. If you look at the coat you can see the keen cuts in the cloth over an inch. These were clean cuts when we examined them first; they are very much moth-eaten now. I consider that the cut in the paper collar is most important.

26. *Mr. Gully.*] Two knives have been mentioned, one stiletto. The other knives have been found by the side of the road?—I may say I was aware of that other knife which has been alluded to. It was, I think, something like that used in cutting leather—that is, it had a square thickish back with perfectly straight sides from back to edge. That knife could not have made the cuts, which could only be produced by a thin, keen instrument with a double-cutting edge—at any rate near the point.

27. *The Chairman.*] Is there any other matter?—Much importance was attached to the paper which was taken out of the wound. Pieces of the coat, waistcoat, shirt, and singlet were pulped in the wound. How could the paper be extracted whole when cloth was pulped? If you fire a weapon loaded with paper the edges will not correspond. If a charge were fired into a substance like a clothed body the paper would be absolutely pulped. I do not wish to impute blame, but I thought, after looking at all the circumstances, that the paper from the wound must have become mixed with that in which the flesh was wrapped.

28. Would not the shot penetrate first, and the pieces of paper go in after?—The only paper that could enter would be that which was impelled by the shot. The paper in front of the powder would be blown into several pieces by the explosion, and be much singed by the powder, and has not sufficient specific gravity to be carried on. Paper before a charge of shot will be carried a slight distance before the shot will get past it.

29. *Mr. Barnshaw.*] Did you see the wound on the body?—No; I knew nothing of the case until after the trial, except what I read in the newspapers.

30. *Mr. Moore.*] You are aware that this paper alleged to be taken out of the wound fitted in with a paper found on the ground?—I do not recollect. I am not aware that the paper collar was called attention to at the trial. In regard to paper taken from the wound, if I recollect aright there was one small piece of paper taken from the wound of some date in November, the rest being of the 23rd of May. It is an unusual thing to load a gun with paper of two different dates in loading one charge, and the piece of the paper of the 19th November was of a size that might have been obtained after a discharge, whereas other pieces of paper were, in my opinion, too large and with edges too perfect to have been so obtained.

31. *Mr. Kelly.*] Do you not think it would have been impossible to have taken the paper out of the wound in that condition? Could a doctor have taken such a large piece out whole?—I suppose extreme care would be used, but it would have been a difficult matter to extract it. The doctor cut around the wound, removing it entire. He thus had an opportunity of extracting the paper.

*The Chairman:* The evidence (printed) seems very conclusive about the incised wounds: "They were all clean cut."

32. *Mr. Allen.*] Was there any blood upon the stiletto when you got it?—I think not.

33. *Mr. Smith.*] Did you bend the stiletto, do you think, in your experiments with it?—I do not know. We tried it on a few things and were satisfied that the wounds could not have been made by that instrument. I might add that I never saw the knife—the one found by Low. Sir Harry Atkinson made a drawing of it, which he showed to me. [The knife was here produced.] It corresponds with the drawing Sir Harry Atkinson made, and such a knife could not have made the sharp double-edged cuts in the clothes and paper collar.

This concluded Mr. Richardson's evidence.

*The Chairman:* Was there ever any inquiry made at that time *re* the man who was quarrelling with Hawkings a few days previous, as was sworn to by Lockesley Pickering, George Hogg, and Frederick Sedgewick?

*Mr. Jellicoe:* I do not know.

The case was then adjourned until Tuesday, the 6th September.

TUESDAY, 6TH SEPTEMBER, 1892.—(Mr. C. H. MILLS, Chairman).

Mr. Gully appeared on behalf of the Crown, and Mr. Jellicoe for the petitioner.

*Mr. Jellicoe:* Mr. Chairman, I wish to put in the depositions taken at the Coroner's inquest. They contain the statement on oath which the doctor made within a day or two of the murder. Possibly I may have to refer to this evidence, and also to some parts of the evidence taken in the Resident Magistrate's Court. The Committee will find the latter evidence printed with the Parliamentary papers.

*Mr. F. H. D. Bell:* Mr. Chairman, so far as I am myself concerned, upon the notice I received from you, I propose only, in a very few words, to refute that part of the petition in which charges

are made against the conduct of the case, so far as I was concerned, before, during, and after the trial. That is the part I propose to take upon the notice as it has been given to me. If Mr. Jellicoe or if the Committee desire to examine me upon the rest of the petition of course I shall then be treated as an ordinary witness. I desire a distinction to be drawn between the two classes of evidence. I do not volunteer any evidence except upon that part directly touching the conduct of the case, so far as I was concerned. I am prepared to give that evidence now.

*Mr. Gully*: After hearing the statement which Mr. Bell proposes to make affecting his own personal conduct I propose to swear him as a witness, and ask the Committee to hear his evidence on the case. I should have done that in any case; but I understand that, whether I advert to it or not, the Committee has a desire to do so.

*The Chairman*: That is correct. I understood almost from the first that would be the line we would adopt. Mr. Bell can make a statement now, and reserve what he has to say on other points until after he has seen Mr. Richardson's evidence.

*Francis Henry Dillon Bell*, having been sworn, made the following statement: I was Crown Solicitor at the time of the trial of Chemis, and until the end of the year 1890. With regard to the allegation that the prisoner Chemis desired to obtain the advice and assistance of Mr. Jellicoe, and that attempts were made to prevent him having that assistance, I was unaware of any such desire, and certainly took no part in the efforts to prevent his employing Mr. Jellicoe, if any such efforts were made by any persons. There is an allegation in the petition that, while the matter of Chemis's sentence was under the consideration of the Executive, I was "nightly in attendance upon Ministers in the Cabinet-room conferring and advising with them on the matter;" and there is a further allegation that I was "greatly interested in supporting the conviction, and used every influence I possessed with the late Ministry to sustain the same." Both allegations are entirely false. I never was in the Cabinet-room at all during this time, so far as I can remember. Certainly I was not in the Cabinet-room for any purpose connected with Chemis. I never saw any of the exhibits after the trial in the Supreme Court. I understand (I have since heard) that the exhibits were in the Cabinet-room. That is why I am able to speak confidently. I received the usual formal communication from the Cabinet, covering the affidavits filed by Mr. Jellicoe, and asking me if I had any observation to make. I returned the formal answer that I had no observation to make. I never was consulted by any Minister of the Crown except the Hon. Mr. Richardson, who endeavoured, in argument with me, to persuade me of the innocence of Chemis. I had no communication with any other Minister, to the best of my recollection. His Excellency the Governor sent for me to ask me one or two questions, which I answered. I used no argument with His Excellency: I simply answered the questions he put to me, and then retired. There is an allegation that there was certain evidence—distinctly rebutting evidence—on minor points, used by the prosecution as against the accused, of which rebutting evidence the petitioner could prove that they (the prosecution) were aware, and which they purposely refrained from using. That allegation, Sir, was made before. I sued the author of it for libel. The allegation was absolutely disproved. The author apologised, and paid £250. I, Sir, ask permission to put in the Judge's notes of the evidence taken on the trial of the action *Bell versus Jellicoe*.

*Mr. Jellicoe*: I consent in so far as I am concerned.

*Mr. Bell*: The witness Holmes, with reference to whom principally, I presume, this allegation is made, when cross-examined by Sir Robert Stout, said this: That he himself had come to me and represented to me that it was inconvenient that both he and his father should attend; and that, having ascertained what evidence he could give, I said to him that he might go, and that his expenses would not be paid if he did go. That was Holmes's evidence. My evidence further was that after I had let Holmes go, I went into Court, told Mr. Bunny, in the presence of Mr. Maurice Richmond, of what Holmes could say, and of the fact that I was letting him go, and asked Mr. Bunny if he wished him kept. Mr. Maurice Richmond was not called, because the case at that time had ceased. I was called, at my own desire, but before that the plaintiff had withdrawn his allegation. So much with regard to the witness Holmes. With regard to the other witnesses, some women who spoke as to the milk-account, one of these women was called in the Magistrate's Court. When she gave her evidence, I accepted her statement as correct, and, therefore, called no more of the women, who could only corroborate her. I called that same woman again in the Supreme Court, and in the Supreme Court, upon her evidence being given, I stated in open Court that I accepted it. The other women could only have been called to support that statement, which, having been given on oath, I accepted for the prosecution. I am not aware that there is any other evidence which it is suggested that I stifled. On the trial the evidence of Tasker was taken. He had not been called before the Magistrate, and his name was not on the back of the indictment. His evidence was given to the police during the trial, and a copy of it was at once supplied to Mr. Bunny, and he was asked when he would like that witness called. That copy, with a letter covering it, is now in the possession of Mr. Bunny's brother. Further, certain evidence which was tendered to the prosecution with regard to men seen on the hill (this was before the trial), was taken down by the police, and was sent by my instructions to Mr. Bunny, and that evidence is also in the possession of Mr. Bunny's brother.

*The Chairman*: Do you know at that time if the police took any steps to identify either of these men, one of whom was referred to as having quarrelled with Hawkings, and the other of going away from the property carrying a gun?

*Witness*: Yes, Sir, every effort was used. I do not think the police believed it; I certainly did not believe it; but such efforts as could be made were made under my direction.

*The Chairman*: That is all you wish to state now?

*Witness*: I understand that that answers the attack which has been made upon myself personally.

*Mr. Jellicoe*: Do I understand, Mr. Bell, that you will produce a copy of the Judge's notes?

*Witness*: I have ordered them.

*Mr. Jellicoe*: You will see that they are here?

*Witness*: I will.

*Mr. Jellicoe*: I do not propose to examine Mr. Bell on this part of the case at all; it is quite unnecessary. I do propose to say something. I differ only with reference to what Mr. Bell has stated as to the libel action, the so-called apology of the author, and the payment of £250. I have in no sense referred to it before this Committee; but, as Mr. Bell has referred to it, I think I ought to be allowed to offer the Committee my version. I do not accept his statement.

*The Chairman*: I think on this part of the petition that it would be well for you to say anything you wish now, keeping within the points of the statement.

*Edwin George Jellicoe*, having been sworn, made the following statement: The report of an interview I had with the prisoner Chemis appears at page 51 of the printed documents. You will find I made this statement to Chemis: "I came here to discuss with you certain points of evidence. I have a mass of evidence all telling in your favour. A large portion of that evidence was kept back by those who conducted the prosecution—your prosecution. Articles which the police stated were not upon your premises are in my possession now." A copy of the shorthand notes was forwarded to me by the then Minister of Justice. I was afterwards inundated by newspaper reporters, who were anxious to get a glance at the notes. Mr. Hawkins was editor of the *Evening Press* at that time, and he asked me to let him see the notes. Without opening the envelope I gave the notes to him, and that without knowing what use he was going to make of them. In the evening of that day, or the day following, Mr. Hawkins published in the *Evening Press* the extract which I have just read of the report of my interview with Chemis. On the following day there was an announcement in the *Evening Post* that Mr. Bell (I think I am correct in saying the following day) had issued a writ against me for libel, and claimed £5,000. I had no communication from Mr. Bell or from any one on Mr. Bell's behalf, and a writ was the first intimation I received. Mr. Bell, for the purpose of making a case, alleged that when I used these words, "I have a mass of evidence all telling in your favour. A large portion of that evidence was kept back by those who conducted the prosecution," I meant that he, Mr. Bell, had kept back evidence. I denied the innuendo, and, having reference to Holmes's affidavit, I pleaded that if the words were capable of the meaning Mr. Bell puts upon them, then Holmes's evidence was kept back on the trial. Mr. Bell called a number of witnesses, whose names appear in the Judge's notes—Hon. George McLean, Mr. Levin, Mr. Duthie—to prove that they read the publication in the *Evening Press* newspaper, and that they interpreted it as meaning that Mr. Bell had improperly kept back a large portion of evidence.

*The Chairman*: I am afraid we are getting into personal matters between you and Mr. Bell.

*Mr. Jellicoe*: Not at all. I am quite sure Mr. Bell will see in a moment that he has misinterpreted the allegations in the petition. I called a number of persons—Hon. Mr. Pharazyn, Hon. Mr. Wilson, who had been Crown Prosecutor at Napier, and a number of Wellington people. They said they also read the publication, and they did not attribute the words I used to Chemis to Mr. Bell, but they did attribute them to the police as the persons having the conduct of the prosecution, and in charge of the whole case. I do not like to rely upon my own recollection, and, therefore, I produce to you the *Evening Press* of—

*The Chairman*: I think, Mr. Jellicoe, you are drifting into something which is a mere personal matter.

*Mr. Jellicoe*: I do not desire to do so, and if I may be pardoned, I do not think any personal dispute is involved between us.

*The Chairman*: I do not mean personal animus.

*Mr. Jellicoe*: I shall content myself by saying this: After Mr. Bell had offered evidence, I called Mr. J. Holmes. Sir Robert Stout had an opportunity of cross-examining him on his evidence, and if you will read the note of the cross-examination I think you will say that if my words were capable of being attributed to Mr. Bell I was justified, so far as that witness was concerned, in what I had said and in the course I adopted. Sir Robert Stout communicated with me, and the result was that I made a statement which appears in the *Evening Post* of the 7th September.

*The Chairman*: Do I understand that this is really evidence in the libel case—

*Mr. Jellicoe*: It shows this, that there is no imputation against Mr. Bell. I am taking in these proceedings the same position that I took up then. I propose to ask you to hear what was said in Court, and which is on record.

*The Chairman*: I must rule that we are going a little outside of what the Committee want to deal with. It appears to me you are now going into all the evidence *re* libel case, whether right or wrong.

*Mr. Jellicoe*: Mr. Bell has put in the evidence and made a statement with reference to the result of the action, and you will pardon me for calling the attention of the Committee to my account of what actually did occur.

*The Chairman*: You have already stated, as I understand, what seems to me, at any rate, rebutting points, so far as you were concerned.

*Mr. Jellicoe*: I beg pardon. What I stated are not "rebutting points;" it is simply evidence—

*The Chairman*: I certainly must object to going into the whole libel case treated in the Court. I wish the Committee to keep to the matter before us as near as we can.

*Mr. Jellicoe*: I deny absolutely that there was any apology. I stated that I regretted I had used language which could have been applied by any one to Mr. Bell; that is all. I say still there is no imputation that Mr. Bell was guilty of any impropriety at all in the conduct of the case. I still say evidence was kept back, but I do not say it was kept back by Mr. Bell. It is true I agreed to pay Mr. Bell's costs, which Sir Robert Stout assessed at £250.

*Mr. Bell*: I do not desire to reply, but it is necessary I should say this: I did not at all intend

to raise any question between Mr. Jellicoe and myself. What I wanted to show was this: that this matter of Holmes's evidence and of the milkman's evidence has been raised over and over again before proper tribunals and refuted. That was all I wanted to show, and I wanted to have an opportunity of producing before this Committee the evidence to prove that not only had they been refuted, but withdrawn. I thought of doing that only as disproving the allegations so far as they might affect the mind of this Committee.

*The Chairman*: Of course, I feel it somewhat difficult to draw the line and lay down a basis to work out; but I want this to be borne in mind by all: That the Committee wish to confine themselves, as near as possible, to the evidence in the case of the convict Chemis, whether in his favour or otherwise.

*Mr. Bell*: I think I have been misunderstood. I should not have tendered evidence here merely to defend my own character. I tendered the evidence because, if I had been guilty of the misconduct alleged, then Chemis would have had an unfair trial. I should have been ashamed of myself had I raised any personal issue; but I felt that it was relevant to prove to this Committee that these allegations are, as I have called them already, simply lies.

(*Mr. Bell then left the room*).

Lieutenant-Colonel ARTHUR HUME sworn and examined.

1. *The Chairman*.] You are Commissioner of Police?—Yes. I have held the office of Commissioner since 1st July, 1890. I was not holding that office when this trial took place. I was Inspector of Prisons. I may state, with reference to the position I held in this business, that I was Inspector of Prisons at the time this thing happened. After the trial was all over, I was sent for one night by the late Sir Harry Atkinson, at about 10 o'clock, when the House was sitting, to go to the House.

2. *Mr. J. Kelly*.] At what time?—Sometime during the session.

3. *The Chairman*.] Would it be near the time when you took these affidavits?—Yes; it was the day before—24th July, 1889. Sir Harry Atkinson told me that there was certain information he wanted me to try and obtain for him. I explained to him that it would put me in a very awkward position, as, of course, I had nothing to do with the police. However, he gave me the instruction, or he told me that my duty was to do as Ministers told me. He said there was a man he wanted me to find that night. I took a cab and went out to Ngahauranga, and found the man that night.

4. Who was that man?—It was Blandford—the man up on the hill, who was at the Ngahauranga Fort Battery. I got the information, and brought it back to Sir Harry Atkinson. When I got back, between twelve and one o'clock, the House was still sitting. I may also state that at this time nothing whatever had passed between Mr. Jellicoe and myself with regard to this business. That is merely to show the Committee how I came on the scene. I was perfectly independent of the police or Mr. Jellicoe.

5. I believe you made certain experiments for Ministers?—Yes.

6. Will you kindly explain the nature of those experiments, and the result?—I shall try to.

*The Chairman*: Before you commence, I may say that the Committee would like to follow it up with any questions that may arise out of your statement.

*Witness*: The evidence referred to was taken long before this.

*Mr. Jellicoe*: I beg your pardon.

*Witness*: You took the evidence of men named Pickering, Hogg, and Sedgwick, and also Dybell, the blacksmith.

*The Chairman*: Perhaps it would be better to explain it in your own way.

*Witness*: As far as my memory serves me, I think it was from what Blandford told me—the man I saw that night; I think it was from what he told me, I went gathering information from one and another.

7. *The Chairman*.] Did you make any inquiry as to the man who had been seen on the hill that night?—No, Sir, I do not think I did. As far as I remember, I could not get any trace of him. I was terribly handicapped at first. I had no detective; I was simply acting on my own hook.

8. *Mr. Jellicoe*.] That is not Pickering's statement; he says otherwise?—Yes, quite so.

9. *The Chairman*.] But Pickering refers to some days previous, and not to the night before?—It refers to the Queen's Birthday, or some public holiday.

10. *Mr. Jellicoe*: You did not get any trace of the person said to have been quarrelling with Hawkings?—No; everything I got is down in this statement.

*The Chairman*: Then we will pass on from that.

11. *Mr. Jellicoe*: Will you kindly tell the Committee the nature of the experiments you made for the Executive, and the result?—Well, I took the gun, and I used three drachms of powder and an ounce and a quarter of shot. That is the usual charge for sporting guns; and I fired at part of a sheep, dressed up in clothes of similar texture to those worn by Hawkings, and the conclusion arrived at, both by myself and Captain Coleman, who assisted me, was that the murder could not have been committed with that gun. It must have been done with some weapon of a very much larger calibre, or of a very much larger bore. We found that, in order to drive the paper into the wound, as was driven in the murdered man's case, if you put the muzzle of that gun close enough to drive in the paper, you must burn the coat—you must be close enough to burn the coat. Again, if you go a little further back, you do not drive the paper into the wound, and you make a very much larger hole in the coat by the scattering of the shot. The conclusion Captain Coleman and myself came to, after our various experiments, was that the shot must have been fired from the weapon known as a horse-pistol; but I must, of course, tell the Committee that these experiments must

be taken *cum grano salis*, for this reason—that, in the first place, what I was firing at was against a bank, and therefore there was very considerable resistance. A human being running away probably would not be anything like the same resistance. Then, also, I must state that the sheep's skin—I do not mean to say the outside skin, but the inner flesh, after being exposed to the air, is, of course, considerably harder or less penetrable than a human being's skin.

12. Have you anything further to add?—No.

13. You have seen the pieces of paper which the doctor says came from the wound in Hawkings?—Yes, Sir. [Pieces of paper produced.]

13a. Supposing the paper to have been lodged by a gun-shot in such a wound, would you not in an ordinary case expect that paper to come out without being at least singed?—No, I cannot altogether say that, because in some of our experiments it was singed, and in others it was blackened, and in others it was comparatively clean.

14. Supposing the texture of the clothing that was found in the wound was reduced to pulp, would you expect the paper to come out whole?—No.

15. Why do you say that?—I do not know why I say it. I am talking about what I really know nothing of; a human being alive is so different to an animal that is dead.

16. *The Chairman.*] I do not see how you could experiment on a live man?—No; but I do not want to say anything unless I am positively certain. I should say it would be more a medical question.

17. *Mr. Jellicoe.*] You in no way communicated to me either the nature or the result of your experiments?—Certainly not. I do not think we have spoken from that day to this about the experiment.

18. *The Chairman.*] Do I understand that in your experiments you extracted certain paper from the body of the sheep?—Yes.

19. Was the paper you extracted larger or smaller than the exhibits produced—the box of exhibits produced by Dr. Cahill?—About the same size.

[*Mr. Cooper*, Registrar of the Supreme Court, produced the pieces of coat that came from the wound.]

20. *The Chairman.*] Have you seen a horse-pistol with more than one barrel?—Yes, I have seen horse-pistols with two barrels; about No. 10 bore, I think.

21. *Mr. Gully.*] The shorter the barrel, the more the shot scatters?—Yes.

22. And therefore you said that a shot if fired at a distance would penetrate a body so close as the body of deceased?—Yes.

23. Is not that rather against the theory of a short-barrel weapon, which would necessarily scatter the shot?—No, I do not think that.

24. In other words, in order to cut a hole of the same circumference, would you not succeed better with a short-barrel weapon than you would with a long-barrel weapon?—Yes; I should say you would.

25. Then why should the closeness of the shot in this case lead you to distinctly assume that a short-barrel weapon was used; would not the result lead you to an opposite conclusion?—The best way I can describe it is this: in the No. 14 bore, in the powder, when in the breach, there are smaller interstices, and also it does not ignite so quickly as in the larger bore. Then, when it goes down the barrel, and when it escapes from the barrel, the flame is more confined and goes straight out. There is more flame, because it has less space to extend itself in the barrel. If we could only see the muzzle at the second when the charge leaves it, I believe you would see a big flame rush out of the small bore. In the large bore the powder expands itself more in the barrel, and there is not the same amount of flame when the projectile or shot leaves it.

26. You say the flame would project a greater distance from such a gun than from a horse-pistol?—Yes; that is why I say that you could get that result without burning the coat. You would have to go very close with that gun to make that small hole, and you must burn the cloth doing it. That is our experience.

27. You assume that a horse-pistol, if fired at a certain distance, would not singe the cloth?—Well, I should say, as far as I remember, talking it over with Captain Coleman at the time—he knows well the use of horse-pistols—we came to the conclusion that the distance would be about 3 yards, or 9ft.

28. Do you mean that if the distance were less than that the cloth would necessarily be singed with a horse-pistol?—Oh! I do not know that it would; but I am sure that it would with a gun of that calibre.

29. You are sure it would at no less distance than about 3 yards?—Yes.

30. Taking that as your theory, supposing that gun was fired 9ft. away from the body of a man who was running, and supposing the gun was loaded with greased shot, are you able to say, from your experiments, with any sort of certainty, that the clothing would have been singed?—No, I am not certainly able to say with any sort of certainty, because, as I explained to the Committee before, I think it would be totally different firing at a man running away.

31. And, so far as your evidence goes, it is quite possible that such a wound would have been caused 10ft. away by the firing of such a weapon as that?—I certainly could not say it would not.

32. It is well understood that the grease in the shot does make it carry with more effect?—No doubt it does; there is no doubt about that.

33. Would the closeness of the charge not also depend upon the way in which the charge was wadded—the quantity of wadding used?—In this case, as far as I know, there was no wadding whatever.

34. I am justified in using general terms when I speak of wadding—I am referring to the paper?—Yes, I should say it would depend on that too.

35. Apparently from your experience—it is your usual experience—that a charge of wadding in

a charge should be carried into a body, if fired at a close distance?—Yes; and in such a form as the exhibit produced.

36. I do not wish you to push your theory too far. Can you give any sort of distance at which a charge would carry a paper-wadding into the human body? I mean, what was the furthest distance at which a weapon could discharge so that the paper-wadding would enter the human body?—Well, I believe with that gun, the furthest we got it was about 4ft.

37. You have already drawn a distinction in your mind between the experiment on a part of a sheep and an experiment on the human body?—Yes.

38. Do you think that there is a considerable distinction between the two?—Yes.

39. And it is not safe to give this to anything like certainty in the way of theory?—I may add that I did not send in an official report on my experiments, as I did not consider them sufficiently reliable.

40. Now, with regard to the singeing of the paper used as wadding, you say that in some of your experiments it was singed and in others it was not?—Yes; in some blackened and others not.

41. Does that depend on the quantity of paper and the weight?—No; we used the same quantity every time, and it was the *Evening Post* paper we used. I did not attach any importance to the experiments made. I do not think they are sufficiently accurate. I do not see how you could do it.

42. *Mr. Lake.*] At a distance of 5 yards would it be possible to make such a wound with the gun such as you have described, and as it was found to be by the hole in the coat?—Yes.

43. *The Chairman.*] Have you seen the hole in the coat?—Yes.

44. *Mr. Lake.*] In that coat there were three or four separate shots outside the main hole?—Yes.

45. Do you think with a gun of that sort there would have been these scattered shots at 5 yards?—I do not see why it should not have been.

46. Did you make any experiments also with bullets?—Yes.

47. Did those experiments lead you to suppose that so large a hole as is shown in front of the coat could have been made by a bullet?—No. We gave up the bullet theory at once, because we found the hole so much smaller in the coat we experimented on.

48. *Mr. Jellicoe.*] Did you see the coat before you made the experiments or not?—Yes; before.

49. You know the nature of the tear that Mr. Lake has been referring to?—Yes.

50. *Mr. Gully.*] How big was the tear in the back of the coat when you saw it first?—I measured the hole, and I think it was 5in. by 2½in., as far as my memory goes.

51. *Mr. Moore.*] How many feet do you think paper would be carried if used as wadding into the wound at such a distance?—I should say that you would carry it about 5ft. or 6ft., according to our experiments.

52. If this paper had been carried into the wound out of a gun such as this at 5ft. or 6ft., the clothing would be singed?—Yes, it must be so.

53. *The Chairman.*] So far as I understand you, that shot was not fired by that gun?—Yes.

54. *Mr. Jellicoe.*] Is that the conclusion at which Captain Coleman also arrived?—Yes, I think I stated so.

55. *Mr. Gully.*] Did you measure all the holes made in firing at the short ranges?—Yes, we measured them all.

56. You still think that at 5 yards it would make so large a hole as is shown in the plan?—When I got the coat, I must tell you that a good many people had been experimenting on it and operating on it. Everybody had been poking their fingers into the hole, and the hole was very much bigger than it was originally. It is now bigger than it was when I first saw it.

57. *Mr. Moore.*] You stated that the flesh of a sheep after exposure would be much harder than the human body?—Yes, that is my experience; that is what I believe.

58. In your experiments on the sheep, what distance did you find the gun carry the paper into the flesh at the longest distance?—Between 5ft. or 6ft.

59. You said human flesh was softer and more easily penetrated with paper; it might be carried 9ft.?—Yes, that may be so. Against that theory I have got a lot of resistance, and I explained that the human body could not resist that so much. My experiments were made up against the bank. I do not form any theory about the front wound.

60. *Mr. Jellicoe.*] Was it fired in a downward direction?—I do not know; I never went into that.

61. *Mr. Moore.*] If the person was running away, the resistance and the penetration of the shot would be less on the paper?—Yes.

62. Did you take any evidence to prove to your own mind that the man must have been running from the person who fired when the shot was fired?—No.

63. You did not know but what he might have been really standing still?—No.

64. *The Chairman.*] Have you seen the stiletto that has been produced?—Yes.

65. Do you think the cuts in the coat and other clothes were made by that instrument?—The coat was so cut and dilapidated all over I could not tell what was supposed to have been done by the murderer and what by others.

66. *Mr. Gully.*] The murderer is supposed to have inflicted twenty-one stabs. Are you confusing these stabs with other cuts?—There were many more cuts in the coat before I saw it. The only thing I had to go on was the paper-collar, and the idea I formed of that was, that it was not possible to have been done by that stiletto with one particular stab. We tried it very closely.

67. *Mr. Allen.*] Did you make any experiments?—I made two or three, but they were not satisfactory to myself—not good enough to form any theory upon.

68. *The Chairman.*] Do you think it was probably done by that instrument?—I do not know;



but I think it is improbable. [Stiletto and paper-collar produced.] Of course there may have been 150 fingers put into this hole.

69. *Mr. Gully.*] You have not seen that done?—No. It seems to me that, if you stab straight in, the cut depends on how you pull the stiletto out. It depends on the slightest turn of the wrist in pulling the stiletto out.

70. *Mr. E. M. Smith.*] Are you aware that a bayonet or dagger inserted into a man with force could not be removed without it was rolled about, or straight. It could not be pulled out without a motion that would cause a jagged hole. Has not that been proved over and over again in warfare? All soldiers are taught, in making a cut with a bayonet, to give it a twist motion, in order that it may come back clear?—Yes, Sir, that is so. I was trying to explain that to the Committee, and my reason for stating what I did about the 150 turns, the matter was so talked about, and I was told, when these things were handed over to me, they were very different to what they were when the experiments were first made.

71. *The Chairman.*] Looking at that dagger, do you think the force required to drive it in would have taken it above the thick part near the handle? And it shows, at any rate, that it was a partly-blunt instrument that had been in the wound, or through the clothes?—The only thing is that stabbing might have been done after the man was dead.

*Mr. Jellicoe.*] That has been my idea all along.

*Witness:* He might put the dagger into the wound as far as he liked.

72. *The Chairman.*] In your experience have you ever seen any one murdered by a foreigner with a dagger of this kind or any similar weapon?—No.

73. Do you know as a fact that most murders committed in that way are generally done with one or two fatal stabs—not a great number?—I have seen a good many men murdered in India by Afghans by long knives—large knives. They never stab more than once.

74. *Mr. Gully.*] Of course, you cannot lay down general rules for assassination?—No.

75. *Mr. Allen.*] You have seen that finely-cut mark in the collar. Now this dagger, as you see, is edged on both sides. In your experiments would it be possible that that stiletto could make that fine cut?—Well, I do not know that I could answer from my experiments, but my own ideas are no, it could not.

76. *Mr. Lake.*] In answer to Mr. Moore, as regards the same point, you gave the distance as 5ft. or 6ft., instead of 5 yards or 6 yards as in answer to me. Which do you mean?—I said, No to your question; you asked me about yards, Mr. Moore asked me about feet.

77. You stated that at a distance of 5ft. or 6ft. or over the paper would not be carried into the wound?—Yes.

78. I then asked you if at that distance so large a hole could have been made in the back of the coat at this 5ft. or 6ft.?—Yes.

79. And I understood you to say, Yes?—Yes.

80. *Mr. E. M. Smith.*] You are aware that in a pair of horse-pistols the usual charge would be something one-half of what you put in a gun?—Yes; two drachms of powder probably instead of three.

81. The point I wish to get at is—would there be less initial velocity?—Yes.

82. And, therefore, that the shot would begin to scatter sooner?—Yes.

83. *Mr. Moore.*] I am not quite clear whether you led the Committee to believe some time ago that the experiments you made were of such a nature that your conclusions could not be considered reliable?—Yes; they were the best I could make under the circumstances.

84. *The Chairman.*] Do you mean that the experiments you made did not justify you in believing it was a horse-pistol that was used—is that what you mean?—No.

85. *Mr. Moore.*] I wish to make it clear to the Committee whether you considered the experiments made were of any use in forming an opinion as to what gun or pistol had been fired?—No; I do not consider them of any value.

*Mr. Jellicoe:* It may perhaps be convenient, and save the time of the Committee, if I now direct attention to some portions of Dr. Cahill's evidence, given before the Coroner. He says, "Coming into Wellington, I reported the matter to Sergeant-major Morice, to whom I communicated my suspicions." Almost at the end of his evidence, having described the wounds in the body, he says, "It must have been an exceedingly strong instrument, and driven with great force, as shown by the clean cuts made through the bony processes of the vertebrae and the fracture of the lower jaw. From the appearance of the small ragged round hole in the right front of the coat, and the long ragged tear in the left corner and pocket of the coat, I am inclined to believe that these tears were caused by a rounded missile like a spherical bullet fired from above. If a bullet so fired passed through the coat and vest and struck such a thing as a knife in a man's pocket, it would make such a tear, and a bruise over the left hypochondriac region corresponds to the position of the waistcoat-pocket in which the knife appears to have been. The shot fired from behind which entered the shoulder must have been fired when both parties were about on a level, and when the distance from the muzzle of the weapon and the back of the deceased was only about 2 yards. I have preserved the mass of clotted blood, and papers, and all pellets of shot extracted. I now produce them." So that the mass taken from the wound was produced at the inquest, and this some days before the paper was extracted. There are one or two other points in the depositions taken in the Resident Magistrate's Court, and which appear among the printed papers. Referring to Chemis's statement, and the motive suggested by the Crown for the murder, Mr. Cooper, Registrar of the Supreme Court, says, "Judgment was reserved for further argument and consideration. Trial was first commenced on the 15th January, and concluded on the 19th January." That was the position of the litigation between Hawkins *versus* Chemis. Dr. Cahill, under examination, says "There was a large ragged wound on the back of the left shoulder, above the angle of the scapula, or shoulder-blade, close to the spine. It ran forwards through the muscles for 3¼ in., and was directed slightly upwards and outwards. It contained clotted blood, torn and

bruised particles of flesh, particles of clothing, paper, and shot." In this examination Dr. Cahill says something about the stiletto. He says, "I first saw the stiletto on Saturday night. I think Inspector Thomson showed it to me. I afterwards examined it before using it. It is now in the same state as when I first saw it. The verdigris has been removed from around the hilt. In other respects it is about the same, except perhaps that it is a little more rusty. There were marks of rust on it when I first saw it. There were no blood-stains on it." I now refer the Committee to Wilson's evidence. In cross-examination he says, "I saw several pieces of paper lying about, not sufficient to make half-sheet of an *Evening Post*. I only saw this one piece, and the pieces on the road. Several pieces were lying about off the road. I told Campbell it was a piece of the 23rd May. *He seemed to treat the matter with indifference*, and I put the piece in my pocket. I had an indistinct recollection they had a picnic on the 24th May."

*The Chairman*: To what day is he referring?

*Mr. Jellicoe*: The morning after the murder, when the police picked up the pieces of paper. Inspector Thomson, in his cross-examination, referring to the stiletto having been brought to him in the kitchen, says, "I examined the stiletto. I could not see any trace of blood. I did not notice any dust on the sheath. I will not swear there was no dust on it. I noticed verdigris on the blade for not more than a  $\frac{1}{4}$  in. from where it joins the handle. There was rust on the blade—two or three rust-marks. There was nothing to show that it had been used for the purposes of killing. I examined it for that indication. I did not know when I left town that Hawkings had been shot. I was only aware that he had been stabbed. That is why I had not taken the gun when we saw it first. I showed the shot found to the doctor, but he said it was smaller than that found in the body. I distinctly say that I did not examine the papers I gave to Mr. Tasker before I gave them to him. I simply know that the papers I found I gave to Mr. Tasker. *I could not identify the papers again.* . . . I did not take a receipt for them. Only Mr. Tasker was present when I handed them to him." Constable Carroll in his evidence says, that he "delivered the paper" he picked up to Mr. Tasker. Under cross-examination he says, "*I did not note anything on those pieces of paper by which I could identify them again.* I just left the paper with Tasker on the table and went away." So that we have Inspector Thomson saying he could not identify the paper, and Carroll saying the same thing. Now I ask the attention of the Committee to what Benjamin says: "*I did see some fuses and caps there.* I did not know what the caps were, and he (Chemis) told us. . . . I cannot tell you what paper it was I picked up; it was put in a parcel. *I paid no attention to any of the newspapers found.*" This witness is therefore proved to have admitted before the Magistrate that he did see and left some things in the drawer, which he afterwards denied on the trial in the Supreme Court. Further on in his evidence he says, "We went out to look for a bullet—I took my revolver with me—four of us: Campbell, Carroll, Healy, and myself. I fired two, and Healy fired the rest." Then when he was recalled, he said, "I remember seeing the last witness, Stephen William Green, at the police-station. He handed me some bits of newspaper. I put them in an envelope, and locked them up in my office, and next day handed them to Mr. Tasker. He handed them to me on the 17th June." That is a qualification of his former statement, that he did give any special attention to any paper. So that you have Carroll, Benjamin and Thomson all swearing that they could not identify the paper. Then George Lee is sworn, and he states, "I brought the last load at something to 5 o'clock and past half-past 4 o'clock. When I knocked off I drove straight on to my place. Accused jumped into the cart just the other side of Cook's shop, and he got out at his gate. I saw no more of him till the following morning." He was cross-examined by Mr. Bunny, and stated, "I am employed by the Hutt County Council, and we knock off at 4.30; that is the rule for all hands. This night it was after 4.30 we knocked off. I can not say how much after. I did take some bran and pollard in my cart that night; it was put down by Mr. Coulter's. Accused helped me to put it in my cart. By that time it was close on 5 o'clock." This is the witness who fixes the time as near as it can be fixed at all.

*The Chairman*.] He continues: "We were working near the Government school that day; that is where we were last working. Accused and I were working there putting blinding on the road that is off the main road. The gas-men were working on the main road by Gardener's. I saw a man running past where I live, next morning, up the Ngahauranga line. He was running up towards Johnsonville; he was not running fast; he was coming from Ngahauranga way. I went at a walk to the gate of accused when we knocked off." In reading over Chemis's statement, made in the gaol, I think, referring to that particular point, he said he could not have seen if Mr. Hawkings went by.

[*Mr. Jellicoe* described on the plan the position of the Government school, which is off the main road, on the westerly side.]

*Mr. Jellicoe*: Standing outside the school you can see the main road, but you would not notice every passer-by unless you specially watched—certainly not if you were working on the road. If you watched you would probably recognise a person whom you knew. John Holmes, in his cross-examination, says, with reference to Hawkings, "I have heard of him driving people off his land who were shooting on it. I cannot say it was common repute that Hawkings quarrelled with his neighbours, and I cannot say it was not." Now, Detective Campbell, the Committee will bear in mind, when he gave evidence in the Supreme Court, denied having seen any articles such as those subsequently found by me in the drawer in Chemis's bed-room, but before the Magistrate he said, "in the right-hand top drawer of a chest of drawers I saw the dynamite caps and other appliances there." As to the paper, he then said, "The paper had not been wrapped round anything in the drawer. Some papers were found in the kitchen and children's bed-room, and taken charge of by Benjamin. There may have been some whole newspapers found there, but I did not see any. I kept charge of the papers found in the kitchen and children's bed-room, and handed them to Detective Benjamin in the station. *I do not think I would know the papers again.*" You

have therefore all the constables swearing that they are unable to identify any single piece of paper or any paper at all.

*The Chairman* : They never marked the exhibits.

*Mr. Jellicoe* : You have before you the whole of their evidence, and I think I have satisfied you that they admitted before the Magistrate what they denied in the Supreme Court.

The Committee adjourned.

TUESDAY, 13TH SEPTEMBER, 1892.

*Mr. H. D. Bell* : Sir, I have received a copy of the Judge's notes in the case *Bell v. Jellicoe*, and I put them in. There is only one part of the evidence given by John Holmes that I wish to refer to. [Mr. Bell then read the cross-examination of Holmes from the Judge's notes, and handed them in to the Chairman.] I wrote out the speech and arguments when I was about to address the jury in order that I might submit it to my junior, Mr. Richmond. I have that address, and I cannot put my arguments before the Committee now better than I put them then. It is in Mr. Gully's possession, and I ask that it may be taken. There are some pencil notes on the margin, partly in Mr. Richmond's writing and partly in my own. I cannot say whether I used them in my address or not. The arguments are those that I read in addressing the jury, and I have nothing to add to them. But I wish to be permitted to answer the arguments since offered by Mr. Jellicoe and Mr. Richardson. This address to the jury answered all the arguments adduced at that time. I think the Committee should have some newspaper report of the trial before them, giving the statement that Chemis gave when called upon. I may say, Sir, that I am at this disadvantage: I have not been able to read the depositions taken at the inquiry against Benjamin for perjury. I understand the original depositions are here, but I have no copy of them. If I refer to these I am not speaking from anything more than memory. The question of the "paper" was that which I principally discussed in this argument. I said then, and I repeat it now, that it was mathematically proved, if Inspector Thomson is to be believed, that the murderer came out of Chemis's house. [Mr. Bell here read his address to the jury.] When I said that, that the production of the paper in the body excluded all possibility of conspiracy, I said so for this reason: The paper produced by Dr. Cahill was not extracted from the murdered man's body until the 6th June, whereas all the other papers were in the hands of Mr. Tasker by the 5th or early on the 6th. I think, Sir, that I particularly asked the jury to look at the paper marked "gorse," and compare it with the paper found in the gorse bushes. If the Committee see Mr. Thomson and hear him give his evidence, and see the detectives and hear them give their evidence, they would be in a position to judge of the care with which the evidence was given by these men. I observe in Mr. Jellicoe's comments several proofs of the absolute impossibility of arriving, from the Judge's notes, at anything like a correct estimate of the value of the evidence given. One instance I will supply. Witness Carroll said that he had held the papers he had in his hand at the Morgue. To the best of my recollection that answer was given to the question, "Can you say whether you had had them at the Morgue?" and he said, "I had them in my hands at the Morgue." Mr. Jellicoe suggests that he had them in his hands while the doctor dissected the body. As far as I can remember, the point that was being sought was whether Carroll had the paper in his possession throughout the morning. We were tracing it continuously in his possession. The matter of the powder-flasks arose in my address to the jury. The point is this: The shot in the shot-flask, which was found in the drawer, did not correspond with the shot found in the body. [Here read evidence.]

*The Chairman* : I understand that we were told that the shot found in the pouch was greased.

*Mr. Jellicoe* : Yes.

*Mr. H. D. Bell* : The shot did not correspond in the same proportions. The No. 4 shot was mixed with the No. 6 shot. The shot in the original flask was greased. Now, I asked in my speech, "Where is the powder-flask?" The prisoner when called upon to say why sentence should not be passed upon him, and my speech being the last thing he had heard from the prosecution, said that "There was a powder-flask there in the drawer." Now, Mr. Jellicoe has put it throughout that the detectives were the only witnesses who swore to there being no powder-flask there. He refers to Detective Benjamin and Detective Campbell. Now, that may be the whole of the evidence before you, but I will show you how incomplete the matter is as set before you by Mr. Jellicoe. Of course the powder-flasks never actually came into question on this point until the prisoner made his statement. There were two occasions on which the drawer was searched by the police. On the first occasion the knife was taken, but not the gun; on the second occasion the gun was taken also. When the gun was taken Constables Healey and Carroll were there. The former certainly was there. That is to show that there is other evidence than the detectives that there was no powder-flask there at that time. That evidence you have not got so far. They were not asked any questions on the subject.

*Mr. Jellicoe* : Are they not in the Judge's notes?

*Mr. Bell* : No. [After reading on page 18 of the Chief Justice's report, Mr. Bell continued] : Therefore there were two searches made—one by Campbell, Benjamin, and Inspector Thomson on the 1st, and the second by Carroll, Healey, Benjamin, and Campbell. The drawer was seen by these five persons, as I was instructed at the time of the police prosecution. Of course the charge of perjury will have to be made against five persons—all policemen.

*The Chairman* : The first search was made on the Saturday morning, and the second on the Wednesday morning following.

*Mr. Bell* : Yes, that is so.

*Mr. Jellicoe* : It is not said that a search was made.

*Mr. Bell:* My object is to show you that you have not got the whole evidence in order to arrive at a solution of this question about the powder-flasks. It is necessary to go into the case that would have been presented by the police when the perjury prosecution was concluded. Mr. Jellicoe has got evidence already called, but he has not got one single word of the explanation or suggestion by which the police could have met the charge for the prosecution. I have marked these facts for the information of the Committee that there were two constables, as well as Inspector Thomson and the detectives, who probably saw the drawer, and will probably be able to give you information upon the subject.

*The Chairman:* Was not Carroll examined again when the case of perjury was heard?

*Mr. Jellicoe:* No; no evidence for the defence was taken.

*Mr. Bell:* You will see on the bottom of page 24 (H.—33) that Carroll made a search of prisoner's house on the 5th of June, and took the paper from prisoner's trousers. He made a search. That would lead you to suppose that Carroll knew something of the contents of the drawer, and also Healey. I have not seen Carroll or Healey on this point at any time. *With regard to the "bullet;"* I have read what Mr. Richardson says. I am not an expert. I saw the waistcoat-pocket and the hole. The jury saw it and the Judge saw it, and we all assumed that it was a bullet-hole. Although not an expert, but having seen it myself, nothing will induce me to believe that this hole was made by a discharge from a shot-gun. The pocket would have been riddled with shot. I would like to see a shot-gun fired at a waistcoat at close quarters and not burn it, and make such a hole as this was. I do not know whether the coat is in the same condition now; but I have read Mr. Richardson's evidence, and on page 26 he speaks of a hole an inch and a half in diameter. All that I can say is that, as far as my recollection carries me, it was not an inch and a half in diameter at the trial. It astonishes me to hear that it was so. I have not seen the coat since the day I saw it at the trial, and I do not suppose that I saw it then more than once. But, of course, I saw it before the trial, and examined it carefully, and if the hole was then an inch and a half in diameter my memory must mislead me badly. Mr. Richardson's recollections differ entirely from mine.

*The Chairman:* Some of the papers have been mislaid. Colonel Hume told me that they would make another inquiry, and try to find them. A memorandum was attached by Mr. Richardson giving a very full and explicit statement to the papers laid before the Cabinet, and I am told that this memorandum has been taken off the paper, and cannot be found.

*Mr. Bell:* My memory is fairly clear as to what I saw, and, though I did not make a memorandum at the time, we all treated this as a bullet-hole without a possibility of a doubt.

*The Chairman:* I do not think, Mr. Bell, that the police are emphatic about it being a bullet-hole.

*Mr. Bell:* It is quite new to me then if that is so. With regard to the shot in the paper, Mr. Richardson says you cannot fire paper into a body with shot. My answer is that the shot was found in the body mixed with the paper. Dr. Cahill took it out, and it is no use theorising against that fact. If I doubted that the doctor's evidence was fact I would call him and see if I could shake him on the subject. It was proved to be a fact, and nobody ever doubted it. However, it was not essential to the case, for if the paper found on the ground fitted into the paper found in prisoner's house, it did not matter whether the paper was taken out of the body or not. Mr. Richardson's evidence is all theory, which the Committee are as well able to judge of as myself. About the experiments made with the knife I can offer no opinion. I should like to say that I have never yet seen the knife that was found in the gully. [The knife was here produced.]

*The Chairman:* That knife was put in evidence when we were looking at the paper collar. The collar seemed to be the only part of the clothing that was intact. The Committee tried the knife to see whether it would fit a cut which was in the collar.

*Mr. Jellicoe:* Was any stress put upon the cut in the collar?

*Mr. Bell:* No, I think not. It strikes me as being a new point in the evidence. Two cuts in the coat were before the jury. They carefully examined all the cuts. The stiletto was mere makeweight to the paper evidence. Referring to Mr. Richardson's evidence on page 26: Mr. Richardson is wrong there. There is not, I think, the slightest distinction in the edges of the paper. The only distinction in the characters of the papers is that one is blackened and the other is not. On page 31 of printed evidence Mr. Kelly asks, "Could the doctor have taken such a large piece out whole?" Well, no doubt there is evidence that the doctor was careless, and one part of the paper was wrapping and the other part extracted. Unless Dr. Cahill is perjuring himself, one part of the paper was mixed up with the shot extracted from the mass. Therefore both parts may have been used. But it is only necessary that one piece of the paper was extracted from the wound. In Chemis's statement, when called upon to say why sentence should not be passed upon him, he did not deny that paper was taken from his house. Now, with regard to further evidence that was obtained—I refer to the evidence of the shot-pouch and sheath-knife. That is, the Committee are aware, the discovery by Low. But the Committee has not been informed by Mr. Jellicoe that they were produced by him as counsel for Mr. and Mrs. Chemis in the most dramatic way. They were presented as genuine articles—as the murderer's weapons. Mr. Jellicoe was asked to produce them, and he pushed them up under Norman's face for the purpose of confronting him with them. Afterwards Mr. Jellicoe put them in a bag and declared that no Magistrate should have them. I only refer to this for the purpose of stating what is absolutely fact, that these were used by Chemis's counsel as genuine articles which had been overlooked in the search.

*The Chairman:* This was on the perjury case.

*Mr. Bell:* Yes. When I began to prove that the shot-pouch was Chemis's there was a change of front, and Mr. Jellicoe went on to state that they were a "plant." Mr. Hawkins, who took a very great interest in the case, was in Mr. Jellicoe's confidence. He was a solicitor in Wellington at that time, and owned the *Evening Press*. He used to come to me and say that they were going to smash us, and so forth. I did not seek his confidence. This can be borne out by Mr. Skerrett. When it was said to be a "plant," Mr. Jellicoe called some witnesses to show that they had

searched this very place and did not find anything, though they searched it immediately after the murder. I had photographs taken of the place. These things were found in the bed of the creek, and the search had been made in July. The photographs were taken for the purpose of being produced to the jury. [The photographs were laid on the table.] At that time, Sir, the principal point did not come out. We were, so I am instructed, able to prove that this knife was Chemis's. Now, you must not, of course, take that as from me. That sheath and that knife can be proved, as I understand, to be Chemis's. Both the shot-pouch and knife are perfectly well known in Kaiwarra. The question is if this knife is Chemis's, not whether it is the knife with which the wounds were inflicted or not, but whether it is Chemis's knife. A witness for Chemis, and I think also Chemis and his wife, say that Chemis had no sheath-knife. That is why I am at a disadvantage in not having seen the depositions in the perjury case. I speak only from recollection. I believe that Mrs. Chemis said that Chemis had no sheath-knife, but the affidavits which they put forward swear to it positively. We state that these witnesses did not understand all this about the sheath-knife, but there was some idea about a sheath-knife in the minds of the witnesses. It is quite immaterial to my point whether this is the knife or not with which the murder was committed. My point is that these people were guilty of deliberate falsehood on this subject. This, Sir, is one of the reasons why I say that, unless you know what the evidence was which was to be brought in answer on the part of the police, you cannot know the whole of the case. If the witnesses have committed themselves to a series of deliberate falsehoods before the knife was discovered, surely that is material. The shot-pouch contained shot which corresponded with the shot taken from the body. Mr. Tolley weighed the shot and examined it. Mr. Tolley was not examined, but would have been called by us.

*Mr. Jellicoe*: Mr. Tolley put the shot in his hand and said they were No. 3, and then said they are mixed with Nos. 4, 5, and 6.

*Mr. Bell*: He compared the shot in the pouch with the shot in the box. The shot in the pouch is here, and any member of the Committee can take the shot from the little box in one hand and the shot from the pouch in the other. If this shot was not greased neither was the shot in the second pouch greased. The shot in the body corresponded with the shot in the pouch; and the second pouch was undoubtedly Chemis's, as you will see in the evidence for the prosecution in the perjury case.

*Mr. Jellicoe*: Chemis said that he never did carry a knife since he was a sailor.

*Mr. Bell*: All I am able to say is that I was instructed that there is overwhelming evidence to show that this is Chemis's knife.

*The Chairman*: You might state to the Committee what course to pursue to obtain that evidence.

*Mr. Bell*: By examining Inspector Thomson, and, possibly, Mr. Skerrett. It is said that I was instructed by the Crown to take charge of this case. That is not so. I refused at first, and recommended the police to go to Mr. Skerrett. It was found that it would be better for me to take it, as I had the whole of the evidence in my mind. I received no instructions from the Crown at all in the matter, save the permission to defend the prisoners. Mr. Skerrett was more familiar with the evidence of this case than I was. It was his duty to get up the evidence. I was counsel.

*The Chairman*: I was going to ask you if you thought that a man who committed a deed of that kind would not be bound to have some blood upon his clothes?

*Mr. Bell*: No doubt; but the police did not visit Chemis's house until next day. I should not expect to find blood on clothes in a murderer's house after that lapse of time.

*The Chairman*: The evidence is that he wore a certain suit on the day that the murder was committed, and was wearing the same suit on the following day.

*Mr. Bell*: The question is whether he was wearing the same clothes on Friday as he was on Saturday, or only clothes similar? You put me the question whether he would not have blood on his clothes. I would not expect to find such clothes in a murderer's house. Some evidence was taken as to clothing, but I have had considerable experience in such matters, and I never trust the evidence of people who say they can specify how a person was dressed. You will find that they cannot remember, and their evidence rarely agrees.

WEDNESDAY, 14TH SEPTEMBER, 1892.

MR. H. D. BELL continued:

I wish to make it clear that I cannot say that either Carroll or Healey can speak to the contents of the drawer. I never spoke to them on the subject. I only remember what I was instructed at the time of the police prosecution. I spoke yesterday of the pouch, and I alluded to it as being Chemis's; what I meant by that was that the pouch was recently in Chemis's house. I desire to call attention to the armourer's evidence, as that is a point which has been commented on. In cross-examination by myself the armourer, Bradford, said, "There was no difference in the condition of the barrels at the breech. Looking down from the breech I could see no difference in the condition of the two barrels. Neither barrel was rusty. I did not feel the left barrel with my finger except at the muzzle; there it was caked. I judged it was caked similarly all the way down. To the eye the left presented no difference to the right in appearance. You can only judge of the caking by the feel, not by the eye." I do not know whether the Committee are aware of the manner in which the subsequent difference in the state of the barrel was accounted for at the trial. It is mentioned by the Chief Justice in his notes incidentally. He says that this might be accounted for by the inside of the barrel near the muzzle having been wiped. On the 1st of June, when the police visited the prisoner's house, it is proved that Benjamin put his finger in one of the barrels, and pulling it out found that it was marked with powder. He said, "This gun has been fired." This is how we accounted for the difference

of the barrels. One barrel having been wiped with a finger, it presented one appearance at the muzzle, and that which had not been wiped had another appearance. The suggestion may be right or wrong; I want it to be before the Committee. Now, with regard to the paper: it was suggested by Mr. Jellicoe that Carroll, having the papers in his hand during the inquest, may have got them mixed in some way or other. I want to remind the Committee of this: that the pieces of paper found on the ground, and directly connecting with the larger piece, were not all found by Carroll. One such piece was found by Inspector Thomson, another by Campbell, and at different times. The three sets of pieces were handed in separate parcels to Mr. Tasker. There is no possibility of any wrong act on the part of Carroll in connection with the paper. You asked me, Sir, whether inquiries had been made by the police about the men who were seen on the hills. I said, "Yes." But it did not, of course, apply to the men who were mentioned in the affidavits produced after the trial by Mr. Jellicoe. At that time the investigation was out of the hands of the police, and put into the hands of the Inspector of Prisons. I should not have had anything to do with anything after the trial. The man whom I referred to was the man whom Joseph saw.

*Mr. Jellicoe:* Was there not some question of false whiskers?

*Mr. Bell:* Yes. They were not false whiskers, however; it was a strip of hide with cow's hair on it. A witness took it to the police-station, and was told to leave it there. It would never have occurred to any one that it was false hair save to some imaginative advocate. I do not know that any inquiries were made as to the ownership of this cow's hide. There were endless "mare's-nests" which were being constantly communicated to the police and to myself, all of which we investigated; but some only merely nominally so. Some were sensible; but those who had theories only were listened to, and their theories considered.

*The Chairman:* I think we might confine ourselves to the points of the evidence. Will you deal first with the evidence taken in the first trial? Is there anything we have to deal with now from that last evidence?

*Mr. Bell:* I am referring both to the notes of the original evidence, and to the evidence taken before this Committee. Where I see that the information is contrary to fact, or where I see a suggestion made that can be answered, I propose to offer an explanation. With regard to the evidence of Charles Bowles and (in connection with the same point) that of Norman, on page 21, and on pages 24 and 25 of the printed papers: I have a very distinct recollection of Charles Bowles. I do not know whether the suggestion is that he is the murderer or not, but the Committee have only to call Charles Bowles and examine him, and that will settle the matter. I am convinced of it. I saw Charles Bowles between the time of the murder and the trial, and took his evidence. I had an opportunity, therefore, of judging him in addition to what I saw of the manner in which he gave his evidence. I suggest that you call Charles Bowles, and I believe that will settle that question if the Committee form their judgment from what they see of him. Charles Bowles is a man known to two gentlemen in this town who could also be called. One is Mr. Skerrett, and the other is my learned friend Mr. Thompson. Both of them happen to be friends of the Hawkings, and both of them were acquainted with Bowles. They have some knowledge of his character and habits, and, what is more important, they are able to speak most positively of the domestic relations of the Hawkings family. You will find that there is not the shadow of a suspicion.

*The Chairman:* We are trying to arrive at whether this man Chemis is guilty or innocent, no matter who else may be guilty.

*Mr. Bell:* I am not asking you to say who is guilty, but you have permitted Mr. Jellicoe to make the suggestion against Charles Bowles.

*The Chairman:* I do not take it, from the evidence, that Mr. Jellicoe meant to suggest it was Mr. Bowles.

*Mr. Allen:* Yes. That is what the evidence shows.

*Mr. Bell:* There is no doubt that Mr. Jellicoe said that he made no insinuation, but he immediately followed it up with an insinuation. The supposition was that Bowles was running away from the scene of the murder, and was prevented from escaping by meeting McCallum. When the counsel for the prisoner makes a suggestion against Bowles, it is only fair for me to say what I have said, and also to inform you of the gentlemen in this town who could be called if desired to give information.

*The Chairman:* I attach no importance whatever to what Mr. Jellicoe may have said about persons outside of our investigation. That is what I mean. We are asked to decide whether this man committed this murder or not, apart from any one else.

*Mr. Bell:* I think there is some mistake about my meaning. So far as the statement was made in reference to Bowles—as, for instance, Mr. Jellicoe's individual opinion. I look upon it as simply his own judgment. If Bowles's evidence is believed, then, no one in Hawkings's house had anything to do with the murder. Therefore it is important for you, as I would suggest, to know what kind of man this is. I have only suggested that you should call him, and judge for yourselves. But, if Bowles is to be believed, and Mrs. Hawkings is to be believed, they were waiting for this man to come home, and Bowles went out to look for him, and found him on the road. With regard to Norman, I see that Mr. Jellicoe has stated (on the top of page 25), "If you had seen his (Norman's) face when I saw him, you would think that he knew more than he told." I suggest to the Committee, send for Norman, and judge for yourselves. Mr. Jellicoe says that the stammering is put on; the Committee would be able to judge of that. I saw Norman before he gave the evidence, and I heard him give his evidence; and I also saw Norman when the shot-pouch and knife were dramatically thrust before his face by Mr. Jellicoe in the Police Court. I also saw Norman, as I have said, to take his evidence, and I also examined him. It is certainly to be allowed that he is deficient in intelligence, but the stuttering is obviously genuine. I say it is obviously genuine because there could be no reason for him to stutter when with me. He is a mere boy, or was when I saw him. I have never been able to understand what it is that is



suggested came out of the disguised visit of Mr. Jellicoe. Norman has always appeared to me to have behaved as an innocent man. It is suggested that when Norman was served with the subpoena he came direct to me. That was probably so. I am not very certain on this point, but I think that Norman came to me and told me that he had been served with a subpoena, he having been made to understand that he would have to be called for the defence in the perjury case. Now, both Bowles and Norman would have been called by me. When Mr. Jellicoe says that he could get nothing more out of Norman because he stuttered, I do not accept that statement.

*Mr. Jellicoe* : You will admit that the Magistrate refused to allow Norman to be treated as a hostile witness, on your objection.

*Mr. Bell* : That is very likely true. I should object in any case. Mr. Jellicoe imitated the man's stuttering to him to intimate that he was shamming, and that was, I think, where the difficulty arose. I objected to the witness being so treated. I pass from this, Sir, except to remind you that you asked the question yourself (on page 25), "Is there any evidence to cast suspicion upon these two men?" With regard to Bowles and Norman: Mr. Jellicoe referred to the fact that (on page 25) Norman showed the track to the police, and that he and Bowles showed the track to Chemis's house from the scene of the murder. Bowles and Norman were both acquainted with the way to Chemis's house. The inquiries made by the police would have led them in any case to make inquiries at Chemis's house. They had to be shown the way by some one, and naturally took the two men who were at Hawkings's house when they went to make the investigation. In the middle of page 13 Mr. Earnshaw asks, "How could he know he would way-lay that man who was in town?" The answer of Mr. Jellicoe was, "It is said that Chemis had an opportunity of knowing that Hawkings had gone to town and had not returned. You will find on page 27 of the evidence (H.-33), in the sixth line of Charles Bowles's evidence, "On Fridays he (Hawkings) always used to go to town to take butter to Mr. Dickson's." This being so, everybody in Kaiwarra was bound to know Hawkings's habit.

*The Chairman* : It would be generally known all round.

*Mr. Bell* : Yes. He passed Chemis's road, and was, in fact, Chemis's neighbour. Now, with regard to the suggestion, Sir, that there was no reason for the police being particular about these papers: Carroll, the Committee will remember, and Healey went out on the morning of the 1st in consequence of some intimation which had been given by the doctor to the police the night before; and I might pause to remind the Committee that the doctor ordered the body to be taken to the Morgue. Having the body in the custody of the police at the Morgue, there was no necessity for the doctor to make a speedy investigation of the body. I can see that a good deal of difficulty arose on the 1st June through the doctor going down to the Morgue rather late in the day after breakfast. No doubt the doctor might have made the examination on the night before, and it is certainly lamentable that it was not done. But the doctor did not allow the body out of the custody of the police. He would not have ordered the body to the Morgue unless he suspected foul play. Carroll and Healey went out first thing in the morning in consequence of this information given by the doctor. Carroll picked up some pieces of paper, and came to the conclusion that a gun had been fired at the place where the blood was. Carroll came back to town the same morning, having to give evidence in the Police Court. A party of detectives left town for the scene, leaving Benjamin behind to ascertain at the Morgue what was the character of the injury that had been done to the man. Carroll went on from the Police Court to the Morgue to help at the *post-mortem*, and he came out and told Benjamin about the stabs, and, as Benjamin was exceedingly anxious to get out to the scene, he went straight away before the shot-wound was discovered. But, before that Carroll had told Benjamin about the blackened pieces of paper, and that he thought a gunshot had been fired. When Benjamin arrived at the scene he had the doctor's statement that it was a knife-wound, and Carroll's statement that, in his opinion, there had been a gun fired on the spot. Further, there was something that the police could see on the ground—namely, bits of blackened paper. It is an unfortunate history; everybody can see that, but there it is. The police knew that a murder had been committed, though they believed it was not by means of a gun-shot. Whether they thought a gun had been fired or not, they must necessarily be careful of these pieces of evidence found on the spot unless they were possibly incompetent to perform their duty. On page 17 Mr. Jellicoe says that a "good deal of 'juggling' was involved in transferring the thousand and one pieces of paper from one hand to the other, from envelope to envelope, and from place to place." There was no juggling in the matter at all, Sir. I do not know whether it is intended to suggest that Mr. Tasker's actions were juggling. Each constable—and this was, I think, the only way it could be done—who had found pieces of evidence delivered them into the hands of a person who inspected them, and endeavoured to ascertain whether they bore any relation to each other. These papers coming into this person's hands from the policeman are examined by him, and then pieced together; but there was no possibility of his making a mistake, for he knew perfectly what he had to do; but, having each piece in a separate case, he had to see whether they bore any relation to one another, and it is impossible that he could have allowed any mistake to have occurred. With regard to the suggestion that Mr. Bunny was absolutely unfit to conduct the defence of anybody: I must say that he exhibited no signs of that incapability. He had another counsel with him—Mr. Devine. There is no doubt that Mr. Bunny's effort killed him, and that he was already suffering from a severe illness, there could be no doubt about that fact, but he certainly showed no signs of being incapable during the trial, though I am not sure that I thought his address was a strong one. I did not attribute that to illness. I attributed it to the fact that he was not a very experienced advocate in criminal cases. He did not abuse the police enough according to the practice of a regular criminal advocate, with a strong case to answer. With regard to the statement that the jury was a remarkably young one, I am not able to speak positively from memory, but I should not have thought that to be a fact. The foreman was on the wrong side of fifty, and though there were one or two young men on the jury, I think, Sir, that if the names were looked at and the ages taken, you would not find the suggestion to be correct. With regard to the



suggestion that the Crown challenged a number of jurors, I have no recollection on this point, but I would only be performing my duty in challenging any one whom I thought incapable. There was at least one Catholic on the jury who was not challenged.

*The Chairman* : Do you remember if any of the pieces of paper were marked by the police to show where they were found.

*Mr. Bell* : No; the coverings were marked, but the papers were not marked. It would have been impossible to mark the piece of paper found by Dr. Cahill. It would not have been impossible to mark those pieces which the police produced. On the top of page 21 it is suggested that my cross-examination of Chemis was a severe cross-examination. I certainly think that that is not justified. My cross-examination was directed to see whether he would contradict certain facts which I thought could be established, and also to ascertain how far his statements coincided with those of his wife. Mr. Jellicoe says that he (Mr. Jellicoe) behaved fairly through the case, and that he called the wife first; but if proper care was taken to get up the case, I would not expect two stories to differ from each other in any material fact.

*The Chairman* : I understand that Mr. Jellicoe had called Mrs. Chemis first because prisoner was then in gaol and could know nothing about what her evidence might be.

*Mr. Bell* : If the evidence was briefed, and if the solicitor was allowed free access to the prisoner there is nothing to be concluded from the coincidence of the two stories. That is all I wish to say on the evidence. I have this morning been shown the evidence of Colonel Hume. I notice in Mr. Jellicoe's statement a suggestion that the police admitted in the Magistrate's Court what they denied in the Supreme Court. That is in connection with the dynamite-caps and fuse. Mr. Jellicoe is wrong. These were sworn to in both the Police Court and the Supreme Court. The Judge has a note about the dynamite-caps. Percussion-caps were spoken of and also dynamite-caps. The police in both Courts spoke of dynamite-caps. I do not remember about the percussion-caps. You will find that the evidence given by the police in the Police Court was the same as that given by them in the Supreme Court. The dynamite-caps were different from the percussion-caps.

*Mr. Jellicoe* : I believe, Mr. Bell, you were not present at the first sitting before the Coroner?—Yes, I was.

*Mr. Jellicoe* : The first sitting? When Dr. Cahill gave his evidence?—No, I was not.

*Mr. Jellicoe* : Mr. Thomson conducted the case for the police; then there was an adjournment for a week?—Yes.

*Mr. Jellicoe* : The evidence shows that all the exhibits were produced. When were you first communicated with by the police? You appear to have been first instructed on the 8th of June, but you had received and perused the papers and evidence already given?—Yes, that is so.

*Mr. Jellicoe* : On the 4th of June, Mr. Bell, it was decided, as I understand from Inspector Thomson's statement of the 5th before the Justices, to arrest Chemis?—That may be; I do not know.

*Mr. Jellicoe* : Were you consulted on the 4th of June with regard to the arrest of Chemis?—I was consulted by the police on the subject of the murder before I received any instructions to attend the inquest.

*Mr. Jellicoe* : The arrest was made on the 5th, and accused was before the Justices on the 5th. Inspector Thomson then said that the police were justified in making the arrest on the strength of the suspicion that was attached to accused. In evidence in the Supreme Court he said the arrest was made on your advice.

*Mr. Bell* : I cannot say that I was consulted on the evening of the 4th by Inspector Thomson.

*Mr. Jellicoe* : Inspector Thomson produced to you a statement of the evidence?—Yes, I should think so, certainly.

*Mr. Jellicoe* : Do you know where that statement is?—I will try and find it. I think it is probable that it was returned. It would be there as a police proof of evidence in the Magistrate's Court.

*Mr. Jellicoe* : Were not the exhibits produced to you that evening?—No, not at all.

*Mr. Jellicoe* : At that time the paper had not been extracted from the mass taken from the wound?—No, so I read from the evidence.

*Mr. Jellicoe* : Will you tell the Committee what circumstances you considered that evening justified the arrest if the paper had not been extracted from the mass?—There was this fact, that Chemis had threatened Hawkings. That of course came from Mrs. Hawkings. Then there was the stiletto, the circumstances of the altercation between them, and there was the probability, in my opinion, that the act was committed by a foreigner. But with much less than that I should have arrested Chemis, because it is necessary in such cases to risk some injustice in order to get the immediate evidence. I think Chemis should have been arrested long before.

*Mr. Jellicoe* : Did you know that the police had not brought away the revolver at this time?—I cannot say.

*Mr. Jellicoe* : You are certain you were not consulted earlier than Tuesday night?—I was not consulted, but I was informed by Sergeant Morice. The Crown Prosecutor has no right to interfere with the police.

*The Chairman* : I do not think that matters much to the Committee whether he was consulted earlier or not.

*Mr. Bell* : You will allow me to say that the Crown Prosecutor has no initiation of proceedings in these matters. He has no right to speak until the police put matters in his hands.

*The Chairman* : The police bungling the investigation in the earlier stage would not affect the position.

*Mr. Jellicoe* : No; I was only inquiring as to the facts which it was said justified the arrest. (To Mr. Bell) : You attended the inquest on the 10th of June?—Yes.

*Mr. Jellicoe* : At that time had you received any report from Mr. Tasker?—No, I am nearly

sure I had not, for this reason: my first communication with Mr. Bunny on the subject was at the inquest, and it must have been after that, because immediately after I received the report from Mr. Tasker I communicated with Mr. Bunny. I am pretty sure that my first communication with Mr. Bunny was at the inquest.

*Mr. Jellicoe*: The inquest was closed on the 10th of June, and Chemis was committed for trial on the Coroner's warrant. Up to that time you had not received any report from Mr. Tasker relative to the papers?—No; there was an open verdict.

*Mr. Jellicoe*: But Chemis was in custody on a charge of murder?—Yes.

*Mr. Jellicoe*: On the 12th of June there was an interview between yourself, the police, and Mr. Tasker?—Yes.

*Mr. Jellicoe*: Then it was between the date of the Coroner's inquest and the hearing of the case in the Resident Magistrate's Court that you had an interview with the police and Mr. Tasker?—Yes.

*Mr. Jellicoe*: Where?—In the Survey Office.

*Mr. Jellicoe*: Had you received any report from Mr. Tasker before you went to interview him?—I had at some time to give him directions to stop the gumming of the papers. That was the first occasion on which I saw him. I think it must have been on the 12th, though I am not quite positive that I did not see him before. Mr. Thompson and I had the interview with him. I think that it was in consequence of being told that the pieces fitted that I went to see Mr. Tasker.

*Mr. Jellicoe*: Was it not on your suggestion that the pieces were fitted together. Did you offer Tasker any suggestions on the subject?—No, I think not.

*Mr. Jellicoe*: Are you responsible for the piecing of the paper?—No; I was not responsible for even the instructions that the paper should be compared. That was the object of their being given to Mr. Tasker. After I was informed that they fitted I gave instructions that they should be sewn and not gummed.

*Mr. Jellicoe*: Did you suggest anything about it?—No. Mr. Tasker had received the paper on the 4th. I suppose he was instructed on the 5th. I suppose, if I was consulted on the 4th, I may have suggested it. I think it is very likely, Sir. The arrangement was made on the suggestion of the police and not on mine.

*Mr. Jellicoe*: When did you first get Mr. Tasker's report?—I got no report from Mr. Tasker. Inspector Thomson informed me that the paper did piece—that the paper found on the ground did piece with the paper found in the house. Then I went up to see Mr. Tasker. I took a note myself of Mr. Tasker's evidence in the Magistrate's Court. He says, on page 6 of the printed evidence, "At the time 'J.' was handed to me I had no communication with the Crown Solicitor." A number of pieces had been gummed when I saw him. "J." was received on the 6th. I should say that the 12th was the first day that I knew that the paper pieced. I never had any communication with Mr. Tasker until I went to his room to direct him what to do.

*Mr. Jellicoe*: Are you sure you knew that the paper pieced when you were before the Justices on the 14th June? On the 17th June you were, according to your diary-entry, "a long time engaged examining the papers in Mr. Tasker's possession." Was that the first time? Had you any knowledge of the evidence Tasker could give?—Was that the day before the inquiry in the Magistrate's Court began?

*Mr. Jellicoe*: No; it was after the remand.

*Mr. Bell*: In my address in opening the case in the Resident Magistrate's Court I referred to the piecing of the papers.

*Mr. Jellicoe*: If you had been———I think I am right—on the 12th. I cannot be sure whether it was the 12th or the 17th; it was one or the other. It was before I opened my case in the Magistrate's Court. It must have been on the 12th or after it.

*The Chairman*: I do not see what we can gain by these questions.

*Mr. Jellicoe*: Only this: It is a circumstance that the police did not then justify the arrest on account of the paper.

*The Chairman*: The whole thing has been done, and the man sentenced.

*Mr. Jellicoe*: I will be as brief as I possibly can. Mr. Bell has come here to give his interpretation of the evidence, and to put before the Committee his view of the case.

*Mr. Bell*: No; that is not correct. I do not appear here as an advocate in the case, Sir.

*The Chairman*: I understand that Mr. Gully would lay before the Committee, on behalf of the Crown, those points of the evidence that require to be clearly laid before them later on.

*Mr. Jellicoe* (to Mr. Bell): You examined Benjamin?—I think not. I am, however, responsible for everything done. I find I did examine Benjamin.

*Mr. Jellicoe*: You examined from the depositions taken from the Magistrate's Court?—Generally I should, and I suppose I did in this case.

*Mr. Jellicoe*: Did you notice that in the Magistrate's Court he said, "I did see some fuses and caps there. I did not know what the caps were, and he" (meaning Chemis) "told us?"—Yes; those are the dynamite-caps.

*Mr. Jellicoe*: He does not say so, but I know they were; I heard the evidence given in the Magistrate's Court. I say, having been present in the Supreme Court, that it was stated that the things that prisoner said were dynamite-caps were the things mentioned in Benjamin's evidence.

*Mr. Jellicoe*: Take Campbell's evidence before the Justices: he said that he saw dynamite-caps and "other appliances." Did you make any inquiry as to what was meant by "other appliances?" Did you ask him what these "appliances" were?—I did not, because I should not be allowed to ask such a question.

*Mr. Allen*: Campbell, talking about Benjamin, said, "He said he had some dynamite-caps there; we found no powder-flask or gun there."

*The Chairman*: The difference is this, that in the evidence before the Supreme Court he is

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 stilettoes are commonly found?—Yes; you

begin with the whole world, and gradually reduce the limits as the circumstances of the murder are revealed.

*Mr. Jellicoe*: Is this a fairly accurate report of your address on that point in the *New Zealand Times*?—I think you had better take my own words from the statement which I gave in yesterday. I have not read the newspaper report since the trial.

*Mr. Jellicoe*: Having regard to the fact that the prisoner was a foreigner, do you consider that such a statement as you made to the jury was fair?—I consider I would have been grossly failing in my duty had I not pointed out that fact, as every material point must be of importance. My answer to your question is, that I do not know what you consider fair, but I do know what I considered to be my duty as Crown Prosecutor, and I would have been grossly wanting in my duty to the country had I abstained from calling attention to any circumstance.

*Mr. Jellicoe*: And did you criticise the evidence of Bradford?—Yes.

*Mr. Jellicoe*: Was that because he had formed a theory of his own which was adverse to the theory of the Crown?—He was absolutely reckless in his statements.

*Mr. Jellicoe*: Why you said, "The armourer was honest enough, but he was an enthusiast and a partisan. He had formed a theory of his own against that set up by the Crown." Were these your words?—Those are like my words.

*Mr. Jellicoe*: The evidence of Lee, the carrier, was favourable to Chemis?—No.

*Mr. Jellicoe*: Did you say in summing up that Lee's evidence was not worth serious consideration?—With regard to the man running up the road, I think I did say so. I repeat it. I think so now. This refers only to the portion of the evidence about the man running up the road. The jury were able to judge of Lee's manner as well as I was.

*Mr. Jellicoe*: You are aware that neither Chemis or his wife at the trial were competent witnesses?—I am. I referred to that fact. I also called attention to the fact that the children were not called. The law did not then allow the wife to be called. "It is a rule often as good for the prisoner as bad for him that he and his wife should be kept out of the box, 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. They must know whether he was in the house or not at the crucial hour." [Address of Mr. Bell to Jury.]

*Mr. Jellicoe*: What was the age of prisoner's eldest child at the time you made that statement?—Nine years or ten years.

*The Chairman* (to Mrs. Chemis, who was present): What age was the child, Mrs. Chemis?—Eight years old the March before.

*Mr. Jellicoe* (to Mr. Bell): Your comment, then, referred to children under nine?—Yes.

*Mr. Jellicoe*: With reference to Norman. Norman before the Magistrate on the perjury charge in his evidence admitted that he did not tell the Judge on the murder charge all that he knew. That he did not tell about Bowles. Did that statement surprise you?—No, not at all. He stops in the middle of a sentence.

*Mr. Jellicoe*: Have you the evidence of Norman as originally briefed to you?—I asked for it before the Justices, but did not get it. It was a question about footprints that Norman was going to refer to when he was stopped in the middle of a sentence. He was saying that he had seen footprints tending in the direction of Chemis's house, and that he mentioned it to Bowles, but did not mention it in the Supreme Court.

*Mr. Jellicoe* (reading from Norman's published evidence): He said, "I wrote out my evidence and gave it to Benjamin, all except what I knew about Bowles. I did not tell the Judge all that was in that statement."

*Mr. Bell*: You let him stop there and passed on. I left it there. I knew how the sentence would have ended.

*Mr. Jellicoe*: Pardon me, if you refer to his evidence you will find he did not stop, he went on giving evidence. Do you recollect how many jurors you challenged? Mr. Bunny objected to your challenging?—He objected to my challenging at all.

*The Chairman*: It seems we are again getting somewhat into a criticism of what took place at the trial.

*Mr. Jellicoe*: Then I shall ask no further questions.

*The Chairman*: Is there anything outside of that evidence, Mr. Jellicoe, that you wished to bring before the Committee?

*Mr. Jellicoe*: I do not know what course my friend, Mr. Gully, proposes to take.

*Mr. Bell*: The question is, what course does the chief of police intend to take?

*The Chairman*: I am not sure that I put the question in those words before the Committee. I did, however, mention the matter to Colonel Hume privately, and the Premier also. Inspector Thomson said it was unnecessary, and did not intend to summon Benjamin. Colonel Hume said the police did not intend to retain counsel.

*Mr. Bell*: Is it Colonel Hume's desire that the police should not be represented, or is it the wish of the police?

*Mr. Jellicoe*: Mr. Thomson told me he had consulted with Campbell.

*Mr. Bell*: I am not able to make any statement, but I feel that there is something else. The case, to enable this Committee to come to the best conclusion, to have the matter brought fully before them, is not complete. There is an able counsel on one side, and my friend and partner on the other, on behalf of the Crown. You have done all you can, I am aware; I can only regret that you do not ask Colonel Hume if these men should not be separately represented.

*The Chairman*: I asked Colonel Hume, and to the best of my recollection he said that they were not intending to call any witnesses. That was in reference to Mr. Thomson, and since that I have felt in a very curious position, because I thought Mr. Gully would defend all connected with the Crown,

*Mr. Jellicoe*: There is nothing to prevent these police officers coming here or being represented by counsel.

*Mr. Bell*: That is just the point.

*Mr. Allen*: I would like Mr. Jellicoe to tell us shortly and distinctly what new evidence he can or has placed before the Committee to ask us upon which to make a recommendation.

*Mr. Jellicoe*: I am asking honourable members to take into consideration the whole case.

*Mr. Allen*: Is there any new evidence at all except the evidence brought before the Magistrate's Court and the Supreme Court?

*Mr. Jellicoe*: Except the evidence taken on the perjury charges.

*The Chairman*: I understand that the evidence taken before the Resident Magistrate on the charge of perjury was not given when the prisoner was tried on the charge of murder.

*Mr. Jellicoe*: It could not be either; it was not given before the sentence was commuted. I submit that if the prosecution had been allowed to go to a jury, and had resulted in the conviction of either police-officer for perjury, then the Executive would have reviewed the whole case.

*Mr. Lake*: Perhaps you can give us some information as to what it was at the time, which the police only knew, that took them to Chemis's house. Was there anything to show what led them to do so?

*Mr. Bell*: I think they went to search Chemis's house from information which was offered to them, or which they acquired on that night after Dr. Cahill had told Morice of his suspicion. There was sufficient evidence to induce them to search Chemis's house. Benjamin was sent back for the warrant. I think I saw Morice next day. Benjamin was left in town.

*Mr. Lake*: However that may be, they apparently jumped to conclusions before they knew the nature of the wound. As far as the evidence goes there is nothing to show that they should have made this raid.

*Mr. Bell*: I believe, Sir, if my recollection is true, that Morice told me the next day after the murder that something was known of the lawsuit. I believe that is a fact, but I may be wrong on that point.

*Mr. Lake*: It appears to me that there is one person's evidence yet required—Dr. Cahill's.

*Mr. Kelly*: I do not wish you to consider this personal, but is it considered fair amongst solicitors to have statements, such as you (Mr. Bell) made at the trial, made in a case where a foreigner is implicated.

*Mr. Bell*: Yes; not only fair, but the right thing to do. I was careful to say that, of course, the fact that he was a foreigner made it necessary that the utmost care should be taken that the evidence should be sufficient against him.

*Mr. Kelly*: Do not you think that the statement was enough to prejudice the minds of the jury in nine cases out of ten?

*Mr. Bell*: If I had not done so I would have been grossly wanting in my duty. Every care was taken to point out that it was only used for the purpose of limiting the circle. I told the jury that fact, that he was a foreigner, made it more necessary for them to be careful to be satisfied whether he was the guilty man or not. Would it make any difference upon your mind?

*Mr. Kelly*: I do not know that it would; but I think that it would upon the mind of the average jurymen.

*Mr. Bell*: Then I beg to differ from you, Sir. I have not the slightest doubt, notwithstanding what you have said, as to the accuracy and propriety of the course I took.

[Colonel Hume, who had been telephoned for, came into the Committee's presence at this juncture of the proceedings.]

*The Chairman*: The Committee wish to know whether you, as head of the department, intend to bring in any evidence from the police in connection with the matter.

*Colonel Hume*: No, sir; I have no reason why they should come.

*The Chairman*: Has there been any restraint put upon the department by Government to keep them back from the Committee?

*Colonel Hume*: No, sir. Inspector Thomson asked me if the Government would grant them counsel. I said, "No, certainly not;" there was no charge made against them. There was no reason why they should be here.

*The Chairman*: Can you tell us how long ago that was?

*Colonel Hume*: About ten days ago. Mr. Skerrett came to see me. That was on Saturday week, I think.

*Mr. Allen*: Did you know that the Premier was of opinion that the police should have counsel.

*Colonel Hume*: Yes. Any way, as I consider, of course, that Mr. Seddon was the man to give any directions in that course. I told him immediately afterwards. No obstacle would have been thrown in the way of the police if they had wanted to go.

*The Chairman*: They wanted to be represented by counsel?—Yes.

*Mr. Lake*: If the men employed counsel, it was at their own expense?—Yes, certainly.

*Mr. Moore*: The police ought to be here, and represented by counsel. The Government ought to see to it.

*Mr. Lake*: Have the Committee got information whether the police officially know the nature of this petition?

*The Chairman*: Yes, from us. That was the first instruction given to the Clerk; and they were asked if they would like to attend the Committee.

*Mr. Bell*: These men are charged with perjury, and they are asked to come into this room and submit themselves to the cross-examination of counsel who wished to charge them with perjury.

*Mr. Jellicoe*: I am not asking any such thing. I do not ask the Committee to grant us any such relief against the police. If the petition prayed any such relief then I abandon it. I have not here attempted to prefer a charge against any person. I have contended throughout this inquiry that if

the police were guilty of anything it was of a mistake which would not involve them in a charge of a criminal nature, and I put the case no higher. I make no charge against the police of any nature whatever.

*Mr. Allen*: What is the object of this inquiry if Mr. Jellicoe abandons that statement?

*Mr. Bell*: I speak only as one who had charge of the defence of these policemen on the perjury charges; but I say that if I now had these men's interests in my hands I should not advise, except with the protection of counsel, to come here to defend their reputation, and submit themselves to the cross-examination of Mr. Jellicoe.

*Mr. Jellicoe*: I do not wish to cross-examine them, if that will satisfy you. I am even content to be absent from the room while they give their evidence, if you so desire.

*Mr. Bell*: I say there is this further that, though Mr. Jellicoe withdraws the imputations, if the police have a case such as I have suggested that they ought to be permitted to come with evidence, notwithstanding that Mr. Jellicoe abandons it. These men have already run enormous risk when they were charged with perjury. When Mr. Skerrett and I undertook their defence, I did not do so as paid by the Crown. We did it as solicitors for the police. They incurred heavy liabilities, which the Crown paid. They are asked to incur heavy liabilities again on the chance that the Government will pay them. Then I submit that it falls on the department to undertake the representation.

*Mr. Jellicoe*: I would like the Committee to consider the position from this point of view: A charge of perjury was made against the police; that charge was dismissed without any defence being entered upon. Is the Committee to be asked now to retry the perjury charge, and to allow the police to enter upon a defence which they did not venture to offer before the Magistrates? Are we on this inquiry to drift into a trial of the police—a trial which we say ought, if at all, to have taken place before a jury? I would like to remind the Committee that the police have already had the expense of their defence borne by the country. The Chemis's have been, and are, without means, and we are fighting this case without the slightest pecuniary assistance, and I cannot refrain from saying that it does look as if those who are conducting the case for Mrs. Chemis were going to be forced to abandon the field. This inquiry is a great loss to me, and if we are to really try the charges of perjury it would, of course, be necessary to meet them, and in that case I should probably hesitate to continue a gratuitous retainer, involving perhaps another month's work.

*Mr. E. M. Smith*: You suggested to the Committee to call this man Charles Bowles. Are you aware that he has left the colony?

*Mr. Bell*: No; he has not left the colony.

*Mr. Jellicoe*: George Bowles is evidently the person referred to by the honourable member.

*Mr. E. M. Smith*: Immediately after that you suggest the calling of two men to prove that there was no family disagreement. Are you aware that there was a family disagreement among these people about property?

*Mr. Bell*: I know what you refer to. It is some evidence about Hawkings saying he would shoot Bowles like a dog. But I repeat that there was no family difference.

*Mr. Jellicoe*: If Mr. Bell calls the two lawyers, Thompson and Skerrett, to prove that the Hawkings's were a happy family, I shall ask leave to call witnesses to prove quite the opposite.

*The Chairman*: I do not think we need go into that.

*Colonel Hume*: The men having been tried in Court and acquitted on these charges, are regarded as satisfactory by the department and the Minister. Of course if any one sends a petition to Parliament, and makes a statement in it, and the Committee asks me whether such and such things happened, I will send for the constables implicated. I am not aware that the police have seen this petition that is before the Committee. I have only seen it by accident. The case having been tested in the lower Court, I consider it is unnecessary for the police to take any further action in the matter.

WEDNESDAY, 21ST SEPTEMBER, 1892.

Dr. CAHILL sworn and examined.

I made the examination of Hawkings's body at the Morgue on the day following the murder. I found a gun-shot wound extending from the upper angle of the shoulder-blade to the root of the neck, immediately above the shoulder-joint. I dissected out this wound, and removed from it a mass of paper, shot, shreds of clothing, skin, flesh, and blood. I had nothing with me at the time—no wrapper of any kind—so I went to the bag which I had brought with me, and took from it a piece of a newspaper which I had put there before leaving home that morning (1st June), having wrapped a piece of tow or wool in it. I put this mass in a piece of paper, torn from what I had in my bag, and took it home. Some days afterwards, when I came to dissect the mass, I found that the blood had soaked through part of the paper wrapper—the bottom or part on which it was standing. In taking off this paper from the mass, a little portion of the wrapper adhered to the mass, and I believe that piece of it remained behind, and was subsequently sent to Mr. Tasker. The newspaper which I had put in my bag that morning (1st June), I took from my dining-room, and it was most probably the issue of the previous evening (31st May). Newspapers are not left lying about in my house, they are removed by my servants, so it is not probable that the paper I took with me to the Morgue was one of an old date. I did my best to remove the adhering part of the wrapper from the mass, but it is possible that a small portion remained behind, and was handed to Mr. Tasker, with a much larger quantity of paper teased out of the centre of the mass which I removed from the wound. The adhering portion could only have been a very small piece, about the size of a shilling or half-a-crown, that could thus have got mixed up with the paper and shot which I gave to Mr. Tasker. I believe there was a question as to whether cloth or paper could be shot into wounds. It is a question of fact. It has happened on dozens of occasions before. I may also tell the Committee that when the late Government were a bit doubtful on this point they got

Colonel Hume and Captain Coleman, in my presence, to make experiments with a shot-gun, and succeeded in putting the whole paper used as wadding into a leg of mutton. I teased out the mass, and, with water, separated them out, and, by successive dishes of clear water, got all the paper out separately, and put them on white blotting-paper, pressed it, and placed it in an oven in order to dry the pieces.

*Mr. Gully*: Is it possible that these pieces of paper which you teased out of the wound could have been put in by the police or any other person?—The thing is an absurdity on the face of it. The police or nobody else could have done so unless they had used a gun, because the whole mass was shot, flesh, paper, clothing, and blood. It was impossible for them to have been put in by hand.

*The Chairman*: What was the size of the largest piece you got out?—I do not know. You have got the photographs of them.

*Mr. Allen* (pointing to the photograph of one of the pieces of paper): Is it at all possible that the piece of paper which got attached to the mass could have been that size?—No. I swear most positively that the piece of paper which might have got in could not have been larger than a shilling or half-crown.

*Mr. Jellicoe*: At the time you sent the paper to Mr. Tasker did you send in the piece of newspaper that was adhering to the mass you took from the wound?—All the paper was sent at the same time to Mr. Tasker.

*Mr. Jellicoe*: Did you notice a piece of paper of the 31st of May?—No.

*Mr. Jellicoe*: If you thought you had, why did you not call attention to the fact when you had sent it?—I did my best. This came out afterwards. That is my explanation—that it must have been a piece of the paper of the 31st of May which I had used as a wrapper.

*Mr. Jellicoe*: Was it not a piece of paper of November?—I do not know anything about the dates.

*Mr. Earnshaw*: Did you keep the paper afterwards that you wrapped the mass up in?—No.

*Mr. Jellicoe*: Could you remember the date that you teased the paper out?—The 6th of June, I think. I think it was the Thursday after the murder happened. The whole of the paper was handed to Mr. Tasker the day I teased it out.

*Mr. Jellicoe*: Where was this mass during the period between the taking of it from the body and the time when you teased it?

*The Chairman*: I understood you to say, Dr. Cahill, that you took the mass with you?—I took it home, and put it in a private drawer.

*Mr. Jellicoe*: Then, you did not look at it until you teased out the paper?—I am not certain whether I took it to the Coroner's inquest. I think I did.

*Mr. Jellicoe*: You did take it to the Coroner's inquest.

*Witness*: I had wrapped a piece of brown paper around the outside in going to the Coroner's inquest. There was no other paper. By this time the blood had got quite clotted and dry.

*Mr. Jellicoe*: After going home from the inquest you put it in a drawer, and it remained there until the following Thursday?—Yes.

*The Chairman*: You handed all the paper to Mr. Tasker?—Yes, Sir.

*The Chairman*: Did you examine the paper collar that was around the neck of deceased at the time?—Yes. I examined it when I found him dead. That was the first thing that aroused my suspicions, seeing that the cut in the collar corresponded in position to a similar wound in the neck.

*The Chairman*: Do you think that the cut that was in the collar could have been made by the stiletto?—As a matter of fact, Sir, I was of opinion that the stiletto had not been used in the committing of the murder. It is possible that it might have been used, but my opinion was that it had not been used.

*Mr. Jellicoe*: Did you give that opinion in your evidence at the trial?—Yes. It is not reported in the Judge's notes.

*The Chairman* (alluding to the sheath-knife): Do you think that the wounds and the fracture in the jaw could have been made by this instrument?—They could, but I do not say they were.

*Mr. Jellicoe*: Your opinion at that time was that the stiletto had not caused the wounds?—I had different reasons for saying so—not in regard to length or size of that weapon at all.

*The Chairman*: You spoke of the jaw-bone being fractured. Was that on account of breakage?—It was clean cut across. This proved that the instrument must have been a very sharp and strong one. I think I might state the reasons I had for saying that the stiletto was not used. It was not that it could not have made the wounds. I examined it carefully for stains. There were none upon it, being clean. If it was used to do that crime, it must have been cleaned immediately after the murder was committed, or taken to a distance and cleaned. If it was cleaned on the spot, the most probable way was by digging it into the ground. If it were dug into the ground it would have scratches on it, however small they might be. It had no scratches on it. Then it must have been cleaned afterwards, and if so, a man would be very careful, in order to prevent detection of a crime, to remove all traces; and I cannot imagine a man doing so and leaving a quarter of an inch of verdigris on the knife near the handle.

*The Chairman*: Did you form an opinion as to whether the shot-wound fired in the front of deceased was from a bullet or shot?—It must have been from a bullet. There is no way of getting out of it. The rent in the clothes could not be made by a shot-gun unless you fired a bullet from it. That was tried for days, with utter failure, by Colonel Hume and Captain Coleman.

*The Chairman*: Why was the fact of the shot-wound not noticed the night before?—When I saw the man lying on the road it was very dark, and the first thing I noticed was blood on the chest. There was nothing to show on the back. It was evident that the man had been murdered. There was no examination of the body at the time it was taken to the Morgue. I did not attend at the Morgue the same evening.



*The Chairman*: That is the time I allude to. It appears from the evidence that the police were unaware that it was a gunshot wound until the next day?—Yes. On suspicion of murder it is reported, and it is not usual for the doctor to examine the body until he gets the Coroner's warrant to make the *post-mortem* examination. Of course there is nothing to prevent the police making an examination for their own purposes.

*The Chairman*: There is another knife here (alluding to the sheath-knife); would you tell the Committee whether it might have been used to stab the man?—I do not know. It may have been. I should like to test the knife first. One thing is, that three years ago that knife was sharper round the point than it is now.

*Mr. Gully*: Would it not be blunted by striking against the bones?—There is no doubt of that, because the instrument used struck the spine several times. The cuts give evidence of having been made from above downwards, so that the second edge of the knife would not be used in making the wound, except at the point.

*The Chairman*: Any one committing such a number of stabs, do you think it probable that there would be no blood on the murderer's clothes?—Yes, Sir, for this reason: the wounds made on the side through the clothing to the heart were the first wounds made. There were two wounds beneath the angle of each jaw, quite close to each other, and it is impossible to suppose that they were inflicted during a struggle, they were so evenly done; the victim was probably dead, and the head deliberately turned over from one side to the other. My assumption is that the wounds through the chest were the first wounds, and the bleeding would be entirely internal bleeding, and these other body wounds would cause little or no hæmorrhage. The gunshot wounds were the first inflicted, of course, but they made little effect. The wounds by the gunshot would not prevent him walking twenty miles. It would not prove fatal except from shock.

*The Chairman*: Do you not think that the shot would have been driven in further by the gun here in the room?—I do not know, Sir; I have not tested it. The large knife [produced] could not have made the wounds; I believe it is too wide altogether. The wounds from the chest to the heart show distinctly that it must have been a very sharp tapering instrument.

*The Chairman*: Have you ever seen a body that has been killed by an assassin from stabbing?—I cannot remember a similar case at present. I have seen men brought into the hospitals stabbed in sailors' quarrels. Most I have seen have recovered. The wounds at the back of the deceased may have been made when he was running down hill. From the whole of the circumstances and from the condition of the body those wounds on the back were merely hap-hazard. Immediately he fell the assassin went for the fatal parts.

*Mr. Allen* (referring to photographed pieces of paper): You have not any doubt about this being the paper you gave him (Mr. Tasker)?—Not the slightest.

*Mr. Kelly*: You do not consider it possible that it could have been other than a bullet that was fired that caused the mark in the coat and vest?—It is utterly impossible.

*Mr. Gully*: Now, do you not know that shot fired from some guns at short distances would carry together?—Yes.

*Mr. Gully*: Do you not think it could have been so in this case?—You would have to go so close with the gun that the powder would burn the coat. The shot having struck the coat would scatter and would not have slit down the waistcoat. When it struck the knife and coin in the pocket it would have scattered. There would have been some scratch on the body from the shot, but there was no sign of a single shot. There was only one small mark on this part of the body, and that corresponded with the position of the knife and coins in the waistcoat pocket.

*Mr. Gully*: Do you think that if the bullet had been wrapped up in paper it would have made this hole?—It is possible.

*Mr. Earnshaw*: Did you try to make a hole like that with a bullet wrapped up in paper?—No; but we tried it with shot and failed.

*The Chairman*: Do you think that there was an ordinary charge of shot fired into the body?—About an ordinary charge.

*The Chairman*: It is shown from the evidence that Chemis had bullets at his disposal. You would infer that the gun was loaded with bullet in one barrel and shot in the other?—Yes, Sir.

*Mr. Lake*: Could you tell us something about the sequence of events. I understand that the murder was committed on the 31st of May, and that you dissected the mass from the body on the 1st of June. It was not teased before the inquest—not until the 6th. Are you sure that when you first put it away you wrapped it up in one, two, or more pieces of paper. You did not say anything about the wrapping?—You could hardly expect me to take the mass of blood, &c., without wrapping it up in something. On the evening of the 1st of June I dissected it out. I took the mass in my hand, and tore a piece of newspaper in which I placed the mass and folded it up, and put it back in my bag. I put it away, and next produced it at the inquest. At the inquest I just produced it as part of my evidence. It was of no interest to anybody. It might have been on the table, but it was not handed round. I would not swear that it was on the table.

*Mr. Lake*: Did you open it at the inquest?—No.

*Mr. Lake*: On the 6th you took it out?—Yes; I took notice of the piece of paper in which it was wrapped. A hole was left in the piece of paper used as a wrapper—a portion of the wrapper was left behind adhering to the mass.

*Mr. Lake*: You noticed, then, that the piece of paper adhered to the mass. You gave distinctly in evidence that there were certain words on this paper—a vessel's name—"Hudson," I think, for one. Did it not occur to you to look at the piece of paper from which you had extracted this mass, as to date?—The first thing I did was to remove the wrapping and burn it before I began to turn out the mass, it being extraneous matter. If I had kept it it would have been extremely valuable.

*Mr. Lake*: Supposing that this piece of paper had been of the same date as that found in the wound, could it by any possibility have got there from the piece of paper you had the mass

wrapped in?—No, it is impossible. The great body of the paper was in the centre of the mass I had wrapped up. There could have only been a small piece adhering superficially.

*Mr. Lake*: It is suggested that Carroll, I think it was, was standing, with the pieces of paper he had picked up, in the Morgue, and that the paper had in some way or other got mixed up with the mass?—It is utterly absurd to make such a suggestion.

*Mr. Lake*: Can you say why it is that the police in their evidence say clearly that you gave them no intimation of a shot-wound. It was about two o'clock on Saturday when you gave them notice of it?—I could not give them notice of the shot-wound until I found it.

*Mr. Lake*: We have it in evidence that the police did not get the information, because you thought the wound was a stab-wound?—That must be a mistake; I never thought anything of the kind. It is not possible to mistake a gunshot-wound for one made by stabbing with a sharp instrument.

*Mr. Lake*: At what time did you make the examination?—I saw the body on Friday night, and commenced my examination on the following morning at 10 o'clock. You must remember that the man was lying on his back, and I dissected all the wounds on the front of the body first. This shot-wound was one of the last wounds dissected, and it was late in the evening by that time.

*Mr. Lake*: Would not such a large hole in the coat have been seen at once. Did it not convey to you an idea?—One must not jump at conclusions; a rent in a garment is no evidence that it was made by a gunshot.

*Mr. Lake*: Have you ever seen a horse killed with a charge of shot?—I cannot recollect.

*Mr. Lake*: I want to know if you have ever seen a case where a hole similar to that made in this case was made by a bullet?—No.

*Mr. Lake*: Have you ever seen a case?—I have seen a man shot.

*Mr. Lake*: At close distance?—I do not know what distance, I have never seen a small hole made by shot. The size of the hole depends upon the distance at which the shot is fired.

*Mr. Lake*: Did you notice whether there was any mark of burning on the coat? This is unfortunately torn to pieces now by the moths?—I did notice. There was no mark.

*Mr. Lake*: In order to drive the wad, which in this case was paper, into the wound, you would have to be so close as to cause the burning of the coat?—I think you must come within 4ft. to cause the burning absolutely, but at a greater distance you would send the wadding into the wound.

*Mr. Lake*: Have you any reason to believe that shot would scatter at such a short distance as 6ft.?—Yes, Sir. I have never seen it fired and make such a small round hole as that in the front of the coat.

*Mr. Allen*: As a matter of fact the paper got into the wound, and was found there?—Yes.

*Mr. Bell*: I might make a statement about what Dr. Cahill said about an unreported passage in reference to the knife. I think it is quite possible that in my note of the evidence, I might have the statement as I took it down; and it might be satisfactory to the Committee for me to get it. No doubt Mr. Maurice Richmond has also a note of it, and I suggest that if we have them we put them before you.

*The Chairman*: I do not think there is any necessity to get what you allude to.

*Mr. Jellicoe*: If Mr. Bell would look up his notes, and if he finds he has not the one in question, he need not take any further notice; and if he has the note he can tell us.

*Mr. Bell*: Very well. I have received a letter from the Justice Department, which leaves to my discretion the putting in of the police reports. I do not know that under ordinary circumstances I should produce police reports, but in this case I think I ought to lay them before you. I find that there is no police report of Norman's evidence, nor have I anything except the deposition. I do not know what became of it. It is possible that I called him after the interview I had had with him briefed. I find a note somewhere among my papers, "Call Norman," so that I had not got his evidence before.

*Mr. Jellicoe*: The statement given to Benjamin was lost.

*Mr. Bell*: I have not got it. I find the report of the inquiry which was made with regard to the man whom Joseph said he saw on the hill. I think that should be before the Committee.

*The Chairman*: There is evidence that two men were seen with guns two days before, and another man also with a gun.

*Mr. Bell*: That came out when the affidavits of Mr. Jellicoe were put into the hands of Colonel Hume and the warders. Inquiries were made into the statements made by persons at the Supreme Court trial. I find there is an official report of these inquiries, and that is why I produce it. I will put the reports before the Committee just as they are. They clear up one point concerning which you asked me a question. It appears that on the morning of the 1st of June Carroll and Healey left town at daylight, and proceeded to the scene of the murder, and went to Mrs. Hawkings's house. Carroll returned to town, having to give evidence in the Police Court. He returned to town before the detective party left for Kaiwarra. The point cleared up is this: It was suggested by Mr. Jellicoe that it was after Bowles and Norman had been interviewed by the detectives on the top of the hill, when Benjamin was sent back for the warrant to search Chemis's house. It appears that such is not the case. Benjamin was sent back by Inspector Thomson when he reached Kaiwarra as a result of the statement made by Carroll which Mrs. Hawkings had made to him, and possibly as the result of inquiries made at Kaiwarra. The reports show that Benjamin was sent back when Kaiwarra was reached. Benjamin was left to wait at the Morgue. When the constable came out of the Morgue, and said, "It is a knife-wound," Benjamin then left, and met Inspector Thomson at Kaiwarra, and it was then that he was sent back for the search-warrant. Mr. Jellicoe asked me for Mr. Tasker's report. There are two reports, I find, from Mr. Tasker. The first one is dated 12th of June, and the second report 18th of June. Then I might explain that the pencil-marks on the police reports show that I

was examining in the Police Court from the police report. And that shows that I could not have had the police report of Norman's evidence.

*Mr. Jellicoe*: You examined in the Supreme Court from the depositions.

*Mr. Bell*: You are probably right.

*The Chairman*: Colonel Huene has informed me that there are a number of papers missing.

*Mr. Jellicoe*: What Norman said is that he had given his statement to Benjamin. There is no evidence that the statement ever reached Mr. Bell.

*Mr. Bell*: I was only giving the reasons why I was able to say that the paper never was in my possession. It is not usual to pay much attention to police reports after the trial has closed. But in this case the questions arose immediately afterwards, which may have caused me to preserve all papers.

[*List of Papers laid before the Committee by Mr. Bell.*—1. Letter of 19th September, 1892, from the Under-Secretary of Justice, authorising him to use his own discretion in producing items of importance. Police report of 7th June, 1889, of evidence of Carroll, Webb, Healey, Carroll (on a second occasion), and Benjamin. 2. Police report of F. H. Morice, being statement made to him by Dr. Cahill on the 31st May. 3. Police report of the evidence of Malcolm McCallum, Donald McCallum, Charles Caplin, and W. Durrell. 4. Police report of evidence of Bolton. 5. Police report of evidence of Inspector Thomson. 6. Report of Mr. Tasker, dated 12th June. 7. Report of Mr. Tasker, dated 18th June. 8. Report of Detective Campbell, dated 4th July, as to man seen by Joseph. 9. Report of evidence of Herbert Morris as to "miner's right," relating to discovery of "miner's right" on the ground. 10. Report of Mr. Skey. 11. Report of Detective Benjamin, of the 26th June, on evidence given by W. Bradford. 12. Report of Constable O'Farrell as to evidence given by John May.]

*Mr. Bell*: There is one point I would like to mention. The reasons for suspecting Chemis do not appear in evidence. The evidence could not be given. The statements made by Mrs. Hawkings to Carroll could not be given as evidence, nor could the police state what they had acquired as evidence unless said in the presence of prisoner or by prisoner; therefore the case is blank as to what it was that led the police to search Chemis's house; but it appears in the police report.

*Mr. Earnshaw*: Has any reason been adduced to tell us why Hawkings's house was not searched?

*Mr. Bell*: No; I confess it certainly would not occur to me to search Hawkings's house. It never occurred to anybody as being a reasonable thing to do. I might say also that Hawkings was a man very well known. It must not be forgotten that he and his wife were very well known about Wellington.

*The Chairman*: Was any suspicion raised as to the butchers near the spot?

*Mr. Bell*: No; but it was a matter that I caused very careful inquiries to be made about. The result of the inquiries satisfied me. No care was spared to examine every possible suspicion, so far as our minds were capable of forming an idea, of what might be a suspicion.

*Mr. Lake*: Was there no suspicion attached to Bowles going down the hill just after he had found his employer murdered?

*Mr. Bell*: No; I think it occurred to everybody that it was a reasonable thing for him to do. He went down to where he could get help. He met a boy, and he sent the boy back. It was never suggested that there was anything extraordinary about his conduct. It was the conduct, it seems to me, of a reasonable man, and what I would do under the same circumstances.

*Mr. Lake*: To go down a considerable distance and then to meet a boy with a horse, and send the boy back and wait for his return?

*Mr. Bell*: That certainly does seem a little strange; but call Bowles before you.

*Mr. Jellicoe*: I suggest that you call Chemis, and satisfy yourselves.

*Mr. Bell*: You cannot judge a man unless you see him. Mrs. Hawkings was not informed on the night of the murder that her husband was dead. They told her that he had met with an accident, and that he had been taken into town to have his injuries attended to. Under these circumstances it was very natural for Bowles to keep out of her way.

*The Chairman*: Was there ever any evidence as to where George Bowles was on that particular day?

*Mr. Bell*: No; he was never heard of in the matter until some months after the trial.

*Mr. Jellicoe*: Yes; on page 11 (H.—33), in Mrs. Hawkings's evidence.

*The Chairman*: About some sheep. Mrs. Hawkings stated that Mr. Hawkings said that he would shoot George Bowles like a dog.

*Mr. Bell*: I do remember it.

*The Chairman*: There was nothing before the Court in regard to him.

*Mr. Bell*: I think he was in Wairarapa during May and June. The Chief Justice objected to my calling either Bowles or Lydden. We put the witnesses in the box, and then Mr. Bunny did not cross-examine them. He was perfectly competent at that time. The Judge said that the matter was quite irrelevant, saying, "If Mr. Bunny makes a definite suggestion I will allow you to go into the matter at full length."

*The Chairman*: My only reason for asking this was that if it had been proved at that time that he was in the Wairarapa, the Committee might disabuse their minds on that subject altogether at once.

*Mr. Bell*: There was evidence; I had men down from Foxton to prove the *alibi* of Lydden, and I also think I had men from the Wairarapa to prove Bowles's *alibi*. I can find out at the Police Office. There must be the record of my memorandum directing what should be done, and they must have some record of the men ordered to come down to prove the *alibi*, and there are almost certain to be some with regard to Bowles. I know I was able to prove an *alibi* for both.

*Mr. Jellicoe*: I would like to ask whether the documents referred to by Mr. Richardson have been found. I hear they are not able to find them, nor likely to be able to do so.

*The Chairman*: I spoke to Mr. Smith on the subject, and he had just seen Mr. Haselden, and he promised to make another search and see if Mr. Richardson's paper could be found.

*Mr. Jellicoe*: I should like to ask Mr. Richardson a question, in case they should not be forthcoming. Did you attach to the report you made any drawing of the knife?

*Mr. Richardson*: I am not positive, but I think I did. I know that I made a drawing of the knife, and took considerable care over it, and arrived at what I gauged to be the exact shape of the blade. I think the diagram was on the paper. There is one point I should not have mentioned but for the circumstance of some of the papers being missing. When Captain Russell went to the Federation Conference in Sydney he made inquiries of the Government there if they would lend us a first-class detective to take up this case. The head of the department said it was no use thinking of the matter until they knew something of the case. Some papers, including my memorandum I think, were sent to the detective department in Sydney, and after considering the papers the chief detective then came to the conclusion that the scent was too cold. The case had been left too long, and no good results could come of his coming over here. Thus I know that some papers were sent over to allow the detective department to form some idea of the case. No doubt Captain Russell could give some information.

*Mr. Jellicoe*: Did you form any idea as to the calling in business or life of the person who inflicted the wounds?

*Mr. Richardson*: That was the most curious thing of all. The man who used the knife must have had a practical knowledge of anatomy; because, although there were so many blows struck, they were not struck in the ordinary way. They were all directed towards the most vital parts.

*Mr. Jellicoe*: You think it was some person engaged in the slaughtering business?

*Mr. Richardson*: Yes, sometime in his life.

*Mr. Gully*: How many stab wounds were there?

*Mr. Richardson*: I do not know—something over twenty; but they were confined to three or four localities only. I think the stabs were given by someone in great excitement, but yet whose instincts caused him to go from one fatal spot to another. The pithing at the back of the neck was a proof of the knowledge of the murderer.

*Mr. Gully*: It would look as if it was a waste of skill, because there were about a dozen stabs, each of which were fatal.

*Mr. Richardson*: Some struck the arm and did not enter the body at all.

*Mr. Gully*: Do you think it probable that a man in a frenzy, as he probably was, could pick out correctly the fatal spots in each blow?

*Mr. Richardson*: I think it quite in keeping, Sir, for a man whose habits and training had taught him to do this instinctively.

*Mr. Gully*: You take it for granted that the assassin meant what he was doing?

*Mr. Richardson*: I think it is a strong point. No one unaccustomed to seeing animals killed would ever think of using a knife to penetrate the vertebra. There were no stabs in the back; they were all about the back of the neck, the side of the neck, and under the armpits. The broad surface of the body was untouched—the broad back and broad chest.

*Mr. Gully*: Such theories as these are rather unsafe, are they not?

*Mr. Richardson*: When we meet with extraordinary circumstances we have to consider how they happened, and the position of the wounds was extraordinary.

*Mr. Gully*: You consider it a safe theory to assume that the murderer was a butcher, by the position of the wounds on the body?

*Mr. Richardson*: I called attention to the fact, and told you the theory I formed.

*Mr. Earnshaw*: Not necessarily a butcher?

*Mr. Richardson*: No.

*Mr. Gully*: I understand you were able to draw a diagram of the knife from an examination of the wounds?—No; I never saw the body. From the clothes and from the doctor's evidence as to the length and breadth of the wounds.

*Mr. Kelly*: Then it is not founded on any observation, but Dr. Cahill's evidence?—Yes.

*Mr. Gully*: Was it founded merely upon the evidence of the width and the depth of the wound, and the observation of the cloth?—Yes; the cloth, of course, being the most important evidence in this respect, as it does not give and take to the same extent as the flesh.

*Mr. Gully*: How can a cut in the cloth show anything more than the width of the blade?

*Mr. Richardson*: But pardon me, some of the cuts were not half an inch wide.

*Mr. Gully*: At some given distance to which the knife penetrated—not from any spot from the hilt?—Where the blade could only have penetrated an inch or half an inch from the point.

*Mr. Gully*: It is a very unsatisfactory test, is it not?—I am speaking entirely from memory. I know that there was some very clear evidence given by Dr. Cahill.

*Mr. Kelly*: Do you still adhere to your former statement that the hole in the coat could have been caused by a charge of shot?—I have no doubt on the matter. Dr. Cahill, in his medical matters, I should bow to. When the coat came under the late Sir Harry Atkinson's notice, I said to him, "Look here, Atkinson, this is what they say is a bullet wound." He had seen bullet wounds caused in action many times, and he agreed with me that it was ridiculous to suppose that it was caused by a bullet.

*Mr. Gully*: The doctor asserts that a bullet wrapped up in paper would cause it?—He is equally wrong.

[Mr. Jellicoe read the reports of Mr. Tasker of the 12th June and of the 18th June, Mr. Tasker being present.]

JOHN TASKER, being sworn, deposed.

The report that has been read was written for the Crown Solicitor. It is in my handwriting. There is a clerical error in it—May 23rd, 1888, should be May 23rd, 1889. I had not finished the

examination of the papers sent me when the Crown Solicitor called on me, and the observations he made I have marked in red ink.

*Mr. Allen*: Is there any possibility of these exhibits which were given you having got mixed?—No, not the slightest.

*Mr. Allen*: They were all given you in separate packages, and you kept them separate?—Yes.

*Mr. Jellicoe*: You might say absolutely that the papers were not mixed?—I will say that.

*Mr. Allen*: How was the paper found in Chemis's house handed to you?—It was handed to me in an envelope by Inspector Thomson. The envelope is marked.

*The Chairman*: I understand, Mr. Tasker, that none of the exhibits were marked when handed to you?—No, none whatever. Only the outward envelope.

*Mr. Lake*: As to the piece of paper given to you by Inspector Thomson, marked "G G," in his evidence, is that the envelope that contained the pieces of paper that was taken out of Chemis's house?—They were given to me as coming from the gorse bushes and lower ground.

*Mr. Lake*: Had you made any theory yourself, before communicating with the Crown Prosecutor, on the pieces of paper?—No; I had none whatever. My instructions were that certain pieces of paper were picked up in certain places, and my duty was to see if they corresponded in any way, and also what paper they were parts of. It gave me not the slightest idea. Nobody spoke to me on the matter at all. Mr. Bell came to me before I had finished my examination, and I marked them in red ink. I would have found them out for myself.

*Mr. Allen*: I see in the evidence that there are two pieces of paper, "GG," of the 23rd of May?—They were taken from the gorse bushes on the ground. G 1 was found on the ground.

*Mr. Allen*: Is that on the ground, or from the gorse bushes?—Fragments found in the gorse bushes, on the bank, and on the lower ground; so that all the paper found on the ground and in the gorse bushes was put into one envelope.

*Mr. Lake*: Inspector Thompson, in his evidence, says he had a label "Gorse" on the envelope, and next Mr. Jellicoe says he might have mixed them. I want to know whether it was the same envelope?—Yes; there was one marked "Gorse."

*Mr. Jellicoe*: He had marked the envelope on the ground with the word "Gorse," but he afterwards put the contents of that envelope into another envelope, and that envelope is endorsed as Mr. Tasker says; but what came of the other envelope no one knows.

*Witness*: It has been produced here.

*The Chairman*: We had three or four envelopes put in evidence last time we met. On one of them I noticed the word "Gorse" in pencil.

*Mr. Jellicoe*: I have not seen it.

*The Chairman*: The other envelopes were all labelled in ink. Mr. Cooper put them in the time before last.

*Mr. Jellicoe*: I came to the conclusion that he must have substituted another envelope.

*The Chairman*: They are the original envelopes, are they not, Mr. Cooper?—Yes, Sir.

[Statement made by Dr. Cahill to Sergeant-Major Morice on the 31st May was here read.]

Mrs. CHEMIS was then sworn as a witness.

*The Chairman*: You recollect the 31st of May. Can you positively swear that your husband never left the house from the time he came home, about 5 o'clock in the evening, during all that night?—Yes, Sir, I can swear that.

*The Chairman*: Could he possibly have been away without your knowing it?—No, Sir. He could have gone around the place, the same as he had done for years, but not to go away from the premises.

*The Chairman*: Were there any unusual circumstances at all about his coming home that evening. Was he to bring any thing home from town?—Yes, he was supposed to bring some things from the store, but he did not fetch them. I asked him in the morning to bring them. After tea I asked him if he had brought them, and he said "No," he forget all about them, and he said he would go down after tea if I wanted them. He was working in Kaiwarra, and I said it would do to-morrow, as I felt timid to be in the house when it was dark, and so he did not go.

*The Chairman*: Did your husband wear the same clothes on the day that the police came, Saturday, as he did during the whole of Friday?—Yes, Sir.

*The Chairman*: He did not change them at all?—No, Sir.

*The Chairman*: Was he wearing the same clothes when arrested?—Yes, Sir.

*Mr. Gully*: Do you wish us to understand that on the evening after he came home he was in your sight during the whole time after he came home?—Yes. Well, he was in the shed cutting up mangolds, but I could hear him at work.

*Mr. Gully*: Were the cows in when he came home?—Yes, I had them in when he got home.

*Mr. Gully*: Was there anything else for him to do outside, except what you have described?—No. It was winter time, and he could not do anything because it was dark.

*The Chairman*: Do you recollect, Mrs Chemis, whether it was dark when he came home that evening?—Not quite dark. It was getting dusk shortly after he came home.

*Mr. Jellicoe*: Do you remember what sort of weather it was—calm, fine, clear, or gloomy?—When the police were about it was very wet weather, but I do not know whether that particular evening was wet or not.

*The Chairman*: Were any of the children with their father that night?—The eldest child was with him when he was cutting up the mangolds. She went to meet him that night, as she always did.

*The Chairman*: What time did he come into tea?—The exact time I do not know. It was some time after six—just about that time.

*Mr. Smith*: When the police searched the house did they give you a list of the things they took away?—No, Sir.

*Mr. Smith* : Is it usual for you, after reading the paper to tear it up, and put one portion in a drawer?—No, Sir. I saw what they took away.

*Mr. Smith* : Did you see them take a paper from the drawer?—No.

*The Chairman* : Did you not see them take paper from your husband's pocket?—Yes; from the coat behind the door. Inspector Thomson took it and put it into his coat pocket, not into an envelope, as he stated.

*The Chairman* : Did Inspector Thomson or any policeman ask you for a pen and ink?—No, Sir.

*The Chairman* : Did you see them mark anything on an envelope in your house?—No, Sir.

*Mr. Smith* : You would have sworn positively in Court that there was no paper taken from a drawer in your house?—Yes, Sir.

*Mr. Moore* : How long were you milking after your husband came home?—I had the cows almost all milked. He leg-roped one for me. That was the last, and I was not a quarter of an hour milking her. I had finished about a quarter past 5, and went for tea about 6, either before or after. I did not go to the clock to see what time it was. It was getting dark.

*Mr. Moore* : Then, from five o'clock until the time you had tea your husband was working outside?—Yes; he was not working in the house. He got the horse down from the paddock before he cut the mangolds. He got the horse in every night before it was dark.

*Mr. Jellicoe* : At what time had he to start with the horse next morning?—Generally about half-past 5.

*The Chairman* : How long had you been married at that time?—Nine years on the 16th of the month he was taken away.

*The Chairman* : Did Mr. Chemis at any time to your knowledge have any severe quarrel with anybody?—No, Sir.

*The Chairman* : What was his general behaviour?—Very good.

*Mr. Jellicoe* : Was he a man fond of his home?—Yes, Sir. He was never away from home one night since we were married.

*Mr. Allen* : You swear that no paper was taken from the drawer. What day are you speaking of?—When the police were in the house.

*Mr. Allen* : Were you in the bedroom when they took the drawer?—No, I was in the kitchen, though, when they took the contents out.

*Mr. Allen* : Did they find any paper on the shelf?—Not on that day. On the 5th, when he was arrested, they did. They took a quantity from the shelf.

*Mr. Allen* : They did not find any on the shelf, then, the first day?—No, Sir.

*The Chairman* : Do you think it possible for your husband to have committed the murder without your knowing it?—No; it would be impossible.

*Mr. Lake* : Among the police evidence there is a paper taken from the pocket of the trousers taken from behind the door?—No. I saw Inspector Thomson take a piece of paper from the coat on the 1st of June.

*Mr. Allen* : Then on the 1st of June they took none from the shelf in the corner?—No; on the 5th of June they did.

*Mr. Allen* : From the parlour?—It was on the 5th of June. From the parlour and from the shelf in the kitchen.

*Mr. Smith* : When the police took the papers did they say to you, "These are the papers we are going to take"? Did they show them to you—the papers they took from the shelf?—No, they did not show them to me. They gave them to Constable Healey, and he put them in a pouch. I saw them take the papers from the parlour and give them to Constable Healey.

*Mr. Lake* : What was the coat behind the door?—He generally wore it when he went to town to deliver the milk.

*The Chairman* : Did your husband ever wear a sheath-knife?—No, Sir.

*The Chairman* : Nor a sheath on his belt?—No, not since we were married, nor since I knew him.

*The Chairman* (holding up the sheath-knife) : Did you ever see this knife before?—No.

*The Chairman* : The question now is, whether the Committee wish to call anyone else to give evidence.

*Mr. Gully* : I intend to produce to you points upon which I submit you might call evidence. (1) Will the Committee call in evidence Carroll and Healey, the two constables, as to the second search which was made in Chemis's house? (2) Will they call some persons, supposing such persons can be found, to identify the shot-pouch and knife found by Low? (3) Do the Committee think it necessary to call Tolly as to the shot in the pouch corresponding with the shot found in the wound? (4) Do the Committee think it necessary to have steps taken to procure the attendance of Charles Bowles? I will not suggest that the Committee should call these witnesses, for this reason: to some extent they cover more than the decision of this inquiry. For instance, if you are influenced by the suggestions which have been made with regard to Bowles—in point of fact, that he was the guilty man—then I think that you ought to call him. I do not think you could consider you have enough evidence unless you called him. With regard to the evidence of the shot-pouch and knife, the same remark applies, I think. If you consider that it is relevant to call witnesses to connect the sheath-knife and pouch with Chemis, then I think you ought to do so. With regard to the evidence of Carroll and Healey, I do not know whether there is any real suggestion to be made as to their having made a search a second time of the premises, or any of the circumstances under which it was made. I think they ought to be called.

*Mr. Jellicoe* : With regard to the examination of Carroll and Healey, I have not a word to say. The same reasoning applies, I submit, equally with regard to calling of Chemis. My friend Mr. Bell very forcibly in his evidence, in reference to these men, said, "Call them; have them here for

yourselves, and satisfy yourselves whether they are truthful persons." I think the same remark might be made very forcibly with regard to Chemis.

*The Chairman*: I, myself, would like to see Chemis here.

*Mr. Jellicoe*: If people are to be called for the purpose of being seen and testing the truthfulness of evidence, I suggest to the Committee to have Chemis examined. With regard to the shot-pouch and knife found by Low, it appears to be necessary for Low to be called, for it will appear from his evidence that he told the people that he was searching Hawkings's place. When he found the articles he was seen, and he showed the articles to those who saw him.

*The Chairman*: The question seems to me to be to identify the knife with Chemis.

*Mr. Jellicoe*: On the perjury charge against Benjamin a number of witnesses were called with reference to the pouch and knife, and questioned by my friend Mr. Bell; and every person who could give information about these two articles was examined and cross-examined before the Magistrate. It would be necessary for the Committee to look at the evidence if they are going to consider the case and form a judgment on it. I do not understand Mr. Bell to say that that knife caused the wounds upon Hawkings. What he did suggest was that if it was proved that that knife was Chemis's, then that fact operated against the statement that Chemis had no sheath-knife. That was not quite the way he put it before the Magistrates. The allegation then was that this is the knife. When Mr. Richardson was in the box he deposed that the stiletto could not have caused the wounds. Mr. Gully then said, "Oh! but there is another knife." Your Committee will remember that I at once accepted the challenge, and put the other knife in Mr. Richardson's hands, and you have his opinion. It will be necessary for the Committee now to take into consideration that evidence. They can do so without reference to me.

*The Chairman*: I expect it will be a very difficult thing to get persons to come here and say definitely that this knife is Chemis's.

*Mr. Jellicoe*: As to Tolly, there is evidence already before the Committee that Tolly examined the shot-pouch when it was taken to him, and he set it down as No. 3 and 4 shot; and I understand that Tolly would say the same thing now. If my friend proposes to call any further witnesses it will be necessary for me to go into a rebutting case. I shall have to call any witnesses I can get on the same question. When this knife and shot-pouch found by Low were first produced in the Magistrate's Court, Chemis had been examined and gone back to gaol. I ask leave to recall Chemis. I have never seen him from the day he was examined in Court. I asked leave to recall Chemis in order to ask him about the shot-pouch and knife; I had to ask him what he had to say about them. Mr. Gully opposed that, and the Bench ruled that the knife and shot-pouch were not relevant. They were quite right; but I consider it only right that he should be called, because I want to clear up this mystery. However, Chemis was not recalled, and I do not know what Chemis would say about it. I wish Chemis to be called before the Committee.

*Mr. Lake*: This knife that so much has been made about, was it ever submitted to Mr. Skey or any one else, to say whether it had been used or not.

*Mr. Jellicoe*: Yes; it was part of the evidence in the perjury charges.

*Mr. Lake*: Have we the evidence before the Committee?

[*Mr. Jellicoe* read the whole of the evidence of William Skey.]

*The Chairman*: How long after the murder was this knife found.

*Mr. Jellicoe*: Months after.

Adjourned till Monday, 26th instant.

#### MONDAY, 26TH SEPTEMBER.

##### Detective CAMPBELL sworn and examined.

1. *Mr. Jellicoe*.] Has there been any application made to the department that the police should be represented by counsel before this Committee?—I made an application some time ago that the police should be represented, as I understood that charges were made against them. I did not want counsel for myself, but I made the application. The answer of the Commissioner was that he was not aware of any charges having been made against the police.

2. You are aware now that there are no charges?—I have heard you say so since.

3. I find from the report you made to the police that you went out with Inspector Thomson on the 1st of June to Kaiwarra, where this murder was committed?—I went out with Detective Benjamin; we walked out. We met Mr. Thomson at Kaiwarra, he having come out by train.

4. Now, what happened on your meeting Thomson?—Detective Benjamin was instructed to return to town and get a search-warrant. Inspector Thomson went to the scene of the murder.

5. Had you seen any one at Kaiwarra in reference to the murder before you met Mr. Thomson?—I do not remember. I may have spoken to some one.

6. I mean any person connected with the Hawkings's household before meeting Thomson? I am now referring to what took place between you and Thomson: had you seen any one before you met Thomson from Hawkings's household?—I cannot recollect.

7. Did you say anything to Benjamin or to Thomson before Benjamin was instructed to go to Wellington and get a search-warrant?—I could not say.

8. Which of you informed Thomson about the pocket-book?—I cannot remember.

9. You are quite sure you did not see any one at Kaiwarra before meeting Inspector Thomson who referred in any way to the pocket-book?—I would not say for certain.

10. Your report is here; it does not appear that you met any one?—I could not say.

11. You went with Thomson to the scene of the murder?—Yes.

12. Did you meet any one there?—Yes; the Dimock brothers were there; there was also a young man that was employed by Hawkings.

13. A young man named Norman?—Yes.



14. Did you see Bowles before going to Hawkings's house?—We were up at Hawkings's house when we met him.
15. What did Mrs. Hawkings say to you and Inspector Thomson; can you tell us what she said?—There was a general conversation about the tragedy.
16. Did she not say anything about Chemis?—Yes; Chemis was certainly mentioned.
17. Who mentioned Chemis first?—I believe she did.
18. Mrs. Hawkings?—Yes.
19. Was that prior to going with Thomson?—When I arrived there was a reporter there from the *Evening Press* newspaper; he returned to town.
20. Had you any intimation that Hawkings had been shot?—No; not unless from the pieces of paper picked up.
21. When you arrived at the scene of the murder you observed pieces of paper?—Yes; before Mr. Thomson arrived there himself I picked up some pieces of paper.
22. You had no intimation that Hawkings had been shot; the intimation you had was that he had been stabbed?—Yes, I understood so.
23. Then why did you pick up these pieces of paper?—There were some of them blackened as if they had been charred.
24. As if they had been shot away do you mean? How many pieces?—They were all small fragments.
25. What did you do with them?—I put them in an envelope when I got home.
26. How did you carry them?—I carried them in my pocket.
27. Do you remember which pocket?—No, I cannot remember. Those pieces picked up on the scene of the murder were never out of my possession.
28. You did not pick any papers up and give them to Mr. Thomson?—No.
29. You carried them in your pocket. When did you take them out?—When I returned home.
30. What time was that?—About noon. I showed them to Mr. Thomson, and locked them up in a drawer in the same office.
31. Did you endorse the envelope?—Yes.
32. When did you mark it: at the time you put it in the drawer?—Yes.
33. Where was that: at the police-station?—At the police-station.
34. And it remained in the same envelope until you took it to Mr. Skey?—Yes.
35. When did you take it; on the 1st, or was it on the 5th June?—Yes.
36. Did you take it to the inquest?—No.
37. Are you sure of that?—Yes; quite sure. You mean the inquest on the body: I was not there.
38. I understand you to have said that you went with Mr. Thomson and Detective Benjamin to Chemis's house.— Yes.
39. Who showed you the way?—Norman.
40. Were there any footprints pointed out to you, or pointed out to Detective Benjamin in your hearing?—There might have been; but the ground was soft. There were a number of footprints. I believe there were some footprints on the track.
41. Who pointed them out?—I cannot say now.
42. You had no intimation whatever that this man had been shot?—None, except from what I had seen myself of the pieces of paper on the ground.
43. Did you at that time consider this paper had any importance?—I thought it was my duty to take possession of it. If I did not think it of importance I would not have taken charge of it.
44. That does not follow. Did you see the revolver?—Yes.
45. The gun and shot-pouch?—Yes.
46. Did you consider them of any importance?—I was not directing the search: Inspector Thomson was there, and also Detective Benjamin.
47. Did you think these things of the slightest importance?—I was there to do what I was instructed to do.
48. You left the revolver behind?—The revolver was left behind: the gun and revolver were left behind, I know.
49. If you considered the gun and revolver of importance, you would have suggested it to the Inspector?—I did not do so.
50. *Mr. Allen.*] You have been leading us to believe that the shot-pouch was not taken away?—Yes, the shot-pouch was taken away when the first search was made.
51. *Mr. Jellicoe.*] Did Inspector Thomson in your presence, or Detective Benjamin, ask Chemis for his powder-flask?—No; I do not remember.
52. Why I ask you is this: You were present at the trial in the Supreme Court?—Yes.
53. The Chief Justice, in charging the jury, pointed out that no question had been put as to the where or whereabouts of this. The police did not say anything about it on the trial?—Yes.
- [Extract read.]
54. You said in your evidence before the Magistrate—page 36 of my printed copy (H.-33)—in answer to Mr. Bunny, you do not make any reference to why the drawer was locked. You saw dynamite, caps, and "other appliances" there. That was what you said. What do you mean by "other appliances"?—I meant a dynamite-fuse that was there. It was twisted all round. There was a good lump of it.
55. Were there not many things there?—Yes.
56. Did you take out the stiletto, some bullets, and some papers?—Yes.
57. Were there any other matters besides the fuse in that drawer?—Do you mean on the second search?

58. On the search made on the 1st of June?—There were private papers; there was also a little box there containing money.

59. Was there only one box containing money?—Yes, only one.

60. There might have been without you noticing it?—There could not have been, for we searched the drawer.

61. Did you take it out?—Yes, right out.

62. Why did you not take it away?—I was acting under instructions; I was not directing the inquiry.

63. Were you looking at all for the powder-flask?—Yes.

64. Why did you not ask where the powder-flask was?—I did not ask.

65. Were you looking for caps?—If there had been any there we would have taken possession of them.

66. Did you ask for any?—I do not recollect asking for any.

67. Were you looking for wad-cutter and wads?—No; I had not any special reason for looking.

68. Supposing it is established by many witnesses that this man, before the 31st of May, had wad-cutter, had wads, had powder-flask which had been repaired, had a box of caps: where do you think these things were when you were looking through this drawer?—I am not here to give you theories: I am here to give you exactly what we found.

69. You did not say anything of this before the Magistrate. You knew it was a fuse. Why did you not say it was a fuse before the Magistrate. Why did you say "other appliances?"—That was the answer I gave.

70. Will you tell us what papers you took out?—Several pieces of newspaper.

71. How many?—I never counted them. Detective Benjamin placed his handkerchief down.

72. What did you do?—I placed the papers there in it.

73. Where did they come from?—From the top drawer—right side.

74. The same that contained the stiletto and shot-pouch?—Yes.

75. How many were there?—I could not say.

76. Could you describe them?—I could not.

77. Were they large or small?—They were small pieces.

78. Can you give us an idea of their size?—No; there were a lot of private documents and other papers. I took them and put them on the handkerchief.

79. Did you turn the drawer over?—No.

80. Can you form any idea of the number of pieces that were placed in the handkerchief by you and Benjamin?—No.

81. Were they put in the handkerchief by you alone?—No.

82. Can you describe the documents?—They were receipts and bills principally.

83. *The Chairman.*] Did you mark any of these papers before passing them through your hands, so that you could afterwards identify them?—No.

84. Did you see any one else marking these papers in your presence?—Mr. Thomson took out the papers and put them in an envelope.

85. Did you see him mark them?—Yes; I saw him writing on them.

86. In the house?—Yes.

87. *Mr. Jellicoe.*] Where did he get the pen and ink?—He had a pencil.

88. When he took the papers out of the handkerchief did he take them direct from the handkerchief and mark them, or did he put them on one side on the table?—I could not be certain.

89. When you placed the handkerchief and its contents before Mr. Thomson, did you stay at that moment to see what he was doing with the contents, or did you go back to the other rooms?—We were in the kitchen at the time.

90. Did he examine the contents before you left the kitchen to continue your search?—I believe so; but it is a long time ago. I cannot remember every little detail.

91. Did he take the paper out of the handkerchief and put it direct in the envelope?—I believe he did.

92. You will not say that he put it on one side?—He might have laid the handkerchief down to take out the pieces of newspaper.

93. Did you see him take the papers out of the handkerchief and put them into an envelope?—I believe so.

94. And then you continued your search?—Yes.

95. How many envelopes did he take out of his pocket?—I could not say.

96. Had he more than one?—I believe so.

97. He had a pencil?—Yes.

98. Did he ask for pen and ink?—Not in my hearing.

99. Did he examine the papers which the handkerchief contained after he put the newspaper into the envelope? You say the handkerchief contained a number of documents: did he examine the documents before placing the newspaper in or after?—He examined the documents first.

100. And then put the newspaper into the envelope?—Yes, as far as my recollection goes.

101. Did he say anything upon examining the documents?—He said they were private documents. They were returned.

102. Did he hand them to any one?—Yes; he returned them.

103. Did he hand them to any one?—I was assisting in the search.

104. Did he hand the documents to Mrs. Chemis?—I think he did.

105. Did he look at the revolver?—I do not know that he did.

106. Did you say anything about the revolver to him?—No.

107. You do not know how he endorsed the envelope?—No.

108. Or how many pieces of paper he put into the envelope?—No.

109. Can you describe them?—No, I cannot describe them.

110. What did he do with the envelope?—He put it in his pocket.
111. Did he say anything at the time he put the newspaper in the envelope to you?—No.
112. Or make any remark about the papers?—No.
113. To Mrs. Chemis or any one else?—No, I cannot remember that he did; he may have done so.
114. Now, you saw the gun: did he say anything as to the gun?—Benjamin showed it to me; he put his finger into the barrel.
115. Did Mr. Thomson say anything?—He may have made a remark. I do not remember.
116. Did he say anything about the stiletto?—I do not remember anything special about the stiletto.
117. Did you take it out of the sheath before you took it to Thomson?—Yes.
118. Did you see any blood on it?—No, I did not.
119. You looked at it?—Certainly I looked at it.
120. Did not Thomson say something about the rust that was on it?—No; I do not remember.
121. You cannot remember what remark he made about the stiletto?—I do not know that he did make any remark.
122. You did not make any suggestion that the gun should be brought away?—No; it was not my place.
123. Or the revolver?—No; it was not my place.
124. But you help each other in the Force, do you not? What occurred to you you would pass to your comrade—you would not hold your tongue because you were not acting in chief; but you say you did not make any suggestion?—No.
125. Was the kitchen searched?—Yes.
126. Did you see a tin box there; a biscuit tin [produced]?—I was in the kitchen. I do not remember seeing one that size.
127. Will you say that it was not there?—No.
128. Did any one look at the tins in the kitchen?—There was a general search made.
129. Who made it?—Benjamin and myself; both of us.
130. Whatever tins were there were looked to?—Yes; every room in the house was searched.
131. Suppose Benjamin was absolutely certain that two quail were shot the day before—that is, on the Friday morning—and that two quail were eaten on the following day, did you see anything of quail when you were searching on the Saturday afternoon?—No.
132. If they were there you would have seen them?—Yes.
133. You will not swear they were not there?—It is possible; I will not swear that they were not there.
134. When did you go to Chemis's house after the 1st of June?—On the 5th of June.
- 134A. Did you bring away any paper on the 1st of June?—Yes; large pieces of newspaper.
135. Which you carried from Chemis's house?—Yes.
136. Can you describe how many pieces?—No; except that they were large pieces.
137. Was there a whole newspaper?—There might be.
138. What was the size of the bundle?—They were large pieces of paper.
139. How many pieces would you think the bundle contained?—I could not possibly say.
140. Did you mark any of them?—No.
141. What did you do with them?—I handed them on to Benjamin.
142. When?—As soon as I came home.
143. What time was that?—Seven or eight o'clock.
144. Did Benjamin mark them?—I did not see him do so.
145. Did you take any receipt for any papers you handed over to him?—I did not take any receipt from him.
146. You cannot describe the papers you handed over?—No.
147. *Mr. Earnshaw.*] Is it customary to take receipts for exhibits in that way?—It is not customary.
148. *Mr. Jellicoe.*] Did you go again to Chemis's house?—Yes; on the 5th of June.
149. Was that before or after the arrest?—It was after the arrest.
150. Was any one with you?—Yes; Benjamin and Constables Carroll and Healy.
151. Were you sent out?—Yes; we went out with Benjamin.
152. Benjamin was directing you?—Yes.
153. With what object did he say?—We went to search round the ground for a pocket-book.
154. Was anything said about bringing anything away—anything you had left behind?—The revolver was brought away on the 5th.
155. Was anything said to you about sending for the gun and revolver?—He went and got the gun on the Sunday morning.
156. But the revolver was brought away on the 5th of June?—Yes.
157. Did he say anything to you about the necessity of bringing both the gun and revolver away before they were actually brought away?—I cannot recollect.
158. Do I understand that if you had it in charge you would have brought the gun and revolver away at once?—Possibly I might have done so.
159. But you made no suggestion to your comrades about it?—No.
160. Where did you go on the 5th, after the arrest was made—to what part of the house?—We searched the house all over.
161. Looking for the pocket-book?—Yes.
162. Did you see any pocket-book?—No.
163. On that search?—No.
164. Or on the previous searches?—No.

165. Were you present when Benjamin looked at this? [An old memorandum-book produced.]—No.

166. Did you see him open it?—No.

167. He might have opened it?—I did not see him.

168. If you had had your will you would have brought it away?—I would have examined the contents.

169. What rooms did you go into?—The same as on the previous occasions; we went all through the house.

170. Did you go to the same drawer?—Yes.

171. Was it locked or unlocked?—It was locked, I believe.

172. Who opened it?—Mrs. Chemis did.

173. Just think?—I would not be certain. I know that Benjamin invited her into the room.

174. Was not the drawer unlocked?—I would not be certain; it may have been unlocked.

175. Which of you examined the drawer?—Benjamin did; but I was present. Constable Healy was on his right side. The other constable looked over him. Benjamin handed all the papers to Constable Healy, who put them in his satchel, and took them away.

176. Did he bring any newspaper out of the drawer?—No.

177. Any dynamite fuse?—No.

178. Any caps?—No.

179. Then he left some things in the drawer?—Yes, a cocoa-tin containing money, dynamite fuse, and caps.

180. Did you ask for the powder-flask that day?—No; I do not remember.

181. Did you ask for the gun-caps?—No.

182. For the wads or the wadcutter?—I did not ask specially for anything; we searched for them, but not specially for them.

183. Did you get any other papers that day?—No; that was the only paper.

184. The one taken by Constable Healy in your presence?—Yes.

185. Could you describe any of the papers brought away that day, by date or any other reference to them?—No.

186. Nor as to size?—No.

187. Did you mark any of it?—No; I did not take possession of it at all; it was pushed all together in Constable Healy's satchel.

188. *The Chairman.*] Did you not see the body at the Morgue when it was stripped?—No, I was not at the inquest at all.

189. Did Chemis show any signs of disturbance at all when you first went there?—No; he was very cool.

190. From your experience as a detective, did you think he was troubled in any way?—He did not show it if he was; he was very cool.

191. *Mr. Kelly.*] Can you explain why, in your capacity of detective, it never seemed to strike you to go and search for anything about Hawkings's house?—We were out there looking for what evidence we could find.

192. None of the police attempted to search the house of Hawkings to see if anything could be found to lead you to suspect any one in Hawkings's house?—Certainly, I did not suspect any one.

193. But why not search the house of the murdered man?—I made no search.

194. *Mr. Jellicoe.*] Did you search Bowles?—No.

195. Or Norman?—No.

195A. *Mr. Moore.*] You would not like to search any one without having some suspicion against them?—No.

196. *Mr. Kelly.*] I understand it is usual in cases where a man is found murdered outside of his own house—it is the usual practice for the detectives, whether any person is suspected or not, to make a search of the premises of the murdered man?—I do not know that it is usual; it all depends on the circumstances of the case.

197. *The Chairman.*] You stated in your evidence before the Supreme Court, "I cannot say I saw Thomson put the paper in the envelope." This morning you say you saw him "put the paper in the envelope." Can you explain the discrepancy?—To the best of my belief he was in the kitchen when I saw him with a pencil in his hand. I cannot go back to every little detail; it is three years back, and I have given evidence in hundreds of cases since.

198. Do you not think that the evidence you gave three years ago would be most likely to be correct? You said there you did not see him put the papers in an envelope; or, rather, you could not say that you saw him put the papers in an envelope?—Yes; it would be more likely to be correct; but it was there (in the kitchen) I saw him separate the papers and private documents from the newspaper.

199. But in your evidence in the Supreme Court you say, "I cannot say that I saw Thomson" put the papers in an envelope?—My recollection is now that I did see him separate the papers and put them in an envelope which he took out of his pocket.

200. There is so much hinges on this that I want it cleared up. I want the Committee to understand whether you did see him or not. Whether the earlier evidence you gave was or not the more correct?—To the best of my recollection I saw him put them in the envelope.

201. *Mr. Earnshaw.*] Whereabout was that large piece of paper found—that large piece to which the other smaller pieces belonged?—I cannot identify any of the papers at all.

202. But there was a large piece of paper got out of Chemis's house; what part did it come from?—I cannot tell.

203. *Mr. Allen.*] You had some impression that the man had been shot?—Yes, I had; these pieces of blackened paper, from their appearance, seemed as if they had been shot out of a gun.

204. Did you search Chemis for blood-spots about his clothes?—Yes.
205. You did not find any?—No.
206. Do you remember if, when arrested, he had the same clothes on that he had on that day?—I could not say; I think he had.
207. *Mr. Lake.*] There are three separate lots of paper—one found on the road going to the scene of the murder; one placed in the handkerchief at Chemis's house; one the roll which you took from the children's room, which you carried home and gave to Benjamin at the station; there were no other lots; the pieces of paper you took from the road?—I kept possession of them until I handed them to Mr. Skey, and from him to Mr. Tasker by instructions from the Inspector.
208. You feel sure there is no possibility of a mistake about these papers?—Yes.
209. *The Chairman.*] Did you examine the clothes of the murdered man with reference to the stabs made through them?—No, Sir.
210. But you were employed in following up the case?—I was assisting.
211. Did you, after getting the stiletto, make any comparison between the coat and the other clothing of the deceased?—No, I did not; it was not prudent to interfere until after the report was made by the analyst.
212. Did you examine the two holes as to how they were made?—No, I could not give you any information on that.
213. Did it never strike you that Mrs. Hawkings, and at least two other persons, being anxious to make suggestions to fix the guilt on Chemis, that that circumstance was sufficient to afford some ground of suspicion?—There were other persons altogether outside of them.
214. You say there were other persons outside them who made similar suggestions?—I do not know that it is right I should mention their names.
215. *Mr. Jellicoe.*] Are you responsible for the disgraceful manner in which these clothes have been kept; they are all moth-eaten?—They have not been in my custody. I have not had possession of them.
216. Who has had possession of them?—I could not say.
217. *Mr. Lake.*] There were footprints, but you did not examine them?—There were a good many footprints.
218. But one of the persons called attention to footprints?—A remark was made about footprints.
219. But these footprints were not what induced you to go to Chemis's house?—No.
220. *Mr. Earnshaw.*] Did you examine the prints at all that would be made by Chemis's boots?—No.
221. The footprints you considered would be no guide at all to you?—No.

J. B. THOMSON, Inspector of Constabulary, sworn and examined.

*Mr. Thomson.* I do not know what is the object of sending for me to give evidence. If it be to go through the evidence which I have already given in this case, it appears to me monstrously unreasonable and unjust to suppose that after three years I should remember every minute circumstance; and then, if there were the slightest discrepancy, I should be confronted with the evidence I gave three years ago. I cannot pretend for a moment to remember all the small details.

*The Chairman:* It had been suggested in the course of this inquiry that the police themselves would like to give their statement in connection with the subject-matter inquired into. That was the reason why your attendance was asked in the first instance; and second, that there should, if possible, be no difference or discrepancy in the evidence which might not be cleared up.

*Mr. Thomson:* Since this inquiry started I have endeavoured to remember, amongst other incidents, who were with me when I took the papers off the gorse bushes, and I cannot for the life of me remember. I am willing to give such information as I can to the Committee. But I must draw the attention of the Committee to what, as I have already said, I consider is to a certain extent unfair and unjust. I may mention that at the trial I was subjected to a long cross-examination without my evidence being shaken.

*Mr. Gully:* I understood it was intended that the evidence to be given before the Committee was to be on fresh matter, and not as to the recollection which the witnesses might have of what facts had been already proved at the trial.

*Mr. Jellicoe:* I suppose Mr. Thomson will give us what information he can.

*Mr. Thomson:* I object to any cross-examination by Mr. Jellicoe; he has already connected my name with a charge of perjury which he knew to be false.

*The Chairman:* I may state that we are here to inquire into the circumstances of Chemis's case.

*Mr. Thomson:* I object to be cross-examined by Mr. Jellicoe, first because he has no right to do so; his certificate only entitles him to practise in a Court of law. This Committee is not a Court of law, neither can this Committee give him authority to cross-examine witnesses here against their will.

*Mr. Jellicoe:* That is for the Committee to say. I am here in support of this petition. The question is, whether I am entitled to cross-examine a witness. I maintain my right; and if I should maintain my right I shall cross-examine Inspector Thomson, and that fully.

222. *The Chairman.*] The principal point on which we wish for evidence, Mr. Thomson, is relative to some papers that were found in Chemis's house. Do you recollect certain papers being handed to you by Detective Benjamin?—Yes.

223. Did you at that time in the house mark these exhibits?—No; the papers themselves were never marked at any time from the time they were in my possession to the time of their being handed over to Mr. Tasker.

224. Did you take them out and examine them?—No; I took every care of them. No one else had anything to do with them until after I handed them to Mr. Tasker.

225. On your first visit you were not told of Hawkings having been shot?—I am not quite certain whether I was or not. I am not certain what induced me to give attention to the gorse bushes; but we were searching on the road, on the lower ground, when, in addition to some pieces of cloth, I saw pieces of paper which had all the appearance of having been shot out of a gun; this paper was in small pieces. I am not sure, after this lapse of time, whether I heard anything about shooting before or not.

226. Where did you mark the envelope with the pieces of paper in it which you took from the scene of the murder?—On the spot. They were very numerous; I do not know how many at this moment. I had my letters in my pocket. I took one out of the envelope and put the paper in it, writing the word "gorse" on it and the date.

227. When you got the exhibits at the house did you treat them in the same way?—I do not think I marked them till I got out of the house; I put them in an envelope, and then put them in my pocket. One lot I got from Detective Benjamin I put in my pocket, but a different pocket. It was in my office that I wrote on the envelope where they came from.

228. Did you take any other papers than those you found?—Those I found on the gorse bushes; it was from the lower ground I commenced.

229. Where did you put these?—They were all in my hand. I kept them together. The fragments of paper on the lower ground were very small. I am not sure whether Carroll had not been there earlier in the day.

230. Then you may have taken them earlier in the day?—No, certainly not. As to those found in the gorse, it was then I formed the theory that a shot had been fired. A person stooping down and firing a gun, the wind would possibly blow the paper against the gorse.

231. Did you inspect the body after it was taken to the Morgue?—The body had been taken to the Morgue the previous night.

232. Did you see the wound?—Yes; I saw it at the inquest. I went in with the jury to see the body.

233. Did you think the stiletto produced would cause those wounds?—I never attached much importance to that.

234. The gun?—I have no doubt the gun used was fired at close quarters, whoever fired it; there was such a large portion of the paper blown into the wound.

235. In the evidence given by the doctor, he says that the shot was only 2in. into the back, and that he could have run a good distance?—The doctor may have expressed that opinion. I could not say that he would run far. It must have been fired at a very short distance. In this case there was shot as well as bullet. The shot would scatter; that would perhaps explain the fact of a great deal of surface being affected.

236. Did you examine the clothes minutely for blood spots?—I did not, but an officer did by my direction examine them in my presence.

237. From Chemis's demeanour did you form any opinion as to his being the culprit?—The opinion I then formed has been since greatly strengthened: it was that both himself and his wife fully expected our visit, and had arranged to say nothing at all to us.

238. *Mr. Jellicoe*: I consider this is quite irrelevant; Mr. Thomson's opinion may be right or wrong, but we have nothing to do with his opinion.

239. *Mr. Earnshaw*.] With regard to that large piece of paper, did all the pieces fit in with that? Can you say what part of Chemis's house they were brought from?—I cannot say where they were found; they were brought to me from an inner room. Detective Benjamin brought them to me. I cannot say whether they came from a drawer or from a shelf.

240. There were some pieces again found on the road and put into an envelope: is it possible that these separate papers could have been mixed up? Could the pieces said to be found in the house come from the road?—No, certainly not. All those pieces I took from the gorse bushes were punctured; they were torn. I had some difficulty in getting them from the thorns: that gave them a distinctive appearance as against any large paper. The apertures formed by the thorns were quite visible. I could get evidence of the state they were in when I gave them to Tasker.

241. *Mr. Lake*.] Is your recollection clear that they were taken away from the house: there were pieces of paper that were placed in a handkerchief?—They brought to me in a handkerchief pieces of newspaper, also documents; the stiletto and other articles came to me tied up in this handkerchief. I went to look through these documents to see whether there was anything necessary to be retained. I put aside and retained the pieces of newspaper, and I put the documents on one side; they were afterwards tied up in the handkerchief; we took from a coat hanging behind the door some other pieces of newspaper. These papers were kept in my breast-coat pocket; the papers got from the gorse I took in my coat-tail pocket.

242. After the papers had been taken from the gorse did you attempt to make any examination on that day: did they spread them out?—No, I did not. I know very little about the papers taken from the house. I could give you no evidence about them; there were such a number of them that I did not mark any of them.

243. *Mr. Allen*.] There is no mistake about the papers you handed to Tasker?—Certainly not. No person saw those papers from the time they came into my possession until I handed them to him.

244. Did you look at them yourself?—Yes; once for a few minutes, but I never attempted to compare them.

245. This paper that was in your breast pocket, you are quite sure it was taken from the handkerchief?—Undoubtedly; there was no chance of their getting mixed.

246. *Mr. Jellicoe*.] Will the witness swear that this piece came out of the handkerchief?—The papers brought away were handed to Tasker in the state that I got them.

247. If the witness looked at the paper in the envelope he could say whether there was a piece

in it of this size?—There were pieces of all sizes. I could not now say whether it was this or the other.

248. *Mr. Lake.*] The only papers you attempted to examine were those which came from the gorse-bushes?—Yes.

249. *Mr. Moore.*] So far as you were concerned, when you marked them would you note who you got them from, if you had to hand them to experts?—I was not sure they would be required again. I locked them up. No one had access to them until I handed them over to the experts.

250. *Mr. Allen.*] You will swear that the newspaper was in the handkerchief?—Undoubtedly; it was all handed to Tasker.

251. I want to know whether you are sure there was the newspaper in the handkerchief?—Oh, yes; when I came to the printed matter I put the pieces aside, but the documents found I saw there was no necessity for keeping. It was then I put the pieces of printed papers in the envelope.

252. *Mr. Jellicoe.*] Would the witness say whether there was a piece as large as this (No. 6) in the handkerchief?—I cannot say, except that what I took never went out of my possession.

253. *Mr. Allen.*] How was the envelope marked?—“Taken from the bedroom” was on one. “Taken from Chemis’s coat-pocket” was on the other.

254. *The Chairman.*] That was done after you returned to the station?—Yes, some time the same evening, in my office. I did not know they would be required again; I did not think it likely they would be.

255. You did not think there was need of any special care?—I did not know. I had in my mind’s-eye another case that occurred at Bendigo. The guilt was brought home to the accused in that case by a piece of paper.

256. *Mr. Lake.*] What was done with that large piece (No. 6)—was that marked and handed to Tasker?—That was at the left-hand side. Benjamin handed it to me, with other pieces, in the handkerchief.

257. Would you conclude that if he took it from the envelope and marked it that it undoubtedly came out of the handkerchief?—The envelopes had got worn. I put them into new envelopes; they were in small envelopes. I put them in fresh envelopes, and put the same superscriptions on them.

258. *Mr. Earnshaw.*] With regard to the pocket-book, did it not appear singular to you, looking back and seeing that no search had been made of Hawkings’s house, nor of those persons found near the body, that no such search had been made?—It is a most unusual course to search the wife of the murdered man. If the wife had afterwards been found to have any connection with circumstances in which the murder originated, that might be done; but in these circumstances it would have been very unusual.

259. But there was not only the wife of the murdered man, there were other persons living at the house. Did it not suggest itself to you that it would have been wise to have searched them?—There was no suspicion attached to Bowles or the others at the time, nor since.

260. *Mr. Kelly.*] Do you state that it is a most unusual thing to search a murdered man’s house?—Under those circumstances. We had no suspicion of any one in the house.

261. No suspicion until certain circumstances were suggested to you?—Had there been anything definite to lead us to suspect any one in the house of the murdered man we would have searched it; but, in the absence of any suspicion, it would be an unusual course to take.

262. If a suggestion had not been thrown out as to the guilt of a particular person, is it probable it would have struck you so as to suggest itself that you would have considered it a part of your duty to have searched the house?—Possibly, under such circumstances, in a case like the present; but there was no reason for suspecting any one in their house; and unless there was something to attract suspicion to the murdered man’s house, it would certainly have been a most unusual thing to do.

263. Would you have considered it your duty to have searched the house supposing nothing had ever been said about Chemis?—If there was anything to lead us to suspect any inmate of the house; but as the murder did not take place in the house, but in the road, altogether off the premises, there was nothing to induce us to search the house.

264. Suppose Mrs. Hawkings had never suggested any one as being the guilty party?—I believe that it was in consequence of what she said that our suspicions were first attracted to Chemis, but at this lapse of time I am not quite certain.

265. Did you think that you were quite right in never searching the murdered man’s house to see whether you could find there any evidence of the crime?—With the knowledge I have now, and had then, there would be nothing to justify us in making a search of the murdered man’s house.

266. But you did not search it?—It is a most unusual course to take to search the house of a murdered man in such circumstances. This man was murdered on the road; unless some circumstance pointed to some person in the house as being in some way connected with the murder, it would be an unusual course to take.

267. *Mr. Earnshaw.*] The first evidence you had was that of a person in his house?—His wife.

268. Would not that be a reason why, on the face of it, those persons who are first concerned should be the first persons required to give some account of the matter?—There was nothing which had transpired at that time, or since, that would lead us to suspect his wife.

269. *Mr. Kelly.*] But you took down what Bowles said?—No, I did not.

270. There was a certain piece of money in his pocket?—That I would not say.

271. It never seemed to strike the police that he could have had anything to do with it?—We were not guided by anything he said, or what was his relation to the murdered man. I think that the suspicion that Chemis committed the murder came from Hawkings’s widow.

272. *Mr. Earnshaw.*] No persons would be so much interested in that pocket-book as the



persons who were living in the house of the murdered man?—There was nothing that transpired at the time to draw my suspicion towards any one living in that house, nor from what I have since heard has anything transpired to cast suspicion on those persons. The widow suggested Chemis; she never suspected any one else so far as I am aware of.

273. *The Chairman.*] When the papers were handed to you by Benjamin, did he say whether he got them in the drawer?—Some were found in the drawer, some on a shelf.

274. Did you ever form any idea as to the time it would take Chemis to get from his house to the scene of the murder?—For a man who knew the locality it would not take very long. The locality must have been well known to Chemis. His cattle were running there. The locality would be better known to him than to most people. I went over the ground, but made no computation as to time. Some one went over the ground afterwards and made a computation of the time occupied, but I cannot speak with any certainty about it.

275. *Mr. Lake.*] It was purely from the statement you got from the widow that you formed the suspicion of Chemis—there was no preconceived notion in your mind about it?—No; they were both strangers to me—I knew nothing of them.

276. It was not a mere fancy because he was a Frenchman?—I had nothing whatever to do with that. Possibly I am safe in saying that it was from what the widow told me.

277. Had you information from others?—I am not sure; I fancy it was principally from what the widow told me at the time.

278. You are in a position to state absolutely that it was not from the mere guidance of any footsteps that you went there?—No.

*Mr. Jellicoe:* Now, Sir, I claim the right of cross-examining the witness, and I intend to cross-examine very fully. The Committee will remember that Inspector Thomson was the principal witness for the prosecution.

*Witness:* I object to it as most unfair to cross-examine me upon a mass of detail that occurred three years ago; I also say that the Committee cannot give Mr. Jellicoe the right to cross-examine me: that is my contention.

*The Chairman.*—I am under the impression that the solicitor who attends on behalf of the petitioner has always been accorded the right to cross-examine.

*Mr. Jellicoe:* I claim the right; and if the Committee have the right, I would ask them to exercise it. If I get the right I mean to examine very fully.

*Mr. Thomson:* The department has declined to grant the assistance of counsel, and I cannot myself retain the service of counsel. The application was made to the department for representation by counsel: it was not made by me. I did not ask it for myself. I made no application, but the application was sent through me from Detective Campbell, who requested that he should be allowed counsel.

*Mr. Jellicoe:* If the Committee think I have no right to cross-examine, I must submit, but I claim the right to examine and cross-examine to the fullest extent.

*Mr. Thomson:* I object to be cross-examined after the lapse of three years; besides, I have been grossly insulted by Mr. Jellicoe.

*The Chairman:* I must say that is outside the investigation which the Committee has to make.

*Mr. Jellicoe:* Whatever I have done I have done in the performance of my duty.

*Mr. Thomson:* What I did was in the performance of my duty also. I contend that Mr. Jellicoe has not the right to cross-examine at an inquiry of this kind. The Committee has no power to allow it. Of course I speak with all deference to the Committee. I am simply doing what I think is necessary.

Constable LAWRENCE CARROLL sworn and examined.

279. *The Chairman.*] There is a petition before the Committee from Mrs. Chemis. We have gone through the evidence you gave before the Supreme Court, also, I think, in the Resident Magistrate's Court. The principal point on which the Committee wishes some explanation has reference to the papers found in the house of Chemis at the time the first search was made. Can you tell the Committee about this, commencing with the scene of the murder?—I found certain pieces of paper on the road, along with some others.

280. What day was that?—The morning after the murder.

281. What time did you arrive there?—Between 7 and half-past 7 o'clock; perhaps I might say that it was about fifteen minutes past. We started from Thorndon at 6 o'clock in the morning. We walked there, myself and Constable Healy.

282. What did you do with the paper?—I found some paper, and pieces of tweed from the lining of his pocket; that was all that day. Where the body was found, we found two buttons.

283. What did you do with the paper?—I rolled it up, and put it in my pocket. I took it to the police-station afterwards. I was instructed by Mr. Thomson to bring it to Mr. Skey, at the Museum. I did so. A few days afterwards I took it from there to Mr. Tasker, in Government Buildings; that is all I have ever seen of it since.

284. Was it after you got to the scene of the murder you went to the house of Chemis?—I went to the house in company with Detective Campbell, Detective Benjamin, and Constable Healy; that was on the 5th, the morning of the day that he was arrested.

285. Not before?—No.

286. You were not present at the first search then?—I think not. I believe that Mr. Thomson and Detective Campbell were there.

287. On your first visit to Chemis's did you take any paper out of the house at that time?—Yes; I took a piece of paper out of the pocket of a pair of trousers that were hanging on the wall. I took it home that evening. I gave it to Benjamin.

288. Was Mr. Thomson there then?—No, he was not there then.

289. Was that the only piece of paper?—The day he was arrested I picked up a piece on the road, as I said before.

290. Did you mark that piece of paper in any way?—No, I did not.

291. *Mr. Earnshaw.*] What size was it?—It was about the size of the palm of my hand. [The witness indicated the size on his hand.] I do not think I would know it again.

292. *The Chairman.*] Did you find any other paper about Chemis's house?—I did not, but the other constables picked up some papers in the drawers, like receipts and other things.

293. Did you see what they did with these papers?—Constable Healy had a haversack on him, and they were put into it.

294. Not distinguished in any way by being put into envelopes at the time?—No, I do not think so.

295. Did you go from the sitting-room into the bedroom?—I think we went to the bedroom first, and from there into the sitting-room.

296. Was Chemis at home then?—He was arrested at that time.

297. Did you see the other constables taking the papers out of the drawers?—Yes; I saw Benjamin take out some.

298. What kind of papers?—They were like receipts.

299. *Mr. Allen.*] Pieces of newspaper?—I could not say whether they were.

300. Did they seem to be much concerned?—She (Mrs. Chemis) did not seem to be much. She was behaving as if it were a joke. She was pulling Benjamin by the coat-tail.

301. *Mr. Earnshaw.*] That was not the act of a woman who had a suspicion of her husband being guilty of murder?—I would not like to give an opinion on it. I do not know what to say about it. I thought it very singular at the time that her husband was charged with such a serious offence.

302. *Mr. Jellicoe.*] Who was the first person connected with Hawkings's household that you met?—The first man I saw after passing Dimock's slaughteryard, about 100 yards beyond where the blood was on the road, was a man named Bowles.

303. What was he doing?—He was standing on the road.

304. Waiting for you?—No; he did not appear to be waiting for us.

305. *The Chairman.*] What time was that?—It was about 7 o'clock; perhaps ten minutes past 7.

306. *Mr. Kelly.*] Was he simply looking around him?—He was just looking about the road.

307. *Mr. Earnshaw.*] Had you any conversation with him?—I believe I spoke to him. I could not say at this time what he said to me or I said to him. I could not recollect.

308. *The Chairman.*] Were you present at the inquest on the Monday?—Yes.

309. Did you see the body after the clothes were removed?—Yes, at the inquest; that was the day after the murder.

310. Have you seen the stiletto that was taken out of the house?—Yes.

311. Do you think the wounds on the body were made by the stiletto?—Yes, from the way the doctor inserted it, I should think they were.

312. Could you tell the Committee if all the paper that had been found up to that date (on the Monday) had been produced at the Coroner's inquest?—I do not know: I was not at the inquest; that is, I was there, but I had to remain outside.

313. *Mr. Lake.*] I see by your evidence that you state there was a mark of blood on the coat; did it appear to be fresh?—It did not appear to be fresh.

314. As regards the papers you picked up on the road side, what did you do with them?—I put them in my pocket, and kept them there till I went home, when I locked them in a box there; I then brought them, by order of Mr. Thomson, to the Morgue, where the inquest was first held.

315. Nobody saw them?—Nobody saw them.

315A. They were not shown at the inquest or anywhere else?—The ones I had were not.

316. But you had them in the Morgue?—I took them to the Morgue, but I had them in my pocket.

317. You said you had them in your hand?—Yes, I had them there.

318. Were they in an envelope or loose?—I had them rolled up.

319. There was no possibility of their getting mixed with others or dropped?—No, there was not.

320. *Mr. Earnshaw.*] On the morning you went to the scene of the murder, was there any conversation in regard to searching Hawkings's house?—I had no instructions to search Hawkings's house. I was sent out by Sergeant-Major Morice to take a view of the place, and pick up anything I could find.

321. Did it not suggest itself to you at the time that you should go to Hawkings's house?—No.

322. Or to go even up to the door, or as far as the house, in search of evidence?—No.

323. *The Chairman.*] Were you referring to the same papers when you stated that you only gave one portion of the papers to Mr. Tasker?—Yes; the same pieces.

324. *Mr. Lake.*] Did you tell Benjamin you thought the paper had been fired out of a gun?—I said so, but I do not know whether I said it to Benjamin.

325. Was Dr. Cahill at the Morgue?—I think Dr. Cahill was at the Morgue: we met him there.

326. Did you speak to the doctor after he came there about shot-wounds?—Benjamin went away when the first message was sent out. I believe I did say something about shot-marks.

327. Did Benjamin go away with the impression that the wounds were stabs before you drew attention, from what you had observed of it, to the probability of the paper having been fired out of a gun?—Yes; I believe he did. It was only stabs that had been seen then; it was not until the body was turned over that the shot-marks were seen.

328. Was that on the evening of the 31st?—No, it was next day.

329. On the 31st of May it is stated that Constable Carroll saw the body about 9 o'clock at Dimock's. Did you notice the shot-marks then?—He was lying there on a stretcher. He had just been taken from the scene of the murder to Dimock's. It was made out to be an accident at first. I thought myself it was accident. I had not any conviction at the time that it was a murder.

330. *Mr. Allen.*] You spoke of nine pieces of paper on the ground: what size were they?—They were all small pieces.

331. Were they anything like this. [The attention of the witness was directed to the exhibit.]—Yes.

332. You could not describe it?—No.

333. How could you think it was a murder if the reins were tied up?—I did not notice that the reins were tied up.

334. Was the paper blackened?—Yes, there was a particular piece blackened.

335. What size was it.—It was a small piece.

336. Blackened in what way?—It was blackened apart from the print, as if blackened with lead.

337. *Mr. Jellicoe.*] You could not identify it again?—No, I could not.

Constable HEALY sworn and examined.

238. *The Chairman.*] Can you identify the date? You say in your evidence before the Supreme Court, "blank" day of June, that you went to the scene of the murder with Carroll?—It was on the 1st day of June; it was on a Saturday morning.

239. What house do you refer to in your evidence?—Hawkings's house.

240. Can you tell the Committee what pieces of paper you picked up on the scene of the murder?—I picked up several pieces of paper, also a piece of cloth, and a button, and two stones with blood on, about 17 yards from where the body was found.

241. Were they all pieces of newspaper?—Yes.

242. About what size?—Small pieces; some of them were about  $\frac{1}{4}$  in. square: some perhaps 1 in. square.

243. *Mr. Jellicoe.*] Would you know them again?—No, I could not swear to them.

244. *Mr. Allen.*] Was there anything peculiar about them?—I saw that they had been used for a gun; some of them were blackened and some lead colour.

245. What did you do with them?—I gave them to Constable Carroll.

246. What did he do with them?—I do not know.

247. Did you put them in an envelope?—I gave them to him; he put them in his inside pocket, I think.

248. Just loosely?—Yes, I think so.

249. What day was it that you went to Chemis's house?—That was on a Wednesday, the 5th of June.

250. Did you personally find any paper at that particular time?—No.

251. Did you see any other person taking paper from any part of the house?—Yes; I saw Benjamin take papers from the drawer, some from the kitchen, and also some from the children's bedroom.

252. *Mr. Lake.*] What date was that?—That was on the 5th of June.

253. The second visit of the police?—Yes.

254. Did you go to Chemis's house on the 1st of June?—No.

255. Did you see any of these pieces of paper marked for identification in any way?—No.

256. Neither of those found on the scene of the murder or in the house?—No.

257. *Mr. Kelly.*] You say in your evidence that Benjamin fired some shots?—He fired the revolver; he shot at the rock.

258. Do you know whose revolver that was?—It was Benjamin's revolver.

259. *The Chairman.*] Were you present when Chemis was arrested?—No.

260. *Mr. Allen.*] It was the drawer on the right-hand side that was searched?—Yes.

261. Was it locked?—No, not when I went into the room.

262. What was found in it?—A revolver, some papers, a small cocoa-tin.

263. What papers?—Documents, and loose, I think.

264. Any newspaper?—No; no newspaper.

265. What else?—Two packets of salts and some bullets, and a piece of fuse.

266. Any wad-cutter?—No.

267. Any gun-caps?—No.

268. Are you sure of that?—I am sure of that.

269. Who else was there besides you?—Detective Benjamin, Detective Campbell, and Constable Carroll.

270. There were four of you?—Yes.

271. You searched the drawer well?—Yes; I was standing close to Benjamin when he searched. He handed them to me. I put them in my satchell, and handed them over to Detective Benjamin at his office in Wellington.

272. *Mr. Lake.*] Do you feel sure that if those articles had been there you would have seen them?—I am positive we would.

273. Dimock picked up some paper?—He gave me some, and I gave it to Carroll.

274. *The Chairman.*] Did you ask any one where the powder-flask was?—I might have done, but I do not recollect; the first place we went to was the right-hand top drawer.

275. *Mr. Lake.*] All the papers were given to Carroll?—Yes, on the morning of the 1st.

276. *The Chairman.*] Who was in the house when you went there?—Mrs. Chemis and a sister of hers, I believe.

277. Not Chemis?—He was arrested in the forenoon.

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

the petitioner's advisers that there was no possibility of such a mistake as would account for the triple coincidences with regard to these pieces of paper, until this matter came before you. They have admitted that that was so. The petition itself shows this conclusively. Now, no doubt, they modify their suggestion. Substantially, they attempt to withdraw the charge of perjury, and say there was a mistake. I desire to say nothing more with regard to the evidence, as I have already pointed out that an analysis of it has been given by Mr. Bell, in which he draws all the fair inferences that ought to be put before you so far as they make against the prisoner. I have only to add that it is of vital importance that the administration of justice should not be unduly interfered with. If this Committee adopt the suggestion that they ought to be an irresponsible Court of Criminal Appeal, I would like them to consider where it is to end. If Chemis is entitled to destroy, or to attempt to destroy, the whole of the proceedings of all the law-courts of the land, then every other convict in Her Majesty's gaols will be entitled to the same privilege. It may be, if this Committee, looking at the whole of the evidence, were forced to conclude that there had been a flagrant miscarriage of justice, they would be within their function in recommending to the Executive that the prisoner should be pardoned. I do not think this should be so; but, at all events, unless you are satisfied there has been something of that kind brought before you—something more than mere doubt as to the weight of testimony given before another and a competent tribunal—you should, I submit, use the utmost caution before even assuming a right to disturb and reverse the decision of Judge and jury. Even where the evidence is fairly balanced it would be most dangerous to set up a tribunal such as this is as an ultimate Court of Criminal Appeal. Even if you are prepared to exercise this function I put it to you that there is nothing in this case which amounts to such a flagrant failure of justice as to call for the intervention of this Committee. The case has already received full attention from the Executive Government; it has been submitted to the Governor in the usual way, and the prerogative of the Crown has been already exercised. Probably, until recently the Committee would have said that it had no business with questions of the Crown's prerogative. It seems to me utterly out of place that a Committee of the House should not only Act as a Court of Appeal, but also usurp the function of deciding that which is purely a question of the Crown's prerogative. There is, however, no doubt that recent regulations alter the position. I understand that now the Governor in exercising his prerogative acts upon the advice of the Executive. Therefore it may be said that you are performing a function of the Executive of the colony, as it were, by deputy. But, even if you go to that length, I still say it is of vital importance to the administration of justice that you should not constitute yourselves final judges of law and fact, forming conclusions upon inadequate material, and upon an inquiry necessarily conducted in a loose and unsatisfactory manner. You should not reverse the decisions of the legal tribunals of the colony at all, and certainly not unless there is a case of absolute emergency made out before you. I have only one more observation to make. With regard to the evidence itself, some witnesses have been called before who have given testimony as to the various theories which have been formed as to the manner in which and the persons by whom this crime was committed. First, I say it is beyond your function to re-try Chemis, or any one else, upon the charge of being concerned in the murder. Theories as to the manner in which Hawkings was killed can be of not the slightest importance.

*Mr. Jellicoe*: It would be admissible before a jury.

*Mr. Gully*: Undoubtedly the main evidence against Chemis is the evidence of these papers. There are certainly corroborative circumstances which would receive due consideration. That all depends upon evidence of fact. It seems to me carrying the thing to absurdity that you should be expected to carefully consider theories as to what might, or might not, happen, when you have evidence of fact as to what did happen. I have nothing more to say, except again to ask the Committee, in considering this matter, to carefully bear in mind that they are asked to interfere with the conclusions, and overturn the decisions, of all of the recognised established, and, I may say, competent legal tribunals of the colony, and to usurp the prerogative of the Crown.

*Mr. Jellicoe*, addressing the Committee, said: In addressing you, in reply, on this case, I accept the position to some extent which *Mr. Gully* has pointed out. He says, as I understand him, that the Crown Prosecutor relies on the analysis of the evidence and arguments submitted to the Committee by *Mr. Bell*. It will therefore be necessary for me to review, as briefly as possible, some of that evidence, and certain portions of *Mr. Bell's* argument. First let me deal with the shot-pouch and knife found by *Mr. Low*. *Mr. Bell* said on the 13th of September, "We were able to prove that they were Chemis's." He is referring to the period when he was defending Benjamin on the perjury charge. He goes on to say, "Now, you must not take that as from me; the sheath and the knife can be proved, as I understand, to be Chemis's; both shot-pouch and knife are perfectly well known in Kaiwarra. The question is, if this knife is Chemis's; not whether it is the knife with which the murder was inflicted, but whether it is Chemis's. Both Chemis and his wife say that Chemis had no sheath-knife." Now, *Mr. Bell*, on the perjury charges, said the same thing, with this difference: that he then claimed that the articles found by *Low* were genuine, and were the articles used by the murderer in the commission of the crime. You will remember that *Mr. Gully* threw out a similar suggestion on the examination of *Mr. Richardson* (page 27, paragraph 26). I met the challenge as I met it in the Resident Magistrate's Court. I handed to *Mr. Richardson* the knife referred to, who, after stating that he had seen a drawing of it before in the hands of *Sir Harry Atkinson*, said that the knife could not have made the cuts in the deceased's collar or at the back of the neck in the coat. [Paragraphs read.] You will remember that *Mr. Bell* did not give evidence here on this point with reference to this knife (page 37) for at least a fortnight after *Mr. Richardson* had given his evidence, and that circumstance, I venture to suggest, accounts for the change of front in reference to this knife. How was *Mr. Bell's* suggestion met during the investigation in the Magistrate's Court in the perjury charge against Benjamin? It appears at page 99 of the depositions. That on the 28th August, 1889, *Frederick Greaves* was cross-examined by *Mr. Bell* in reference to

the articles Low had found. By that cross-examination Mr. Bell for the first time suggested that the articles could be proved to be Chemis's, and he mentioned certain names. I immediately sent a cab for each person Mr. Bell had named, and I placed each in the witness-box without a moment's delay. [Evidence read of Greaves, Hodge, and Round.] Hodge said, further on, that he had seen Chemis with a gun, but never with a knife. The suggestion of the police was that a knife which had been used in the Kaiwarra tanyard had been found in Chemis's house. The Committee will see from the evidence that that was a distinct statement. The questions put by Mr. Bell were: "You at work at the tanyard: did you not see one of the knives that had been used at the tanyard at Chemis's house?"—Answer, "No." "Have you not had the knife found by Low described to you?"—Answer, "No." "As a tanyard knife?"—Answer, "No." Then, being re-examined, he said, "I heard a rumour that a knife and shot-pouch had been found near the scene of the murder." He said he had heard Hodge's and also Gibson's name connected with it. Now, the Committee will see that I then put into the witness-box the very persons whom Mr. Bell said could establish his allegation that the articles were in Chemis's possession a short time before the murder. I did not wait for the Magistrate to call on the police for their defence. I accepted Mr. Bell's challenge that I should put them in the witness-box as witnesses, and I did so quite irrespective of the effect of their evidence. Gibson described the shot-pouch he borrowed from Hodges by a picture stamped on the side of it. [Gibson's evidence read.] His description of the shot-pouch does not answer the description of the shot-pouch found by Low.

*The Chairman:* To what are you leading up to now, by reference to this shot-pouch? I thought you were going more into the question of the knife.

*Mr. Jellicoe:* Mr. Bell relied on both, and suggested that if you were satisfied the shot-pouch was at Chemis's, as alleged, then you would have no difficulty in concluding that the knife found came from his possession also. Moreover he said, "The knife is perfectly well known to every one in Kaiwarra." The Committee are aware that I have been prepared throughout this inquiry to meet that allegation. If my friend had chosen, in the interest of the Crown, to call any of these witnesses which he said were able to prove that this shot-pouch or knife ever was in Chemis's possession he could have done so. Why have they not called all Kaiwarra? If they possessed any evidence I say it was incumbent on the Crown to call it.

*The Chairman:* You are still referring to the shot-pouch found by Low?

*Mr. Jellicoe:* Yes. Round could not say whether the shot-pouch he was speaking of had a picture on it or not; and then Mrs. Chemis is recalled (page 103), and she said she never saw any other shot-flask in her husband's possession except the one which the police took away. Then, being cross-examined by Mr. Bell as to the knife, she answers that she never saw a sheath-knife, or a sheath for a knife. She says, "The knife I produced"—the kitchen knife—"I gave to Mr. Jellicoe. I used it several times." Mr. Bell cross-examined in reference to even that knife. He asks her, "How many times did you use it? Where, and when, did your husband buy it?" She answers, "Some years ago. She could not say how many years. He cut pigs with it. He bought it in town." You can form an idea of the nature of the questions from the answers she gave, and the manner in which they were pressed. "There was no other house-knife like that. She had never seen a knife sharpened at both sides in the house at any time."

*The Chairman:* Is the knife she refers to one of the exhibits?

*Mr. Allen:* It was a kitchen-knife. That seems to me to be perfectly immaterial.

*Mr. Jellicoe:* No doubt. I grant it is immaterial; but when, on behalf of Benjamin, such questions were very much pressed, whether material or not, the Committee can see the length the police and their advocate were prepared to go to, and the weakness and shallowness of their case.

*The Chairman:* I think you should deal with the more material evidence—

*Mr. Jellicoe:* Mr. Bell then says that after this evidence was given by Hodges, Gibson, and Round, there was a change of front on my part; that I communicated with him; and with an air of mystery he said, "I will not say what that communication was, because to do so would amount to a breach of confidence." Gentlemen, you will remember that I offered to waive any objection to the disclosure of my communication provided Mr. Bell permitted me to explain the communication which he made to me. Your Chairman interposed, but you will please bear in mind that at the time Mr. Bell is speaking of the libel action, *Bell v. Jellicoe*, was pending. You have only to consider the course of the evidence offered on the 28th of August to see if there is the slightest ground for the innuendo made by Mr. Bell. Why, directly the imputations connected with the shot-pouch and knife were made they were refuted. After the witness Round was examined, on the same day, and without a break (page 103), he was immediately followed in the witness-box by Low and by Warder Coyle, the person who had searched the spot where the articles were found, on behalf of the Crown, a few days previously, and also by Mr. Glascodine, who gives the result of Tolley's examination of the contents of the shot-pouch. Also by Mr. Skey (page 105); and I venture to think the Committee will find that I was uncommonly expeditious and diligent in getting all these witnesses to the Court and examined immediately after the allegation was made by Mr. Bell. The Committee will of course not infer anything against my client on this part of the case unless there is some evidence to support it. I now come to the consideration of the analysis of evidence submitted to the Committee by Mr. Bell.

*The Chairman:* What page?

*Mr. Jellicoe:* Page 81. But I should first draw your attention to page 80. At the top of the page Mr. Bell says, "I shall now briefly review the other evidence"—that is, the evidence "other" than the evidence of the paper, against the prisoner. First he says, "There is the place where the murder was committed;" and he goes on to make the following points: (1) a place very likely to have been chosen by the prisoner, (2) well known to the prisoner, (3) and easily accessible to the prisoner. Now, honourable members have had an opportunity of viewing the scene of the murder, and will be able to form an opinion—(1) whether it is a place likely to have been chosen by Chemis for this crime, if he were the murderer, (2) whether it was a place easily accessible to Chemis

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  $5\frac{1}{2}$  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  $1\frac{1}{2}$  in. wide, while the stiletto was but  $\frac{3}{4}$  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,



after the death of a plaintiff, can be revived by his representatives. The judgment would have to be given by the Judge in any case if the representatives of a deceased plaintiff require it. Here the judgment was never given. The representatives of Hawkings have evidently not been over sanguine as to the result, and consequently they have not revived the action or asked for the judgment, and none has been pronounced. Why then should it be assumed that if given it would not pass in Chemis's favour, or that he had anything to fear from it? These observations, I think, effectually dispose of Mr. Bell's fifth point. Then as to the statement made to Durrell and Harlen. Mr. Bell has on this inquiry substantially admitted that had Holmes been called this part of the case for the prosecution would have been destroyed. He says the jury would have been entitled to draw a different inference if Holmes had been called.

*Mr. Allen*: Where is that?

*Mr. Jellicoe*: It was in answer to me. I said to Bell, do you not think that if they had Holmes's evidence before them it would have destroyed the inference you asked them to draw from Durrell's. Holmes says that a week before the murder took place, there or thereabout, the suggestions of which Durrell speaks had ceased to exist. Mr. Bell answers, "I think it is probable that as far as Durrell's evidence had any weight, had Holmes been called, it might have made some difference." The next point has reference to the pocket-book. Mr. Bell says, there was "the fact that the pocket-book containing Native papers was the only thing missed: Mrs. Hawkings says the land let to Chemis was a sublease of a Native lease." The only evidence on that part of the case is that of Mrs. Hawkings (page 11, H.-33), in her evidence at the trial in the Supreme Court. There is not another word throughout the whole of the evidence to support that statement. No description is given that would connect in any reasonable manner the "Native papers," if any, with the Native lease.

*The Chairman*: Do you think that material, seeing that no pocket-book has been found.

*Mr. Jellicoe*: The suggestion is this: the deceased had a pocket-book; in that pocket-book were Native papers; this man Chemis holds under a sublease from Hawkings of a Native lease; that Chemis and Hawkings are in litigation respecting the sublease. The inference suggested is, that Hawkings was murdered that Chemis might obtain possession of these Native papers.

*The Chairman*: No evidence has come before the Committee about this; but I think we can form a clear opinion upon it.

*Mr. Jellicoe*: I do not know what conclusion you will arrive at, or what inferences you may draw; the point seems to me, however, made without foundation, and I am obliged to point to the reasons for the view I take. Hawkings was seen by Cook, Taylor, and McGee (Durrell, pages 9, 10). Neither of these persons suggest that they saw him that day with a pocket-book or Native papers. There is no evidence that he was in possession of any specific Native papers at all, no evidence that such or such Native papers were in the pocket-book. We will assume that if the deceased, in fact, had any documents of importance, they would have been missed, and we should have had them described in some way, and connected with the lease under which Chemis held his farm.

*The Chairman*: I do not think the Committee attach much weight to that, for these papers could not affect originals.

*Mr. Jellicoe*: I am pointing out the way the Crown left the case to the jury. It is for the Committee to consider whether there was any justification for the unfounded suggestions unduly pressed upon the jury by those who were conducting the case for the Crown. The next point, as to the bullets, I have dealt with already. Next, it is said that one barrel of the gun had a wadded charge and the other a charge of shot rammed down with paper. Now, I ask, first, what evidence was there to warrant the jury being asked to draw an inference against Chemis from any such circumstance; and, secondly, what evidence was there that a wadded charge was, in fact, fired from one barrel and shot from the other? Again, if Chemis had premeditated this murder, why should he have taken a double-barrelled gun, a difficult weapon to carry over hills, and one that could be easily seen, when he possessed such a very handy weapon as the revolver produced, a weapon which he kept loaded for the protection of his household in consequence of the lonely condition of the spot where he resided? "Last of all," says Mr. Bell, "but not least, there is the absolute absence of motive in any other person, as far as we can judge." Honourable members have only to look at the evidence of Mrs. Bowles, given as it is against her own relatives, for the answer to that allegation; and bear in mind that a mother does not, except to prevent a grave injustice, come forward and volunteer her evidence as this old lady did against her son.

*An Hon. Member*: Son-in-law.

*Mr. Jellicoe*: No. George Bowles was her son and Mrs. Hawkings her daughter.

*The Chairman*: But her evidence was to this effect: that Hawkings did say, "If George Bowles came upon his property he would shoot him down like a dog."

*Mr. Jellicoe*: But she was pointing to a motive in her son, and was stamping her daughter as a witness of untruth. It has been said those people were a "happy family," but this old woman absolutely establishes the contrary when she swears that Hawkings had threatened his wife that he would shoot her brother "down like a dog." Next, says Mr. Bell, "We do not know what clothes he was wearing, or whether these clothes are still in existence." Is there any doubt on that part of the case? I would ask the Committee to look to the evidence of Mary Anne Holmes, a person in no way connected with the other witnesses of the same name. At page 43, Parliamentary Papers, (H.-33, 1889), at the bottom of the page she says [evidence read]. She proves that Chemis on the 1st June was wearing the same clothes he had on the evening and afternoon previously. The next witness is John Lambert, who saw Chemis outside the Rainbow Hotel in the afternoon of the 31st May, and he describes the clothing Chemis was wearing. The Committee will also bear in mind that since Chemis's arrest his clothing has been in possession of the police. [Evidence of Lambert read.] The Committee, therefore, have the distinct evidence of independent witnesses that the clothing Chemis wore on the day and day after the murder was the clothing he was wearing when arrested. You have also evidence of Chemis and his wife to the same effect. The

evidence of the police establishes the fact that he was wearing, when arrested, the same clothing he was wearing on the 1st June. Moreover, the witness Caplin, called by the Crown, who had been working with Chemis on the day of the murder, had an opportunity of observing the clothing Chemis was then wearing. The police, no doubt, inquired as to the description of the clothing he was wearing; and yet neither Caplin or any other Crown witness suggests that the prisoner was wearing on the day of the murder different clothing to that worn on the day of his arrest; and notwithstanding the Crown Prosecutor pressed very much at the trial this observation: "We do not even know whether there were any clothes in existence, or if there were where they were." But they might, at least, have made some inquiry. Then, says the learned counsel for the prosecution, "There was no powder found. Yet he had loaded his gun shortly before to fire at quail. Where is the powder-flask? Where that is will also be found the balance of No. 4 shot." I will deal with that observation later on. Mr. Bell says, on the next page (81), there is no evidence as to the prisoner's whereabouts at the time of the murder. "Evidence could have been given; it has been withheld." He then refers to the prisoner's children as of an age able to give evidence. He admits that neither Chemis nor his wife was able to give evidence. This statement no doubt prompted the prisoner's counsel not to ask Mrs. Chemis the age of the elder child.

*The Chairman*: She was eight years old.

*Mr. Gully*: Nine next birthday.

*Mr. Jellicoe*: No doubt Mr. Bunny could have called the eldest child. She was in law a competent witness, but the Chief Justice, in his summing up, deals with Mr. Bell's remarks as to the absence of the children's evidence. "His Honour (I am reading from the newspaper report Mr. Bell produced) referred to the not calling of the child of nine years of age, who, it was suggested, would have been able to say that the prisoner was at home at a quarter to 6 o'clock. This murder must have been committed within a quarter or ten minutes to 6, and His Honour pointed out that if the child had been called and she had said, perhaps, that he went out to milk and was out, say, for half an hour or an hour, that would be taken as evidence against the prisoner. Therefore, why should the prisoner call evidence from his own family to show what was the truth and which might lend support to the prosecution?" That was the manner in which the learned Judge dismissed the suggestion of Mr. Bell. My learned friend, Mr. Gully, has had experience in the conduct of the defences of persons charged with crime. He will readily admit that the last word to the jury is in some cases considered an advantage, and for that reason a prisoner's counsel will frequently, if the case against a prisoner is weak, decline to call evidence and rely solely upon his address to the jury. Something of that kind may have influenced Mr. Bunny not to call evidence. Now, as to the gun, revolver, and powder-flask. They were not, as we have seen, at the time of the search on the 1st of June considered by the police of any importance. That was the reason the police assign for not bringing away the revolver or the gun. The Committee will bear in mind that the gun was afterwards "sent for," and the revolver "sent for," but not until after shot had been found in the body of the deceased; then only was it thought necessary to obtain possession of the gun and the revolver. If at that time it was not considered that a weapon such as a gun or a revolver was of importance in the investigation of the case, was it likely that the powder-flask, or the wads, or the wad-cutter, or the caps would be looked upon by the police as of any importance? Were either of these articles likely to assist the case of the police on the 5th of June? If, then, such articles were not likely to assist the case of the police, is there not good reason for inferring that the police did not specially notice them, and some reason for not bringing them away? The wad-cutter would not have assisted the case for the police, for had they proved that wads were in Chemis's possession the fact would have destroyed the theory of the prosecution that Chemis used paper. If, on the other hand, the powder-flask, or the caps, or the wads were considered by the police to be of importance, how is it that no inquiry was made by them for articles of that description? If they did not inquire, why assume that they searched for such articles? If they did not search, what is there to support the suggestion of the Crown Prosecutor that "where the powder-flask is will also be found the balance of the No. 4 shot?" Next consider whether Chemis had a powder-flask. On this point, apart from the evidence of Mrs. Chemis and the convict, you have the evidence of R. Dybell (page 96 of the Benjamin perjury depositions). During the cross-examination of Chemis it came out that Dybell had put a spring on the powder-flask. Dybell was telephoned for by me. He came in at once, and on his oath said, "Yes, there is the spring I put on it some few weeks before the murder. Chemis paid me eighteenpence for putting it on." You have thus Chemis's possession of the powder-flask fully proved by Dybell. You have also Timothy Dowd's evidence at page 98.

*The Chairman*: Dybell also gives evidence about the clothes on each day.

*Mr. Jellicoe*: Timothy Dowd says he went shooting with his cousin, John Dowd, on the 26th May; that they took the powder-flask with them, and they returned it to Chemis's house. Then you have the evidence of John Dowd (page 97) confirming the evidence of Timothy Dowd. On the 25th May he also took from the drawer and returned to the same drawer the powder-flask and the other articles mentioned by Timothy Dowd. Then you have the evidence of Frederick Greaves (page 99).

*The Chairman*: Are you dealing with the evidence on the perjury charge?

*Mr. Jellicoe*: Speaking of the 19th of May, Greaves says that he went out shooting; that he took the powder-flask, caps, and wads from the drawer and returned them to the same place. You have the existence of the powder-flask prior to the 31st May established now. As to the wad-cutter, you have the evidence of William Denton, who sold it on the 13th of April; John George Denton, who produced the counterpart from stock; you have the evidence of Robert Dybell, who purchased the wad-cutter at Chemis's request; of John Day (page 43) who was present with Dybell; you have the evidence of Timothy Dowd and John Dowd, which I have already read, all establishing the existence of the wad-cutter in the prisoner's possession some time before the date of the murder. Had he wads? The Premier says before the Magistrate that he compared the wads with the gun. Bear in mind that the gun after the 2nd June was in the possession of the police. No one

will suggest that after the 2nd of June any person manufactured wads to fit Chemis's gun. The Premier: "I compared the wads with the gun. They fitted very well. I compared the wads with the bandbox, and I formed the opinion that it was clear they had been cut from the bandbox." You have again John Dowd and another witness, who swear that after the wad-cutter was purchased they frequently took wads from the drawer, and on their returning from their shooting expedition returned the unused wads to the same place. The Chief Justice says, in his summing up, "What inference will you draw from the fact that there was no powder in the house?"

*The Chairman*: Are you bringing this in now so that it may be a convenience to the Committee to have before them all the evidence given upon these matters? You might tell the Committee whether you have any further evidence to bring before it on any certain point.

*Mr. Jellicoe*: This is the last opportunity I shall have before this Committee of dealing with the points said to have been made against me by the Crown. Mr. Gully relies on Mr. Bell's analysis. I ask your indulgence while I dispute the accuracy of that analysis.

*The Chairman*: It is but fair and right that you should go through that evidence if you wish: what I had in my mind was, whether you could shorten the details, or whether you wanted further evidence on a certain point.

*Mr. Jellicoe*: I am putting before the Committee the points made by Mr. Bell, and am endeavouring to show that they are wholly unsupported. Now, if Chemis had a powder-flask and the other "appliances," what became of them on the 1st June?

*Mr. Allen*: Is it suggested by him that there was not a powder-flask?

*Mr. Jellicoe*: The jury were asked to draw a contrary inference. If Chemis had them, then where were they when the police searched the house? Even if Chemis was guilty, nothing could be gained by concealing them and leaving the stiletto in the drawer and the gun on the premises. We say that these articles were one and all in that drawer, and we have already considered what I submit was the reason they were not noticed. No one outside a lunatic asylum would say that Chemis, if guilty, would hide all the evidence tending to establish his innocence, and leave for the police every article likely to tell against him. Then, if you find, as I think you must, that Chemis possessed these articles, and that he had wads, where was the necessity for the use of paper for gun-wadding? The paper would only be used by a person who had no wads in his possession, or had none ready for use. Dr. Cahill, in his evidence before the Committee, speaking as to the piece of paper of the 31st May found in the mass removed from the wound, or adhering to it, says the piece must have got detached from the wrapping, but he is unable to give any particulars as to the date of the newspaper which constituted the wrapper. The prosecution were, of course, in a dilemma when Tasker produced from the papers sent to him by Cahill a piece of the *Evening Post* of the 31st of May, and also a piece of the 23rd of May; and it obviously became necessary to consider whether or not the possessor of the balance of the paper of the 31st May might not be considered the murderer. If the murderer used part of the *Evening Post* of the 31st May, then Chemis is innocent, because his copy of the *Evening Post* of the 31st May was found whole. What reason has the witness, Cahill, given you for suggesting that the piece of paper teased from the mass of the 23rd was not part of his wrapping, and did not get there accidentally. Not the slightest. He says, "I did not know the date of the paper I had in my bag at all." He examined the mass before extracting the paper, and again before sending it to Tasker. If he had noticed a piece of paper adhering, he says in effect, he would not have sent it to Tasker. Is it not reasonable to suppose that if he teased the paper of the 23rd, as well as that of the 31st, from the wound, that there is equal reason for saying the piece of paper of the 23rd was part of the wrapping or the contents of the doctor's bag, as for suggesting that the piece of the 31st May found its way there by accident? The evidence he has given on this point prevents any Court or jury placing any value on his evidence of the paper.

*Mr. Moore*: In what page does he say that if he had noticed the piece of the 31st he would not have sent it to Tasker?

*Mr. Jellicoe*: It is an inference to be drawn from the answer he made to a question which I put. I asked him, "Did you notice any newspaper adhering to the mass you took from the wound? Did you notice a piece of the 31st May?"—Answer: "No. I sent all the paper to Mr. Tasker."

*Mr. Moore*: You stated to Cahill that had he seen this piece of paper of the 31st he would not have sent it.

*Mr. Jellicoe*: That is, I think, the only inference you can draw from the question and answer I have read.

*Mr. Allen*: Certainly not.

*Mr. Jellicoe*: I asked, "At the time you sent in the piece adhering to the mass that was in the wound, why did you not call attention to it?" and he answers, "That came out afterwards." That is to say, it was afterwards discovered that a piece of the 31st May was with the paper he had sent.

*Mr. Allen*: Do you say that Dr. Cahill said that?

*Mr. Jellicoe*: He said, "I sent all the papers that I teased from the mass to Mr. Tasker." He is then asked, "Did you notice the piece of paper of the 31st May?" He answers, "No." He is next asked, "If you had thought you had sent the piece of paper of the 31st May, why did you not call attention to the fact when you sent it?" He answers, "I did my best, but this came out afterwards, that among the mass was the piece of paper of the 31st May." Then he says, "I did not notice it." The only inference you can draw from the whole of his statement is that if he had noticed it was a piece of wrapping he would not have sent it. After Tasker examined the paper, and the piece of the 31st May is found, Dr. Cahill is asked to explain, and the only explanation he gives is that the piece in question must be a piece of the wrapping, and must have adhered to the mass. He has no reason for saying that the piece of paper of the 31st became attached to the

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

found was "a strip of hide with cow's hair on it. It would never have occurred to any one that it was false hair save some imaginative advocate. I do not know that any inquiries were made as to the ownership of this cow's hide."

*The Chairman* : Is not that something that was said to him during the course of the trial?

*Mr. Jellicoe* : In his evidence on the trial of the libel action he swore, "I think that something was said to me by Inspector Thomson during the course of the trial, but I did not give any credence to the statement, regarding it in the light of a mare's nest."

*The Chairman* : These are mere details the Committee cannot waste time over.

*Mr. Jellicoe* : With regard to Norman, Mr. Bell characterised my examination of that witness as "dramatic," and he went on to say that "I imitated the man's stuttering to show that he was shamming." I reply to these allegations in the language used by Mr. Bell before this Committee on the 6th of September by saying they are simply lies. I have practised my profession in this city for eight years, and in England for another six years, and I venture to say that my reputation and standing are at least equal to those of Mr. Bell; and had I been guilty of such conduct as Mr. Bell attributes to me I would be ashamed of myself.

*The Chairman* : I do not think we ought to go into such matters here.

*Mr. Jellicoe* : He was allowed to make such a statement.

*The Chairman* : If you will remember, I checked him at the time.

*Mr. Jellicoe* : Commenting on the fact that I called Mrs. Chemis in the perjury prosecution first, and before her husband was brought down from gaol, Mr. Bell says, "If the evidence was briefed, and if the solicitor was allowed free access to the prisoner, there is nothing to be concluded from the coincidence of the two stories." The Committee are aware—(1) That I was not allowed free access to the prisoner; (2) that I had only one interview, and all that took place then has been laid before the Committee.

*The Chairman* : I feel certain from the opinions expressed by the Committee that all these little details are outside of the matters referred to our consideration. That I must say on behalf of the Committee.

*Mr. Jellicoe* : I suggest that they ought not to be outside the consideration of the Committee. Thirdly, Mrs. Chemis's evidence in chief was little more than what was contained in the affidavit she made before the death-sentence was commuted. At page 84 of the perjury depositions you will find Mr. Bell's cross-examination, commenced early in the morning of the 21st August, was continued all that afternoon and (pages 86 and 87) the greater part of the following day, 22nd August. Now, Mr. Bell cannot suggest that his cross-examination was briefed; and if the Committee will compare the cross-examination by Mr. Bell of Chemis, at pages 93 to 97, with the thousand-and-one minute details which were the subject of Mr. Bell's cross-examination of Mrs. Chemis, I venture to say that considerable weight ought to attach to the consideration of the two stories.

*The Chairman* : I do not wish you to infer that the Committee is not prepared to consider all matters of importance, but it seems to me that we are going over ground again which we have already examined.

*Mr. Jellicoe* : With reference to the statement that Benjamin, Thomson, and Campbell knew all about the pocket-book before interviewing Mrs. Hawkings on the 1st June, I point out that Mrs. Hawkings gave evidence upon the perjury prosecution, and then said she did not tell Carroll or Healy about the pocket-book. She did not know it was lost on the morning of the 1st. She told Thomson about it after 4 o'clock in the afternoon. She was at the Morgue on the Saturday morning. She went to the Morgue with Bowles to see the body of her husband. She says that no one knew that her husband had a pocket-book. I come now to Dr. Cahill's evidence before this Committee. In answer to the Chairman, he said, "As a matter of fact, Sir, I was of opinion that the stiletto had not been used in the committing of the murder. It is possible it might have been used, but my opinion was that it had not." I asked, "Did you give that opinion in your evidence at the trial?" Answer: "Yes. But it is not reported in the Judge's notes." I venture to submit that his evidence is entirely untrustworthy. First, if such an opinion was expressed at the trial it was certainly the most important feature in the whole of the doctor's evidence; and yet so careful a Judge as the Chief Justice does not notice it, but on the contrary repeats the doctor's evidence (page 8, section 42, of Judge's notes). Looking at the stiletto, the doctor said, "I believe the incised wounds and the fracture of the jaw could be made by this instrument."

*Mr. Allen* : "Could be made," not "was made."

*Mr. Jellicoe* : No doubt was suggested then. He had formed, as he tells us now, an opinion at the time that the stiletto had not been used. What follows at the close of the case, and after Cahill has given his evidence? Mr. Bell sums up on this point—as favourable to the accused? Certainly not, but in these terms: "It is only a limited number of people who have such a weapon, and when you find that the wounds have been made with such an instrument you reduce the class from which you have to find the murderer." And the Chief Justice refers to the finding of the stiletto [extract read]: "His Honor referred to the finding of the stiletto which the doctor said had fitted in size and length with the wounds." On the doctor's evidence alone I claim a favourable report on this petition. It is manifest that Dr. Cahill did not give the evidence on the trial he has given here. He did not tell the jury that, in his opinion, the stiletto had not been used. If he had done so then Mr. Bell's statement and the Judge's charge would have been unwarranted. He now substantially admits that the stiletto does not and did not correspond with the cut in the coat or the collar, and yet he was aware of all these circumstances when he gave his evidence at the trial and suppressed it. Now let us look at the other side of the picture. At page 25 of the printed documents (H.-33) you have evidence as to Chemis's character from Mr. W. A. Fitzherbert and Mr. Fred. R. Burgin. Here is a man who, as far as the evidence discloses, had a comfortable and a happy home—a man who had been married for nine years, who had a brave and devoted wife and five little children surrounding him; a man whose habit is to spend his evenings at home.

That is clearly established by Dybell's evidence (page 43); a man who, after knocking off his ordinary daily work, had a great deal of home work to perform in preparing for his milk-round the following morning. This man is suddenly charged with being an assassin. First, there is an inherent improbability against such a man committing such a crime as murder. Therefore it is incumbent to look for some motive on his part. But in this case there is an entire absence of motive. I do not wish to criticize further the motive relied on by the Crown. I think you will agree with me that no motive was proved when Durrell and Harlen's evidence is considered by the light of Holmes's. Next, you have in Chemis's possession, it is true, weapons, all capable of destroying life, either by stab-wounds or shot-wounds; yet every one of these weapons proclaims the innocence of their owner. The gun, the stiletto, the revolver, proclaim that they were not used in the murder that was committed on the 31st of May. There is evidence that the gun was recently fired at quail. At page 43 Dybell gives evidence that on the morning of the murder, and on the previous day, Chemis told him at Kaiwarra that he had shot two quail. The witness explained that he and Chemis were interested in endeavouring to entice quail to Chemis's property, and consequently there was a reason for the communication being made by Chemis. If the quail were killed on the Friday, and that is Dybell's statement, they must have been on the premises the following day, for there is the evidence of two persons, John Dowd and Frederick Greaves, that they partook of quail on the Sunday. Next, you have the prisoner's clothing identified. You have it established here that the clothing Chemis was wearing on the 1st of June, on the previous day (the day of the murder), and the clothes he was wearing on the 5th of June, when Chemis was arrested, were the same. Do not all these dumb witnesses speak volumes for the prisoner? I ask you to consider the course of the prosecution. Was there any motive on the part of the prosecution to fix the crime upon Chemis? The murder was committed on the 31st of May; the inquest was held on the 3rd of June. At the date of the inquest no arrest had been made. On the 4th of June Mr. Bell says he was consulted by the police. Mr. Bell says that justified the arrest on the 5th of June—(1.) That Chemis had threatened Hawkings. Now that, says Mr. Bell, came from Mrs. Hawkings. (2.) The stiletto. (3.) The circumstances of the altercation between Chemis and Hawkings. (4.) The probability that the murder was committed by a foreigner. Now, the Committee will see that every one of these circumstances existed on the 1st of June, when the police went to Chemis's house; yet there was no arrest made. What was it then that compelled the police and Mr. Bell on the 5th to act on circumstances which were present to their minds on the 1st, unless it was the admittedly severe criticism of the Press. Their reputations were at stake unless they made an arrest. Mr. Bell attended the inquest on the 10th of June. At that time he says, "I had not received any report from Tasker." On the 10th of June Chemis was in custody on the murder charge. On the 12th of June Mr. Bell says, "there was an interview between myself, the police, and Tasker, but I did not suggest anything to Tasker about the paper. After I was informed that the pieces of paper fitted, I gave direction that they should be sewn instead of gummed." Now, you would probably assume from this evidence, without further that Mr. Bell stood impartial between the Crown witnesses and the prisoner; but if Tasker's report of the 12th June, produced, is looked at, it will be seen at once that the first suggestion or discovery of this so-called paper evidence came from, or was made by, Mr. Bell. [Mr. Jellicoe here read Tasker's report on this point.]

*Mr. Moore:* Was there anything unusual in doing that on the part of the Crown?

*Mr. Jellicoe:* I am not saying that there was, yet it turns out now that he was the "imaginative advocate" who first conceived the paper theory, and discovered, as he thought, the evidence to support it. He clung to it tenaciously throughout, and acted as one who, having no doubt about the guilt of the accused, neglected no proper means to prove him guilty. As to the sheath-knife spoken of by Mr. Bell, bear in mind that neither the Crown witnesses, Caplin, Green, or Lee (pages 10 and 11), or Durrell (page 12, H.-33) suggest that they ever saw Chemis with a sheath-knife, although they had opportunities, whilst Jeremiah Buckley (page 54), and John Dowd (page 54, AA, paragraphs 1 and 8), his fellow workmen, swear positively that Chemis never carried a sheath-knife. On this point there is also the evidence of Chemis's wife. Now, examine the motive for the prosecution. Carroll made a report to the police on the 5th of June. He tells us in that report that when he went out to Hawkings's on the 1st of June the first man he saw at the scene of the murder as early as 7 o'clock in the morning was Charles Bowles. What Bowles said we do not know except from what appears in the report. We do know from the evidence that Bowles had stayed out all the previous night—the night of the murder—in a whare belonging to another man. Something that occurred between Bowles and Carroll appears in this report [extract of report read]: "Bowles told me Mrs. Hawkings knew her husband was dead." Carroll afterwards, so says the report, asked Mrs. Hawkings if her husband had any enemies in the locality. She replied "she only knew of one." I asked her who it was. She said, "Louis Chemis, who works on the road; he is the only person I suspect; but, as my husband is dead, perhaps I should not say anything." Carroll then said, "But you should tell all you know." Then she said that her husband came home two months ago and appeared to be upset. He said that he had seen Chemis on the road, who swore at him and said, "I will do for you yet, old man." That there was a "case pending in the Supreme Court between them." That is the statement made by Mrs. Hawkings to Carroll early on the morning of the 1st of June. You next find Mrs. Hawkings making the same statement at 4 o'clock to Thomson. You will remember that when the police, in consequence of Mrs. Hawkings's statement, decided to proceed to Chemis's house, they were accompanied by Bowles and Norman. They proceeded across the hills. Bowles and Norman followed up the attempt to cast suspicion on Chemis by immediately pointing to footprints on the track to Chemis's, which neither constable were able to observe. But why should these men have been in such a hurry to find evidence tending to raise suspicion against Chemis? I rely on the summing up of the Chief Justice. It will be found that His Honour the Chief Justice summed up strongly in favour of the prisoner. I do not know that



I have ever read a stronger summing up in favour of an acquittal. Every point relied on by Mr. Bell was considered by His Honour and discussed in his charge to the jury. In conclusion, I submit that you are really called upon to consider whether a huge mistake has not been made, and whether, in consequence, there has not been in this case a miscarriage of justice. It would be a piece of presumption on my part to attempt to dictate to you your functions, but if you are satisfied that this man is innocent I venture to say, whatever the result may be, you will not hesitate to openly and without fear express your opinion. My learned friend, Mr. Gully, says that the Committee ought to be careful in the exercise of its functions. I agree with him. This is an exceptional case. Public opinion has demanded that it shall be exceptionally treated, and demands that right shall be done to the prisoner, especially as it is admitted, even by those who support the prosecution, that a serious blunder was made on the part of the police and on the part of the doctor.

TUESDAY, 4TH OCTOBER.

LOUIS CHEMIS, examined at Wellington (Terrace) Gaol.

*The Chairman:* Prisoner: The Committee have attended here this morning as an investigation is being held into the petition which has been sent in by Mrs. Chemis on your behalf. We have thought it desirable to take your evidence, as you are in a position to give it, and with that object to ask you any questions which the Committee may think necessary. But first we should like you to make a short statement to the Committee, narrating, as concisely as you possibly can, the events of that day on which the murder was committed, from the time you left off work, and covering the time embracing the whole of that evening?—Just so. I would not be able to go right through the whole of the evidence at once. I never thought of having to give evidence any more, but I might give you many points. I do not know exactly the date it happened; but I remember the day the murder was committed. I knocked off work about half-past four o'clock. I was working that day in front of the hotel. After helping the boy to put some stuff in his cart I went home. It must have been a few minutes to five o'clock when I reached home. I purchased a few pounds of beef-steak from Gardiner, the butcher, before I started. I went home then. When I got home I gave it to my missus. I put the leg-rope on: my missus used to milk a cow. Then I went for my horse on the farm before the house. I was away about two minutes. I put him in the stable. Then my missus came up into the house and we had our tea. After tea I went into the cowshed again. I then cut some mangolds. Some of the children were with me. After that I went in and had a look at the paper, the *Evening Post*. I put it on the mantelpiece after reading it. I then went to bed—that was about eight o'clock. Generally I used to get to bed early, for I used to get up very early in the morning—about four o'clock—to my work. The next morning I went down, as usual, to Kaiwarra to serve my milk. The first man that told me about Hawkings being killed was a man of the name of Mack, whom I used to serve with milk. I went home again as usual, but I met one of McCallum's little boys, and he also told me that Hawkings was killed. That was the second news [of it] that I had. I went home as usual and had my breakfast. I went down to work—down to the same spot in Kaiwarra. Through the day I heard different rumours about Hawkings being killed. One rumour was that he was killed by a cow; another was that he was killed by his trap; the last rumour I heard was that he was killed by somebody—that he was murdered. The next day, on the Saturday, the detectives came up. I was chopping firewood myself. I did not know who they were, in fact. They told me that they had a search-warrant and that they came to search the place—my house. I laughed, and said "All right." They did search all the place, the stable and all. They told me that they wanted a pocket-book which the man lost that was killed. While they were looking they found an old pocket-book belonging to myself. I remember Benjamin smiled when he opened it. Then he put it away again. He picked up some letters that I had, and some bills in one of the drawers; and a shot-pouch that was there; and a little dagger that was there. They made some remark about a sheath. The dagger was rusty and dirty, and so forth; at any rate they were all put into a bundle.

1. *The Chairman.*] As to the dagger: you mean the stiletto?—Yes, the little thing. I could not say anything as to whether Benjamin brought it in himself from the room to the kitchen. They went into the front room and brought out everything. The last time I said about this I made a mistake. I followed their own evidence when I said that Benjamin brought them out himself. I believe I took them out from the bedroom before they went into the parlour. I could not swear it, but I fancy I made a mistake. After that they took everything out of the room, and we went down to the stable. There is a shed there where I used to cut up mangolds. I used to put hay in it as well. They got down a box. In this box was one of my leggings. There must have been two or three pounds of blasting-powder in it, also some fuse. I believe there were a few cartridges of dynamite as well. There was a piece sticking out from the parcel. I remember Benjamin saying, "You have more fuse." He had a candle in his other hand. He said "You better not light it or we should all go smash," or be in danger of our life. This came into my mind while I was in Auckland. My wife sent me a letter which she received from Mr. Coulter, of Petone, in reference to this. It all came into my mind then. I did not know whether she knew anything about it, and I felt that if I did not tell she would be blowing herself up some of these nights. I wrote her a letter to this effect, telling her to take care. I want you, gentlemen, to look how stupid I am that I never mentioned this before. They said I had no powder in the house. After looking all over the place we went up to the house. The Inspector was in the kitchen all the time speaking to my missus. After going into the kitchen again, I remember the Inspector picking up the stiletto, and he said, "These things look rusty; never mind, we will see better in the daylight," and he put the things away. The revolver was loaded; there were three bullets in it; it was rusty as well, as it had not been used for a long time. After that the men went away; but before they went one of the detectives, I do not know which it was, pulled down a coat which I had hanging up. I saw



him take two papers from it. He put them away and took them with him. They took the newspaper I had on the mantelpiece as well. The Inspector asked me to go with him to show him the road, for it was dark. I went down with him as far as the gate. I saw them the next morning; I think it was Sunday the next morning, if I am not mistaken. They came up for the gun. They asked me some questions about the gun—when I fired it last. I told them it was a few days ago that I fired it at some quail. I showed them where I fired it, about forty yards from the house. They asked me how many I got. I said, two once, and two on another morning. I said to them, "I wish to goodness you had taken it before; why didn't you take it last night, for I don't like to be suspected for a thing like this." They said it did not matter, and then left me. I believe it was on the 5th of June I was working in front of the store in Kaiwarra. I was "picking up" the road before spreading the metal on it. All at once I heard a voice. I think it was Benjamin's, saying "Louis, we want you." I turned round, and the first thing I saw was two of them. He said, "Come here, we have a warrant to arrest you." I asked, "What for?" He said, "For that affair of Hawkings's." "Oh," I said. They took me inside, into a shop, and read the warrant for me. After reading the warrant I said to them, "I wish you would let me go home and put some better clothes on." I had bad clothes on, dirty pants and an old coat. "No," they said, "we won't be in time for the train; we won't let you go any more." I had to submit, of course. They brought me to the lock-up. From there I was taken before the bench. From before the bench I was put back again into the lock-up. Then Mr. Devine came to me. He asked me if I could get bail. I said, "Yes." He next said, "Who will stand bail for you?" I said that Mr. W. Fitzherbert, or Mr. Burgin would. He said, "Would they?" I said, "I am sure they would." He said, "All right." He then went to the Court; but I cannot say where he went, but he went away. He came back in about ten minutes, and told me they would accept no bail. In about a few hours after I was brought up here to this place. After being a few hours here Dr. Cahill came in here. He asked me in front of Mr. Garvey and a gaol-warder to strip off, which I did. He looked all over me. Then he started to ask me questions. He asked me, Where did I get them bullets from? I believe I told him that I got them from a fellow in Kaiwarra. I had a little bit of a scratch in the leg from having rubbed my leg against the step of a door. It was a mere bit of a scratch. He asked me, where I got that. I told him. He asked me different other questions. He asked me if I had seen a lawyer that morning. I said that Mr. Devine came here. He said, "What business has a lawyer to come to see you already?" I said I had never sent for him; that he came himself. Then Dr. Cahill said, "I must keep this coat of yours. I see some spots on it." I said, "All right." He kept the coat. Mr. Garvey sent me a coat by one of the warders. I put it on. Will you go any further, gentlemen?

2. *The Chairman.*] How long were you living in Kaiwarra?—I landed in this place in 1877. I was working in Petone for two years on the road, and for Mr. Fitzherbert. Mr. Fitzherbert said I could manage a piece of road to myself. He gave me a piece of road to keep—from the Junction Brewery to Ngauranga. I was working on that job from 1879.

3. Who were you working for?—For the Hutt County Council.

4. Had you saved money at all from your working?—Yes.

5. What amount?—I had close on £100 in the house or in bank. I had at one time over £100 in the bank; but I built a house. I had £80 in 1884.

6. Had you money in the house or in the bank at the time of the murder?—Yes.

7. Can you say what amount?—I could not say exactly; my missus used to bank it. I could not say.

8. Were you keeping a milk-walk, as we call it, for any length of time?—Not very long; I do not think it was two years altogether.

9. Used you to remain at home after going home from your work every night?—Yes, Sir, very seldom I used to go out. In summer I might take a walk when I had nothing to do, once in a way; but in winter I had plenty to do.

10. Did you remain away from your home for a night at any time?—No; once in a month or once in two months I might go out.

11. But I mean, away from your home all night?—No; I never did.

12. In your evidence, in reply to a question from Detective Benjamin, you said you did not know if your wife had washed your clothes that day: can you explain that to the Committee?—Did I say that myself?

13. Benjamin said to you, "Did your wife wash these clothes that day?" You said you did not know?—The clothes she washed were children's clothes—these were the only clothes. He asked me, and I said I did not know whether she did or not; but it was not my own clothes.

14. When did you last see Hawkings alive?—He passed me; I had to clear out from him; he passed me going into town.

15. Upon what terms were you with Hawkings at that time?—I was on pretty friendly terms with him.

16. What had been the result of your last meeting with him—did you settle matters in any way?—Yes, we did settle it; it was a dispute we had about children. Some of his children, I was told, struck one of mine. As he was going home one evening I said to him, "Look here, Hawkings, if you have anything to say, take it out of me, and don't put it on the children." He said, "My children never struck your children; it was another little girl that was staying in the house with me; she struck your children right enough; it was not my little girl. He asked different questions—if I was working, and that. At last we parted good friends, and said to each other, "Good night."

17. Did you have any conversation with him relative to the case that was heard at the Supreme Court?—No, I never did.

17A. Not on that day?—Not on that day.

18. If the judgment had been given against you what was the amount of money that you would

have to pay Hawkings as rental?—I could not say. I thought I would win the case through Hawkings letting the ground to another man. He let it to me as well as to Harlen.

19. What rent were you to pay Hawkings a year for the second piece of ground?—I believe it was £1 a week. I could not say exactly now—I do not remember; but I know it was near £1 a week.

20. Have you ever had any quarrels with any other people around the neighbourhood?—Never. I never had a word with anybody.

21. Did you ever carry a sheath with a knife like that [produced]?—I never did. I had a little knife—a penknife. I do not know whether the police took it away that night. Benjamin took it out of my pocket that night. I never saw it since.

22. Did you never wear a sheath on your belt?—Never, except it was to go pig-hunting, when I used to have to carry a knife.

22A. Had you a sheath at home?—No; no sheath at all.

23. Have you never seen that sheath-knife before?—No; not that I remember.

24. You say positively that sheath-knife never belonged to you?—No.

25. Was never in your possession?—No, Sir.

26. Now, these wad-cutters [two produced]: do you ever recollect having one of these?—I had one, but I do not know whether one of these is it. I ground mine. [Wad-cutters handed to witness.] This is the one if it is ground. I see it is ground.

27. You ground your wad-cutter?—Yes; after it was given to me I ground it.

28. Will you tell the Committee which of these belonged to you [powder-flask and shot-pouches produced]?—Mine was a soft one. I do not know whether this is mine. It should be marked. There was some oil at the bottom of it. I cannot see mine there [examining shot-pouch].

29. Do you think this was yours?—It might; mine was a soft one. It was wet then.

30. You remember the powder-flask you had?—Yes, I remember a blacksmith putting a spring on it. I gave him a shilling for it, I remember.

31. Did you meet any of your children after leaving the road that evening, before you got home?—Which evening?

32. The evening of the murder, when you left the road to go home; did you meet any of them before you got home?—Well, I could not say now whether I did or not. I do not remember. I think it was too late for them to be out at that hour of night. They used to go to school. They would be home hours before that.

33. Was it dark when you went home?—Just getting dark; it was just the beginning of winter. The children used to come to meet me, but it was so often that I do not remember. They used to like to have a ride. In the morning or in the evening as I came home I would put two or three of them into the trap to give them a ride.

34. How long would it take a person to go from your house to the scene of the murder?—I could not say. I went over there many times for the cows, but I never looked at it in that way, so that I cannot say.

35. *Mr. Kelly.*] You could not say whether the ground was in the same state at the time of the murder as at the present time—whether there was any bush growing between you and Hawkings's? *Mr. Allen:* He has not seen it since.

*Mr. Kelly:* He might know what was there then.

36. *Mr. Allen.*] You have told the Committee that rumour said that Hawkings was killed by a cow. Who told you that?—Gardiner.

37. Then another rumour that he was killed by the trap?—I do not remember who they were. I know hundreds of people by sight, but I do not know their names. Everybody used to know me, and say "Hallo, Louis!" lots of them, but I could not tell you their names.

38. Had you any money in the drawer?—Yes, there should have been £3 or £4 in the house.

39. That was kept in this drawer?—Yes.

40. Where was it kept in the drawer?—It was kept in one of the tins.

41. What sort of tin?—Cocoa-tin. There was another tin as well with some powder in it.

42. Had you any dispute with Hawkings about a lease?—Yes.

43. Did you ever speak to him about that dispute?—I went to him when I paid my rent. He got the notice on the evening I paid him the money. I used to pay him three months in advance. I paid him six months in advance for the place I have now.

44. Did you speak about this lease?—I told him I did not want this any more; that it would not pay me; that I would be losing by it.

45. The last time you saw him you did not speak about a lease, but only about the children?—Only about the children. The matter was in Court.

46. Was there a powder-flask in the drawer when these things were taken?—Yes; the same one that is there.

47. Were any gun-caps there?—Yes.

48. Was there any newspaper there?—No.

49. None whatever?—None.

50. Are you quite sure?—Quite sure.

51. Did you see them search the drawer?—Yes; I saw them search the drawer.

52. You saw what they took out?—Yes.

53. Did they take it in a newspaper?—No.

54. Was no newspaper put into the handkerchief on the bed?—No newspaper, but bills and letters; the lease was there too.

55. Who else was there when search was made—when the drawer was searched?—Myself, Campbell, and Benjamin.

56. Where was your wife?—In the kitchen.

57. Thomson was in the kitchen?—Yes; in the kitchen.

58. The newspaper was taken out of your coat?—Yes, two or three pieces; I do not know which.

59. Did they get any newspaper in the bedroom at all?—No.

60. Was the point of the stiletto blunted in any way when you got it?—I want to have a yarn about that affair. When that stiletto came before the lower Court and in the Supreme Court in fact nobody ever mentioned anything about it, neither the police nor any one else. If you were to examine the Magistrate's clerk, who had it in his hand, he could see that it was as sharp as a new pin at the time. In the Supreme Court Mr. Bell picked the thing up and went over to Dr. Cahill, and asked whether it was blunt before. He said, "It was." I was staggered when I heard this; then I saw they were trying to put the rope round me.

61. Was it sharp when in your possession, or was it blunt?—It was sharp as could be. If it was blunt all the time, do not you think the police would be glad to bring that forward the last time I was examined in the lower Court?

62. *Mr. Jellicoe* (through the Chairman.)] When you gave your evidence?—Yes; Mr. Bell, after asking me many questions about this stiletto, where I got it from, and so forth, he came up to me and he said, "Did you see this before you gave this account?" I think he wanted me to commit myself. I got a bit mixed; I put it in my mouth, and thought I would break it altogether. If it had been any one else, he might have thrown it at him. But I remember saying to him, "You have done it yourself." Of course, I did not know whether he did it himself, or who did it; but he knew that he was charging me wrongfully; he knew that the thing was sharp all the time before.

63. *The Chairman.*] Had you used the gun very often from the time you bought the wad-cutter?—Not very often; I used it a few times, not very often, because I had no time to go out shooting.

64. Did you ever use paper for wads after you bought the wad-cutter?—I never used paper after that.

65. Did you before?—About two months before I used it; but never after I bought the wad-cutter.

66. Did you ever use any bullets that Gibson gave you?—Yes.

67. For what purpose?—To kill pigs.

68. In what gun?—The same gun.

69. The double barrel?—Yes, the double barrel.

70. *Mr. Allen.*] Were they too small for the gun?—I used paper; that was before I bought the wad-cutter at all.

71. You put paper round the bullet?—The same as you would do with shot.

72. You rammed it down the same as if it were a wad?—Just so.

73. *The Chairman.*] Were the bullets too small for the gun?—They could empty them out like.

74. Not very much too small?—They were loose.

75. *Mr. Allen.*] Did you never wrap the bullet round with paper?—No; I never did.

76. *The Chairman.*] Are the Committee to understand that when you were arrested on the 5th June you had the same clothes on as you had on the 1st June and the 31st May?—Just the same; the very same clothes; everything the same.

77. *Mr. Smith.*] You recognise the wad-cutter of yours by being ground?—I knew mine by being ground.

78. And the powder-flask?—I recognise that by the spring.

79. I can state that this wad-cutter has been ground as an expert, and this spring was made by a blacksmith. I can see that it was made by a blacksmith, and not by an expert in gun matters?—I gave him a shilling to make the spring.

80. Had you any quarrel with any of your neighbours?—Never, not a word. I have been three years in gaol, and I have never had a word with anybody.

81. *The Chairman.*] Have you saved any lives of people since you have been in the colony?—Yes, that was a boy; he was nearly drowned in Kaiwarra. I jumped in after him and saved his life.

82. Have you any reason to suspect any one else with regard to this murder?—I suspect one man, but I do not think one man could have done it by himself. Who was going to open those gates for Hawkings? There are two gates between the scene of the murder and his house. I believe there must have been more than one man concerned in it.

83. Do you know anything of this shot-pouch?—No; that is all new to me.

*Mr. Jellicoe:* That was found after he was examined—some months afterwards.

84. *The Chairman.*] It has been stated to the Committee that some people in Kaiwarra could prove that this sheath knife belonged to you?—I never had such a thing. I had a knife I know, but I never had a sheath on it. It was a bigger knife than that.

85. Who was in possession of the ground in dispute when Hawkings was killed?—It should have been in Harlen's possession. Harlen had a proper lease; I think it was for seven years, but in the meantime I had wished to get a piece of ground that was left in Hawkings's hand. The other man was paying for the ground which Hawkings rented to me.

Mr. GARVEY examined.

86. *The Chairman.*] Could you tell us, Mr. Garvey, what has been the behaviour of the prisoner?—Always excellent from the first to the time he left for Auckland.

87. Have you heard what has been his conduct there?—I have only records. I can only tell by looking at the record. There is nothing whatever against him. He has a clean sheet. There was only one reason for moving him from here. That I have explained to him. When he came back I explained to him that the Committee wanted to see him, and put some questions to him. I then explained to him the reason he was removed.

## APPENDIX.

MR. H. D. BELL'S (CROWN PROSECUTOR'S) ADDRESS TO THE JURY.

*Regina v. Chemis.*

Nearly every murder to be proved by circumstantial evidence.

Murder is a secret crime not committed in the presence of others.

Therefore, if a jury say we will not convict on circumstantial evidence in cases of murder, our lives are not safe.

But the circumstantial evidence, like all other in criminal cases, must be conclusive—must leave no room for reasonable doubt.

I hope to be able to address you dispassionately; and, believe me, I remember always that if any word of mine, other than sober argument, could influence you, that word should not be spoken.

First, it is conceded that the only direct and positive evidence that the prisoner committed the murder is afforded by the paper, and to that I proceed at once.

I begin, and I ask you to begin, with the shreds of paper taken from the wound.

The mass of flesh and blood was taken bodily from the wound by Dr. Cahill at the Morgue on Saturday, the 1st June, wrapped in a half-sheet of newspaper doubled several times, and taken to his house. He took it with him to the inquest on Monday, produced it there, took it home with him again, and on the morning of the 6th June dissected it, extracted cloth, shot, and shreds of paper. Washed and dried the paper, put the shot and cloth in one box, and the paper in another. Took the box containing the paper to the police office, showed it to the Inspector, who did not touch it, and went straight to the Government Buildings, and handed it to Mr. Tasker.

That paper is produced to you in Court in three parts.

1. The top of the shipping column of 23rd May pieced together.
2. Some small fragments still in the box—advertisement matter.
3. A small piece of the *Evening Post* of 31st May.

Excluding for a moment the piece of the paper of 31st May, there is no room for doubt of this fact—

That the gun of the murderer, whoever he was, was loaded with the fragments now produced to you.

They are taken from the wound. They were therefore fired with the shot into the body.

Therefore the gun was loaded with them. They are part of the wad of the murderer's gun, whoever he was.

Pause now, and ask yourselves, I beg of you, what you will say, being satisfied that you hold in one hand paper fired from the murderer's gun.

Is it, or is it not, reasonable to say—or rather can a reasoning being deny—that if you can now find the rest of that newspaper, or the rest of the fragments of that newspaper, from which the paper to load that gun was torn, you then put your hand upon the shoulder of the murderer?

I submit to you that this cannot be put too strongly. It is as certain as that two and two make four, either that the possessor of the balance of that paper is the murderer, or that he must be able to account for the manner in which he came by that balance, and himself point out to you the murderer.

Then, I ask you, is it not also clear that it will not in the least matter that there should be a fragment of another newspaper in the same wound which can, or cannot, be accounted for? If there had been fragments of ten different papers in that body, and any one fragment precisely fitted a paper in the possession of the prisoner, it would not matter that none of the other fragments could be traced, and that nine corresponding newspapers intact had been found in the possession of the prisoner. The fragment that fits cannot be an accident.

In this case I suppose no one really doubts that the true explanation of the small piece of the paper of 31st May is that given by Dr. Cahill, that it is a piece of the paper in which the mass was wrapped. It was certainly careless so to wrap it, and it is true that the doctor is unable to say it was the *Post* of the 31st he took, but he does not take the *New Zealand Times*, and took the first paper to hand on the morning of the 1st June. Very likely, therefore, the newspaper of the night before.

But whether this be so or not, I ask you whether I am not right in saying that ten such pieces would make no difference if any pieces do correspond with any paper outside.

Now, is there, or is there not, in Court, the corresponding fragment of the *Evening Post* of the 23rd—that is to say the fragment from which the wadding for that gun was torn?

It is a fact that there is.

That is, as I said in my opening, not a matter of question of evidence. It is a fact your eyes prove for yourselves.

Where that corresponding portion came from is a matter of evidence which I propose now to discuss, but the fact that it is here in Court in your hands is beyond all possibility of doubt or question.

I wish first to remind you that it is impossible that it can have been fabricated unless these pieces were stuffed into the wound in the Morgue by the police.

The police have possession of, and Mr. Tasker produces to you,—

1. The fragments received by him of the *Post* of the 23rd from Mr. Thompson on the 5th June, the day before Dr. Cahill dissected the mass.
2. The pieces received by him from Constable Carroll on the 6th.
3. The pieces picked up by Detective Campbell.

Now, if you have followed me, you will see that it is mathematically proved either that the police picked up all the pieces, large and small, on the ground, or that if they got any of them from any other person that person must either be the murderer, or be able to point out the murderer.

It remains, therefore, only to examine the evidence whether the large fragments of the *Post* of 23rd May came from the prisoner's house.

1. Mr. Thompson's evidence is clear and precise on the point.
2. They are the only large fragments of the paper of 23rd May. All the others are small pieces.

Now, remember that Mr. Thompson did get some paper from Chemis's drawer, some from the pocket of his coat, and picked up some on the ground.

And that you have all that paper produced; and in three different packages.

Now the packet marked "gorse," which was never in either breast-pocket, does evidently contain the paper picked up in the gorse; because it corresponds in appearance entirely with what was picked up there by Green and Wilson.

Therefore, the other is the paper found in the house.

I say again, some paper was found in the house, and that reaches Mr. Tasker on the 5th, marked by Mr. Thompson as having been the paper taken from the house.

And mark this: It matters not the slightest whether Mr. Thompson did or did not make a mistake as to which breast-pocket he put the two packets he made up in Chemis's house.

He could make no mistake about what he picked up on the ground; he marked that envelope in pencil at the time, and put it in his tail-coat pocket.

One of the breast-pockets contained paper taken from Chemis's coat. The other contained paper taken from the drawer.

One of these packets contains the fragments of the *Evening Post*.

And, while I cannot admit the theory that a police officer could make any mistake on so serious a matter, I am bound to point out that if he did, it is of no importance.

Whether the fragments came from Chemis's pocket, or the drawer in his room, if they came from either, and you are satisfied they did, I presume you will go no further. It seems to me to end the question.

I must pause to point out that the suggestion that Mr. Thompson had these fragments loose in his pocket, and got elsewhere, is impossible, unless he is himself the murderer; because these fragments fit on to pieces found on the ground, and then again on to these pieces in the body; and therefore, if Mr. Thompson had the fragments in his pocket, he either picked them up on the ground or got them from the murderer.

Now, you will see that a number of pieces were picked up from the gorse bushes, but all pieces of paper apparently there for some time and having no bearing on this inquiry.

Whereas, except the pieces of the 23rd May, sworn to have been found in Chemis's house, all the pieces of the 23rd May are minute.

Now, as to the pieces picked up by Carroll, which fit precisely on to those found in Chemis's house.

Five persons, excluding Healy, saw these fragments picked up on right-hand side of road.

And Carroll tells you what he did with them. Unless he is a villain of the worst character, for there is no reason for mistake, you have these pieces in Mr. Tasker's possession.

The same applies to the small fragments picked up by Campbell.

I ask you to remember that, without the scraps from the wound, the case would have been enormously strong; because you would have—

1. On the ground paper, which it can hardly be doubted was fired from the murderer's gun, marked, as Mr. Skey says, with carbon, found near the spot where the bullet drove the knife.
2. Found in the prisoner's house the fragments to which those pieces on the ground exactly fit.

The only answer to such evidence would be, "Grossest mistake, or conspiracy by the police."

You add to that that the paper found in the wound, and you dispose of the possibility of conspiracy; and then it comes to this, that unless you can conceive a series of blunders to have been made by Inspector Thompson in the memoranda made on the very day, on a matter affecting the life of the man at the bar, the case is complete.

I have already examined the possibility of such a blunder, and, I think, shown it to be excluded.

But if it were possible upon the evidence, it is within the bounds of credibility that Mr. Thompson could have made it. If he has erred in this case, it has certainly not been on the side of jumping to a hasty conclusion of the prisoner's guilt.

But the blunders attributed to him are, and must be, that he has allowed the large fragments (marked as taken from drawer in prisoner's room) to escape into the packet marked "gorse-bushes," which was in the coat-tail-pocket and got into that envelope, and the former contents of that envelope to pass into one of the others.

And that where he had taken the most diligent care to separate them, and marked each envelope carefully and particularly.

And that too against the evidence of your own eyes, which show to you that the papers marked "gorse-bushes" did in fact come from the gorse-bushes, and entirely correspond with those found in that place by Messrs. Green and Wilson.

Examine the fitting-in of the various pieces.

I shall now briefly review the other evidence against the prisoner,—

1. There is the place where the murder was committed, a place very likely to be chosen, and of course well known to the prisoner, and easily accessible from his house.
2. The character of the murder, evidently revenge, the object not larceny.
3. The probability that the murder was committed by a foreigner, because committed by a two-edged knife, and the frequent and in a passionate manner, show the passion of a Spaniard, Greek, or Italian.
4. The possession by the prisoner of a stiletto, two-edged, strong, 5½ in. long, just fitting by its measurement the wound found by the doctor in the heart of the murdered man, which, with the wound on the jaw, showed that the instrument was strong, two-edged, tapering, over 5 in. long.
- 4a. The bullets: How many owners of double-barrelled guns would have bullets. It is surely not usual to fire bullets.
5. The lawsuit: Refer briefly to the statement of claim and defence and the fact that compromises had been attempted, and proved useless.
6. The fear of the prisoner of the result of the lawsuit (Durrel's evidence).
7. The threat used to Tucker.
8. The fact that the pocket-book containing the Native papers was the only thing missed besides the cheque-book.

Remember that Mr. Hawkings says the land let to Chemis was a sublease of Native lease. Even the memorandum-book was left.

9. The bullets.
10. The double-barrelled gun recently fired. (I will deal with this in a moment).
11. And last of all, but not least, the absolute absence of motives in any other person so far as we can judge.

What then is there in the prisoner's favour?—

1. The absence of marks of blood on clothes or stiletto :

As to this, I only observe, that if he is the murderer, then, considering the time he had, I should be astonished if any blood had been found.

Of course we do not know what clothes he was wearing, or whether those clothes are still in existence.

2. The fact that neither the pocket-book nor the cheque-book have been found in his possession: Well, if he be the murderer, would you expect that he would keep them?
3. The evidence of the shot in the pouch being different, and being the only shot found in the house :

There was no powder found; yet he had loaded his gun shortly before, as he himself said, to fire off at quail.

Where is his powder-flask? Where that is I suggest will also be found the balance of the No. 4 shot.

He had some No. 4 shot in the pouch produced as well as some No. 6.

4. The evidence of the gun not having been fired recently from both barrels :

Now, it had certainly been fired off recently from one, for Bradford had one finger blackened; and the prisoner himself said that he had fired it off three days before at quail.

Does a man fire off one barrel only at quail, as a rule?

Mr. Bunny's question suggested that the prisoner showed three or four quail to him when he asked the question.

Is not the matter really explained by Tolley?

Benjamin put his finger in one barrel; gun was foul and dirty and rough in both barrels, and then the greasy powder remained in one and kept it smooth; the grease on the other being removed, left it rough.

But whoever fired those two shots at Hawkings, fired one barrel ball and the other shot.

Mr. Bradford could not say what would be the effect on one barrel of a tight-wadded ball passing down one barrel, whether that would or would not account for the difference of the feel.

Mr. Tolley said that a tight wad would clean a barrel.

Now, whoever fired those shots, if both fired from two barrels, had a tight-wadded bullet in one barrel, and shot rammed down with newspaper in the other.

It seems to me that the evidence showed there would in that case be a marked difference in feel of barrels.

But all expert evidence on such questions is of very doubtful utility—it is rather matter of common-sense.

Take Bradford, for instance—he was quite earnest and truthful, but he had formed a theory, and so strongly, that the moment he saw my speech he prepared cartridges. He was not called for a day or two after my speech, but he never told me I was mistaken, or even mentioned the fact in the R.M. Court.

Thought them out suddenly in, &c.

I admit at once my statement went too far; I ought to have said "probably" from a muzzle-loader.

But I feel sure the jury so understood me. No reasonable man would deny the possibility of a man ramming a shell with newspaper instead of wads, but every one knows that wads are generally used for the purpose. I confess I was unaware that paper was ever used. But of course it might be.

5. The evidence of Joseph as to the man he saw that night :

If Joseph is really speaking accurately (remembering that, except his talk with Hans, he kept the matter to himself till three weeks after Chemis's arrest), it amounts only to this: That a man with a gun was walking away from Hawkings's place, and turned down the track to Barber's.

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.

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#### 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



Taylor upon the evidence of policemen, and he (his Honour) expressed the opinion that his remarks applied to the police when they were giving evidence of the opinions formed of the conduct of the person charged. The jury had seen them giving their evidence, and it was for them to say whether they saw any reason to think that they had made any misstatements, or wilfully misled them as regarded the prisoner. Now, the principal fact against the prisoner was that pieces of the *Post* of the 23rd of May were found in the wound and on the ground, and that afterwards pieces fitting to them were found in the prisoner's house, and from that it was said that they must infer that the pieces were found in his possession. There might be some error, and it was for them to say, after examining the evidence, whether or not there was any error. Of course, he pointed out, if there had only been the pieces found on the ground, and the corresponding pieces in the wound, that would not connect the prisoner with the crime. It was necessary to pay great attention to the evidence of the constables, upon whose evidence the finding of the paper stood. It was necessary to see beyond all reasonable doubt whether the evidence was convincing and satisfactory, and left no room for doubt, for, although they may have said that the paper was found in the house, and no doubt they believed it, there might have been some mistake. His Honour referred to the evidence of the several officers engaged in the search at the ground and the prisoner's home, and he said it would be for them to say whether Inspector Thomson had possibly allowed the pieces of paper to get mixed, and that the papers he had found on the ground and placed in an envelope marked "Gorse" could not have been mistaken for those found in the house. If they found that the pieces found on the scene and the pieces found at the prisoner's house fitted line for line, it was for them to say whether that did not strengthen the fact against the prisoner. He also referred to the finding of the stiletto, and the cast bullets, and the gun, one barrel of which, from all appearances, had recently been fired. Then there was the shot-pouch, containing a number of shot of two sizes—No. 6 and No. 4, the latter corresponding with those found in the wound. The Crown pointed out as a circumstance of suspicion that there was no powder or caps found in the house as being inconsistent with the alleged statement of the prisoner that he had fired the gun off at some quail a few days before. They should consider whether this was a circumstance which ought to be explained, and, if not, could it be regarded as a circumstance against him? It was a matter which in all human experience could be explained by the prisoner, and, if he could not do so, did that raise the presumption of guilt against him? At any rate, the state of the gun showed that it must have been used within two or three days—perhaps twenty-four hours. Did they draw the inference that the vessels containing the caps and powder had been made away with? They must also consider whether this feeling would not have prompted him to secrete the gun and the dagger. It might be said that if he could not have produced the dagger it would have told against him. There was the difficulty as to the statement that both barrels of the gun had not been fired off on the same day; and it would be for them to say what conclusion they could arrive at on this point, or whether it was one of those circumstances from which no inference could be drawn. There was no evidence that another person was concerned in the murder, but, of course, it was possible that there was another person, and that he had also fired a shot at the deceased. Referring to the dagger, he said it would have been an extraordinary thing if it was found in the possession of an Englishman, but it was not at all singular that an Italian should have such a weapon in his possession. The possession of the gun and dagger by the accused could not be looked upon as preparation for the crime. As to the bullets, was that a matter which called for an explanation from the prisoner? Referring to the evidence of motive, he said it was shown by the prosecution that the result of the lawsuit was preying on the prisoner's mind, and he referred to the evidence of Durrell and Tucker on this point. It might be that the jury had heard some rumours of ill-feeling between the prisoner and Hawkings. He need not tell them that any such rumours should not affect them in the slightest way. If there was any ill-feeling between the the two men it ought to have been proved. If there was any real foundation that there was ill-feeling—so much so that Hawkings was afraid—one could hardly doubt that some proper evidence of it ought to have been adduced. The fact that no motive had been proved would be a circumstance in favour of the prisoner. With regard to the question of motive, it would probably not be plunder, but it was revenge. He was certainly unable to see that there was anything to show that the prisoner had any desire to obtain the pocket-book or the cheque-book. As to the suggestion that the prisoner should have called his eldest child, they must consider whether the fact that she was not called was against the prisoner. He pointed out that if she had been called she might have given evidence that he was out that night, which would tell against him, when he might have been out for the purpose of milking the cows. Why should the prisoner call evidence which, although it was true, might have lent strength to the case for the prosecution? Referring to the explanation of Dr. Cahill as to the presence of the piece of the *Post* of the 31st of May in the mass of flesh, he said it was for them to consider whether it was satisfactory, and, if not, what bearing it had on the case. It was a question whether that piece of paper was or was not connected with the wrapper in which the mass had been placed. His Honour said he could not get the drift of the questions put to Mrs. Hawkings, Bowles, and Leddin by the counsel for the defence, but it was evidently with regard to motive. The jury must also consider the evidence of Joseph as to seeing a man with a gun on the hills on the night of the murder. Mr. Bunny had drawn their attention to a piece of paper with the name of "Bowden" on it, and had said that if the name was "Chemis" the prosecution would have said that was conclusive that he was the murderer. The prosecution, his Honour said, did not say that. What they said was that if the piece of paper in the wound was so connected with the piece of paper found in the house, and on the ground that they were all one piece of paper. Mr. Bunny had also put it to them that Chemis, if he was the murderer, would have taken the revolver instead of the gun, and that, of course, was another matter for them to consider. They might assume that the weapon was fit for use. They had the evidence of Mr. Tasker that he had been very careful not to mix the pieces of paper given to him.

Mr. Devine pointed out that his Honour had not mentioned that Inspector Thomson had taken the papers to his house, and that no search had been made for prisoner's powder-flask.

His Honour said no question had been put to the prisoner as to the absence of the flask, and no search had been made. Having referred to the other points, he said it would be the duty of the jury to consider what facts had been sufficiently proved, and whether these facts led them to an inference of the prisoner's guilt. In order to convict the prisoner, that inference must be a rational conclusion, bearing in mind that no human tribunal could expect to have absolute certainty; but they must bring themselves to a conclusion without any reasonable doubt. If, they, however, had any doubt they must give the prisoner the benefit of it.

COPY OF DEPOSITIONS TAKEN ON THE CHARGE OF PERJURY REFERRED AGAINST BENJAMIN.

*Theodore Bernard Jacobsen*, sworn, saith: I am an architect. I prepared the plan produced, marked "A," of Chemis's house,  $\frac{3}{4}$  in. to the foot.

*By Mr. Bell.*] I made the plan on Saturday, 17th. That is, I finished it on Saturday. I went to the house first on Thursday, 15th. Mr. Barton, a builder, went with me. A young fellow—I think Mrs. Chemis's brother—was there. I was instructed by Mr. Jellicoe to make the plan. I saw Mr. Jellicoe personally; he sent for me. I did not make any arrangement as to price. I expect Mr. Jellicoe to pay me on behalf of Mrs. Chemis. He simply told me to make a plan of the inside of the house. He said that there were shelves. I put in some other things that Mr. Jellicoe told me.

*By Mr. Jellicoe.*] I was told to make a ground plan showing shelves, chests of drawers, &c. If I had only been told to make a ground plan, I would not have shown the minor details. I was given to understand the plan was wanted for the Court, and that I would have to give evidence.

*George Didsbury*, sworn, saith: I am the Government Printer. I produce the printed notes of Sir James Prendergast of the evidence of the accused at the trial of Louis Chemis in the Supreme Court for murder.

*Daniel George Arthur Cooper*, sworn, saith: I am Registrar of the Supreme Court. I produce the indictment against Louis Chemis. I arraigned him on that indictment. A conviction was recorded. Accused was a witness; his name is on the back of the indictment. He was sworn as a witness before the Chief Justice on the Gospel. I produce all the exhibits except the clothes. The pistol, gun, dagger, also a box containing pieces of paper produced in Court, said to have been found on the ground and in Chemis's house. I produce paper marked "AA," another parcel of papers marked "BB." Cardboard boxes containing pieces of paper, marked "C" to "K," inclusive. Two small wooden boxes marked "G" and "H," and a brown paper parcel containing various exhibits marked "C1." These articles I believe to be in the same state as when produced in Court. They have been out of my possession. I gave them to Mr. Waldegrave. I got the gun back from a messenger of Captain Hume's. The stiletto I got from Mr. Walrond's private secretary. The other papers, &c., I received back from Mr. Leckie, the private secretary of the Premier. The pistol was loaded when in Court. It was not loaded when I received it back from Mr. Leckie.

*Harry Albert Atkinson*, sworn, saith: I received the drawer produced and its contents from Mr. Jellicoe a short time after the conviction of Chemis. I received in the drawer the powder flask, box of dynamite caps, small box of gun caps, cocoa tin box with powder, empty tin cocoa box, and revolver cartridges. I also received a tin box, which was not in the drawer, containing wads. It was handed to me at the same time as the drawer, but separately. Two or three wads have been used since. The wad-cutter was handed to me also separately, and was not in the drawer, marked "Dybell; size, No. 13." I also received another wad-cutter, marked "Ward," in a wrapper marked "Denton;" also received packet of bullets marked "Gibson." A piece of fuse was in the drawer, also a cake of blistering ointment was in the drawer, also a box of rough-on-rats, and a box of ointment also in the drawer. I also received a tin biscuit-box, and a bandbox. The box is in the same state as when I received it. I have not spoken to Detective Benjamin, or shown the articles produced to any person connected with the Police Force.

*By Mr. Bell.*] The gun-wads fitted the gun very well—Mr. Richardson and I tried them together.

*By Mr. Jellicoe.*] I compared the wads with the bandbox, and I formed the opinion it was clear they had been cut from the bandbox.

*George Denton* sworn, saith: I am an ironmonger in Willis Street. I remember selling you (Mr. Jellicoe) the wad-cutter produced—it is the only one I have of that make and size; it is marked "Ward"—about 19th July last; its price was 1s. 6d. I recognise the sheet of paper round the wrapper. The cutter is an odd size. The paper has been in my possession a year or two. I think I got it from Mr. Mills about 1881. I expect there is no mark to show. I could not say if the wrapper contained any other wad-cutter in April last—13 is a rather unusual size. The other wad-cutter produced is marked "13, Ward." It is not usual to have the maker's name on wad-cutters. I cannot say if wad-cutters of the same make can be produced elsewhere in the city.

*William Denton*, sworn, saith: I produce my rough cashbook. I find an entry in it on the 13th April, "wad-cutter, 1s. 6d." That means that I sold a wad-cutter and took 1s. 6d. for it. I obtained the wad-cutter from the shelf. I expect it was in a wrapper. I expect we had more of same wad-cutters. I cannot say if the wad-cutter produced is the same; size 13 is an odd number. It is not usual for maker to put his name on them. We had some other wad-cutters of same size on that date. The time was given to me about when to look for the purchase of the wad-cutter either by father or you.

*Robert Dybell*, sworn, saith: I am a blacksmith at Kaiwarra. I remember Saturday, 13th April last. I did not see Chemis that day. I received instructions from Chemis to buy a wad-cutter two or three days before. I was talking to him of buying one for myself; he gave me the size, No. 13. I came to town (where I live) on 13th April. I know John Daly. I saw him that

night about 7 o'clock. He came round to my house; he is a friend of mine. We went out together to Mr. Gardner's, an ironmonger in Lambton Quay. I wanted size No. 14 for my gun. I bought some ammunition and a wad-cutter for myself, No. 14. I bought powder, shot, and caps. I asked for a number 13 wad-cutter. I did not get it; he had not one No. 13. I paid 1s. for my wad-cutter. After that I went to Denton's. Daly went with me. I asked them for a wad-cutter, No. 13. The shopman produced one, No. 13; the price was 1s. 6d. I brought it away with me. I kept it till the Monday following, and then I gave it to Chemis; he gave me 1s. 6d. in exchange for it. On the Wednesday before the murder I saw Chemis. I saw him again on the 30th and the 31st May. I spoke to him each time. On the 31st I saw him about 9 o'clock. I was in the Court, and prepared to give my evidence, but I was not called.

*By Mr. Bell.]* Mr. Bunny asked me to attend. I did not communicate anything to you or the police. I did not think it was necessary. I did not communicate with Mrs. Chemis not till after the trial was over. I could not say when it was; it was about a fortnight after the conviction of Chemis. It was about a couple of weeks before that that I made the affidavit. I saw Mrs. Chemis at her house about two weeks before I made the affidavit. I was asked to go there by John Dowd, a brother of Mrs. Chemis. I had seen him while the trial was going on. I had opportunities of speaking to John Dowd there. Dowd told me all the witnesses were wanted up at Chemis's house at 8 o'clock p.m. Dowd was there and others; Mr. Jellicoe was there and others. There were so many there I cannot tell who spoke first. I went into the room and saw Mr. Jellicoe and Mrs. Chemis in a separate room by themselves. I first went into the kitchen. Dowd, another young chap, and three ladies were in the kitchen when I first went in; Mrs. Chemis was not there. Mr. Jellicoe sent for me. Mrs. Chemis came for me, and I went into a front room where Mr. Jellicoe and Mrs. Chemis were. Jellicoe asked me what I knew of the case. I told him Chemis came to my shop on Wednesday morning and said he had shot two quail from the back door. On Thursday morning he came in again, and said he shot two more quail in the same place. I did not tell Mr. Jellicoe. . . . I saw Louis Chemis on the 13th April, and I told him I was going to town to purchase a wad-cutter. I did not know I had sworn to it. It is not true. On the Friday I told Chemis I was going on Saturday night to get ammunition. Mr. Jellicoe wrote down what I told him. Mr. Jellicoe read the affidavit to me before I signed. It might have been incorrect, but I did not notice it. I never spoke to her but once, that was at her house. I have been to Mr. Jellicoe's office about twice to give him my statement. I made a statement the first time, and I made the same statement the second time. I only made the statement once at his office. I went second time when Mr. Jellicoe was going to Government House. I went home from Mrs. Chemis's as soon as I had told my statement. I did not tell Dowd what I had to say. I was only at the Court one afternoon. Dowd only told me I was wanted to go to the house. Mr. Bunny had got my statement, and he sent me a subpoena.

*By Mr. Jellicoe.]* I gave Mr. Bunny the same statement as I gave you. You took my statement down when I went to your office to make the affidavit, and I again went when you went before the Governor to be prepared to give my evidence if required.

*Annie Chemis, sworn, saith:* I am the wife of Louis Chemis. I remember Saturday, 1st June last. That afternoon I saw accused at my house. Inspector Thomson and Detective Campbell accompanied him. They went into the bedroom, Benjamin and Campbell. Inspector Thomson stayed in the kitchen. My husband went into the bedroom with Benjamin and Campbell. I remained in the kitchen with Thomson. Benjamin first returned to the kitchen with the gun produced. The gun was kept in my bedroom hanging up. He placed his finger in one barrel and showed his finger to the Inspector. He did not say anything. He placed the gun close to the table and went back to the bedroom again. He came a second time into the kitchen. I was sitting at the end of the table nursing the baby. Thomson was at the end of the table close to the wall. Benjamin brought a handkerchief containing a number of documents, shot-pouch, and stiletto. He had the four ends of the handkerchief, and laid it flat out on the table. I could see all in the handkerchief—some Italian letters, a lease, some bills, some insurance papers. There were no pieces of newspaper, I am sure. Benjamin again went back into the bedroom and returned shortly after with a revolver. He showed it to Inspector Thomson, who said it was rusty, and seemed as if it had not been used for some time. They placed it on a shelf in the kitchen. They said they would not take it. The gun was in the bedroom the day previously. My husband did not use the gun on the Friday, the day previous. My husband was in the bedroom, when the revolver was put on the shelf, with Campbell. They fetched some paper out of the sitting-room and children's play-room, and found some on a shelf in the kitchen. A blue coat was hanging close to the door of the kitchen. Thomson took a piece of paper out of the pocket. It was a small piece. Inspector Thomson examined the papers that came out in the handkerchief. I thought he was going to take them away; but Inspector Thomson said, "I have done with them, you may put them away again." Inspector Thomson put the bullets (about nine) in an envelope by themselves. He put the piece of paper he took from the coat in his coat-pocket. It was about 5 o'clock when the police went away. The revolver and stiletto were kept in the top short drawer, on right-hand side of the chest of drawers. The drawer produced is the same. I was at the drawer on the morning of Friday, about 10 o'clock. It contained the shot-pouch, powder-flask, box of caps, box of wads, wad-cutter, empty cocoa-tin (in which I kept my money and change), a tin of ground powder in a cocoa-tin, a box of dynamite caps, some fuse, some brown stuff I took to be dynamite. My husband was in the kitchen when the police were going out. They asked him to go out to show them the outhouses. After they had gone I took the things back into my bedroom. The drawer produced was open. When I went in I placed the documents in the left-hand top drawer. My husband came from the kitchen with the revolver, and put it back into the right-hand top drawer. I saw what was in the drawer when my husband returned the revolver, and I returned the documents. The powder-flask was there, the box of caps

the dynamite caps, the wad-cutter, box of wads, tin of powder, cocoa-tin, the fuse, and the stuff I thought was dynamite, were all there. The powder-flask produced is the one that was in the drawer, also box of caps produced; also box containing wads and other articles produced were in the drawer. There was money in the cocoa box in notes and silver. It was there when the place was searched. There was a wad-cutter there; he became possessed of it about Easter; I saw my husband cut wads with it. He got a piece of board underneath, and then he got a piece of an old bandbox, which was kept on the shelf in the sitting-room on the side nearest the door, and cut the wads. He put the bandbox back again on the shelf when he had done with it. The remains of the same box were on the same shelf when the police searched on the 1st June. My husband was arrested on the 5th June. The police removed the revolver the same day after my husband was arrested. Four of them came for it; one of them was accused. I had been to that drawer that day before the police came. I went to get some money to employ a lawyer. I gave Dowd £6 out of the cocoa-tin, which was then in the drawer. The wad-cutter was there then, and the powder-flask, the box of wads, box of caps, fuse, and tin of ground powder, revolver, and other little boxes containing ointment, "Rough on rats"; dynamite caps were there also. Benjamin, when he came, got the revolver from the drawer. All the articles I have just mentioned were in the drawer when Benjamin took the revolver. He put all the things out on the bed and put them back again in the drawer on this occasion. He gave the revolver to Constable Healy. I afterwards learnt that Mr. Bunny was my husband's lawyer. I met Mr. Bunny in the train one morning. I went to town by the same train. He told me something. I went home and took Mr. Bunny the wad-cutter, and a little box of wads produced, about two days after. There was a tin containing some quail on a shelf on the right-hand side of the fireplace. On the 1st June, when the police searched the house, they were not plucked. The tin produced is the same. Detective Benjamin opened the tin and looked in; he did not take anything out, and made no remark. They were shot on the Wednesday and Thursday before; I cooked them on the Sunday—the day after the police were there—for dinner. I know Frederick Greaves; he is my brother-in-law. I saw him on Sunday. We dined at about one o'clock. Greaves did not stay to dinner. I showed him the quail; I was cooking them at the time. I saw Dowd that afternoon. John Dowd, my brother, he came before tea. He had some of the quail for tea. We had not finished it all for dinner. The next day—after my husband's conviction—I went to Mr. Jellicoe's office and instructed him. On the Wednesday the witnesses attended at my house to see Mr. Jellicoe. I showed the drawer produced to Mr. Jellicoe, with what was in it. The powder-flask, wad-cutter—no, the wad-cutter was not there—the box of caps, tin of ground powder, fuse, the empty tin I kept my money in, box of dynamite caps. Mr. Jellicoe took the drawer away that evening with the contents, also the biscuit-tin produced. On the following Sunday Mr. Jellicoe took the old bandbox away. He asked me to take it down from the shelf; I did so and gave it to him. It was in the same state as now. The police saw it there when they searched. I had not been asked about the bandbox before that, or about anything for making wads. Benjamin took it down on the 5th June when my husband was arrested, and took some lollies out of it and gave some of them to one of my youngsters. I had odds and ends in it. I afterwards went to Mr. Bunny's office and got the wad-cutter and box of wads from Mr. Bunny's clerk. He got them from Mr. Bunny's bag. I gave them to Mr. Jellicoe.

*By Mr. Bell.*] Mr. Bunny said the evidence against my husband was the paper. I afterwards—two days afterwards—gave him wad-cutter and wads. John Dowd came to me at my house after Chemis was arrested. He was staying with me when I got the wad-cutter and wads. On the 1st June there were £7 or £8 in notes in the tin in the drawer. The police did not look in the tin. The notes were in the tin. My husband told me that Jack Mack had told him that Hawkings had had an accident up the road. He told me this on the morning of the 1st June, when he came back from serving the milk. I cannot say if he said he was dead. I cannot remember. He had his breakfast, and then went away to work about 8 o'clock a.m. He came home on Saturday about four o'clock. I had no conversation with him; he turned to work directly he came home. No one but the police, who came in the evening, were at the house that day. I did not go to Kaiwarra. I had no conversation with any one that day until the police came. I was in the kitchen when the police arrived; my husband was outside chopping wood. I was bathing the children. Some of the children told me there were some gentlemen speaking to "Dada." I did not at the time know it was police. They came into the kitchen. I did not then know they were police. My husband first spoke, and told me to light a candle, "The police have come to search the house." I lit the candle. I did not say anything. Benjamin said candle-light was no good, and took the lamp down and lit it. I sat on the chair, and started to feed the baby. I first spoke when I saw Campbell and Benjamin search my husband's clothes that he had on. Just the time it took to light two candles and a lamp; it might be a minute, perhaps. I then asked what was it all for. I had not to that time asked any question. I did not know what it was for. I knew Hawkings was dead, because my husband had said he had met with an accident. He came home at dinner-time and had said he heard Hawkins was dead; he comes home to his dinner when he is working near the house. He did come home to dinner that day. I thought when I said I had not heard any conversation with anybody, you meant strangers. Only my husband told me at dinner-time, in middle of the day, that he had heard that Hawkings had had an accident, and was dead. With that exception, I did not see my husband till he came home and passed the time of day and went to his work. I did not ask what the police were there for when my husband said they had come to search the house. I did not speak till they were searching his clothes. I then said, "What is it all for?" I spoke to them all. I twice asked the question. I was feeding the baby then; none of them answered me. I remained nursing the baby at the table, although I did not get a reply. Mr. Thomson remained in the kitchen. The detectives and my husband went into the bedroom. While I was alone with Mr. Thomson he spoke to me about the stove, and how many children I had. I did not ask him any questions at all; the man was a stranger to me. Benjamin brought a gun out, and put his finger in. Benjamin

asked me if the gun was loaded, I said I did not know. I did not ask any questions about the gun. I was not surprised. I was wondering what they wanted those things for, but I did not ask. I am sure the revolver was not in the handkerchief, quite as sure as anything else I have stated; he brought it out after he brought the handkerchief. Supposing it surprised me in my own mind, I was not obliged to ask them questions. I was not surprised to ask them questions. I knew my husband had a stiletto; he has had it about eight years. I have never said I did not know my husband had a stiletto. On the 5th June I said my husband had received it from an Italian eight years ago; the Italian was going home to Italy; this I said in the bedroom on the 5th June, when Campbell, Carroll, and others were in the room. When they were handling the revolver in the bedroom, 5th June, they passed the remark, it was rusty. I said, I heard Inspector Thomson say also when the stiletto was taken to him in the kitchen, "This thing is rusty, we will see it better in the daylight." He then put it into his breast-pocket. I did not say this before, because I was not asked. I told them all four, Constable Healy, Constable Carroll, Detective Campbell, and Detective Benjamin, that my husband got the stiletto eight years ago from an Italian. The documents were in the left-hand top drawer—they were always there in the left-hand top drawer; they were there on the 1st June; they were not in the same drawer as the revolver. The documents were in the unlocked drawer—the lease and other documents. The key of the right-hand drawer was dropped into the left-hand drawer. My brother generally went into that room. I showed him them after the police had been there. He often went to the drawer for powder and shot. The documents were in the left-hand top drawer. There was some epsom salts in the left-hand top drawer. On the 1st June I saw flask and powder in the drawer. I knew the police took a shot-flask and left the powder-flask. I do not know what reason they could have had for not taking the powder. The right-hand top drawer was open when I put the things in the left-hand drawer. Dowd came on the 2nd June in the afternoon. After the 5th June Dowd stayed there. Dowd does not go to the drawer since my husband has been arrested. He has not put anything in the drawer. On the 5th June, four constables searched the house, and took away the revolver, and all the documents. The police turned out contents of the drawer, right-hand one, on the bed, and they took the documents out of the left-hand drawer. Benjamin turned contents of drawer out, and put back the powder and caps and other articles, with his own hands. The bandbox was on the shelf on the 1st and 5th June. My husband cut the wads out of the bandbox, some time after he had the wad-cutter. I saw him once cut them, shortly after he got the wad-cutter. Dowd did not see him that I know cut the wads. My husband has been using the wads since. The piece used was a piece cut out of the side. The box has not had a lid for years. If the top of the box has been cut, it was not done in my house. I did not see anybody cut a piece out of the box. The piece was cut out of the side of it when the police saw it on the 1st and 5th June. The piece has not been cut out since my husband's arrest. I am positive there was no newspaper brought out of the bedroom in the handkerchief. There were a good few documents. I was nursing the baby; I could not watch the police because they were in the bedroom; when I was nursing the baby I could not be watching the police very narrowly. I was watching carefully when Inspector Thomson was examining the documents; I saw what he did; I was there looking at him. I had finished feeding the baby when he was examining the documents. I saw what Inspector Thomson was doing with the documents.

Did you watch carefully what Inspector Thomson was doing?—I saw what he was doing.

Did you watch him carefully because you saw the stiletto in the handkerchief?—I just watched to see what he done with the things on the table.

You added you said something to him?—I knew the white pocket-handkerchief did not belong to me. I thought he was going to take them away; I said, "Please will you return those safely again, they are all documents belonging to the house."

Did you watch him narrowly?—I cannot answer more than say that I seen him.

Was it because the stiletto was in the handkerchief, that caused you to watch him?—I saw him take the stiletto and put it in his pocket, after he said it was rusty. He put it in the outside pocket of his coat, the handle was partly out of his pocket.

[Remanded till 22nd August, 1889.]

*By Mr. Bell.*] When I instructed Mr. Jellicoe on the morning after my husband was convicted, I first said there was no paper found in the drawer. I told Mr. Bunny, my lawyer, so first in private. I told him when he came up to my place when he told me the Italian Consul had retained him. Not then I told him. I told him the morning I met him at the train. Mr. Bunny went to the drawer and saw all the articles that were in the drawer. If I told you that I told him that no paper had been found in the handkerchief when he first came, I made a mistake. I first told Mr. Bunny, and then I told Mr. Jellicoe. Mr. Jellicoe on the first occasion asked me where they took paper from in the house. He did not ask me particularly whether paper was found in the handkerchief. When I was sending my statement in to the Governor he asked me. I saw the Inspector put some bullets in an envelope—nine of them—he left one in the drawer. I saw him put them in an envelope precisely. I saw him put the bullets in an envelope. I saw him put something in the envelope, that something was bullets—nine bullets. They left one in the drawer, and took that away on the 5th June. They were all the same size. I saw ten bullets in the drawer. I counted them many a time. I could not say how many times. I know there was ten bullets. I counted them more than once. I could not say more than twice. I last counted them on Saturday morning, the 1st June. I counted them then. I counted them because they were all in front of me. That was my reason for counting them. I cannot say I counted them more than twice, but I counted them on the morning after the murder. I did not know at that time a bullet had been fired. Why should I? I did not hear of a bullet being fired. The bullets were in the corner of the drawer in the front, close to the bed. The other things were in the drawer. The fuse was by itself, the wad-cutter by itself, and caps were by themselves. How could they be one on top of

another? They were not on top of another. The tin was lying on its side with the powder in it. I did not notice if any of the things were on top of one another. Some were on their side, and some were on their own bottom. I did not notice anything on top of another. I could see the articles except where they were touching each other. I went to the drawer on the 1st June to put some money in that my husband had given me for milk. Somebody paid my husband on the 1st June. My husband told me he had been paid money for milk. My husband used to mark off on the milk-book the morning he received. Mr. Dowd came to live at my house on the 5th June, and has lived there ever since. I did not talk to him about my evidence. I was at Mr. Jellicoe's office this morning to see if I was wanted for anything. He said he did not want me. My husband had not more than one stiletto I am quite sure. If he did have another I must have known it. Benjamin, when he first brought out the gun, asked me if it was loaded. I told him I did not know. He put his finger in the barrel, and showed it to Inspector Thomson. He did not say, "This gun has been recently fired." I am sure he did not. I must have heard him if he had said so. We did not say anything about quail. He looked into the tin after he came out of the bedroom. I did not say anything to him when he looked into the tin, neither did my husband. I did not say anything about quail myself, and I did not hear my husband say anything about quail. I do not know why he wanted to look into the tin. I do not know why my husband did not say there are the quail. My husband might have said so, and I did not hear him; he was speaking to Benjamin, but I did not hear him say anything about the quail. I saw my husband shoot quail from the back door—two on Wednesday, and two on Thursday morning. I saw him fire from the back yard. When he thought he could get a shot he fired at them. He fired, and killed two together with one shot. They were on the ground. He did not fire the second barrel. He shot two more quail on Thursday morning. It was a little while before he went to work on Wednesday morning, after he came back from delivering milk, not long before 8 o'clock—closer to 8 than 7, and it was the same time on Thursday morning. He stood in the back yard when he fired, a little way from the back door. The back yard is about the length of this room, it might be a bit longer. He was in the same place on Thursday morning. He was with his back to the house. He was standing a little to the right of the back door, looking out of the back door. He fired right in front of where he stood. I saw the quail. He fired towards the hill. The hill was in front of him. The birds were somewhere in front of the back door. I know he went a little to the right of the back door to fire. He fired directly towards the hill; his back was towards the house. The quail were somewhere near about the same spot on the Thursday as they were on the Wednesday. I could not say they were in exactly the same spot. He fired from the same place on Thursday, to the right of the door. Greaves was at my house about 10 or 11 o'clock on Sunday. I do not generally go to chapel on Sunday. He did not stop to dinner. I do not know how long he was there. I showed him the quail; he saw me putting them in the oven. There was a joint of meat in before them. It took me from the time Greaves was in the house till we had them for dinner to cook the quail. I do not remember baking quail before. I have not baked any since. My husband did shoot quail before the Wednesday. I cook them. I always stewed them before. I might have baked them before, but I do not remember. Greaves went away some time before dinner. I cannot say what time. I remember the police coming to the house on the 1st June. I lit the candle and Benjamin the lamp. They took him outside in the yard after that, after they had searched his clothes. There were two candle-lights in the kitchen and a lamp. He came on with the police, and asked me to light a light himself. There were lights in the house when they took him into the yard. He was not out there five minutes. I did not ask any question till after the lights were lit, and I saw them searching my husband's clothes. My oldest child was eight years old on the 19th March, the next six years old on the 7th April. Benjamin said the boy's age was six years old. He is only three years old. I did not send a message to Mr. Bunny while you were addressing the jury to the effect that my eldest child was only six years old. I gave £6 to Dowd before the police came on the 5th June. There was some silver and two single notes in the tin when the police came and searched on the 5th. The tin rolled out on the bed. They put all the contents on the bed, and put all the contents back again. He (Benjamin) opened the box of caps and wads. Not the tin with the powder. There were several little articles in the left-hand top drawer—necklaces, lodge-book. There was a workman's measuring tape. I was on friendly terms with Mr. and Mrs. Hawkings. My husband never had a row with Hawkings. I did not ever have any quarrel with them. Never any quarrelsome words. I never quarrelled with them. Never said anything offensive. I have never had reason to complain of the conduct of Mr. and Mrs. Hawkings. I have of their children, and I wrote a letter to Mr. Hawkings about them. Letter produced [marked D put in] is the letter. There is nothing offensive in that. Dowd said he was going to see Mr. Jellicoe. I first saw Devine some time after my husband was arrested, before I saw Mr. Bunny. My husband turned out the cows on the 31st May. He put up the rails after turning them out into the nine acres. He came back and got his horse. I do not know if he got the horse before he pulled up some mangolds out of the garden. He did pull up some, a cask full, and cut them up and washed them. I was milking when he came home from work. I heard the chopper going, not while I was milking. I was in the kitchen seeing about the children. I went out to see when he and the children were coming to tea. He fetched the horse before he came to tea. I saw him pass down with the horse and put it in the stable. He just fed the horse and brushed it, and left it in the stable to be ready in the morning. I never fetched the horse. He fetched the horse. After he had finished his work by the sheds, he came in to tea about 6 o'clock. We did not have tea as late as 7 o'clock. It was some time near 6—closer to 6 than 7 o'clock. He cut up a cask full of mangolds, pulled them, washed them, and cut them up. This was the evening of the 31st May. He passed me when he came home from work, and said, "Good evening." I asked him what time it was. After he had been to the kitchen he said, after five. I cannot say how long it takes to go from the road to the house. I never looked at the time to see how long it took



me. I never had any occasion to remark the time it would take me to walk up from the road. When Mr. Jellicoe came out, and saw all these things in the drawer, he advised me to lay these informations. I showed him the things. I said the policeman swore lies about these things not being in the drawers the night he took the drawer away, two days after the conviction. I did not lay the informations then, but left it to Mr. Jellicoe for when he had time to attend to it. He had some cases in Court then. I came in one morning to see Mr. Jellicoe, to see what time he thought fit to lay the informations. I had not been sent for. The informations were not ready then. I came in by the 9 o'clock train. I went home in the afternoon. I had dinner at home. It was before tea. The children had had their dinner. They told me so. I swore the informations. I went with Mr. Jellicoe's clerk to some gentleman's office. Mr. Glascodine was the clerk. I stayed there until the informations were made out. Mr. Jellicoe made them out and sent them to be copied. I do not know how long it took. I had some money in the Savings Bank in my husband's name. He gave me an order and I drew it out. I paid some bills, and I have the balance in the bank. I remember on the 5th June the four constables coming. Benjamin asked me to come in and see what he was doing. I went into the room.

Do you ask the Court to believe that the police having invited you to come into the room to see what they did, then proceed to tell a series of falsehoods as to the result of the research?—I do: they told a falsehood saying those things were not in the drawer.

*By Mr Jellicoe.]*—In this book I entered the customers' names, and opposite their names I enter the quantity of milk that is taken. When I make out bills on the first of the month I make entry that bill has gone out, and when they pay I rule a pencil over the figures, which shows that the account is paid. [Exhibit E.] The road to the house is up a hill.

*Mary Kate Jellicoe, sworn, saith:* I am the wife of E. G. Jellicoe, solicitor. I remember Sunday, the 21st July last. I drove out to the Hutt that day. I left you at the bottom of Chemis's lane, and I went on to the Hutt with the others who were with me. On my return I picked up Mr. Jellicoe about the same place. Mr. Jellicoe had a man with him, who carried a box covered with paper (newspaper) I think. The box was put into the carriage and we drove home. On the same day I saw Mr. Hawkins, he was by his gate next door to my house. The box was brought from the carriage and placed in my drawing-room. Mr. Hawkins went into the drawing-room. I was present when he looked into the box, and looked into it myself. The box is not now in the same state as when it came to my house; the top was quite straight round, except the piece that is cut out of the side. Care was taken of the box, and it was put in a cupboard in Mr. Jellicoe's dressing-room. I wrapped it in paper and gave it to the office boy who called next morning. I gave it to him just as I had received it; it was quite straight all round then.

*By Mr. Bell.]* I have not heard Mr. Jellicoe say he would have every policeman out of the place, or every detective. I am not aware he has said so to any one else.

*Robert Samuel Hawkins, sworn, saith:* I am a Justice of the Peace. I remember Sunday, 21st July, and a carriage driving up to your door. At your invitation I went into your house with you. I went into the drawing-room. You brought in the bandbox produced; it was in paper; you opened it; I looked at it. It is not now in the same state as it was then; a piece has been cut off the top of the rim; the rim was perfectly level when you produced it. I had a reason for looking at it at the time.

*By Mr. Bell.]* I am the editor of the *Evening Press*, and the writer of a number of articles on Chemis's case. I have been in frequent communication with Mr. Jellicoe. I have never had any with the solicitor for the prosecution. My information has been drawn from public sources and from Mr. Jellicoe; all that has not been gained from public sources has been gained from Mr. Jellicoe. From time to time Mr. Jellicoe has produced to me affidavits which he collected for the purpose of an application for a reprieve. I have frequently discussed the Chemis case with Mr. Jellicoe. I have discussed some things relating to these perjury prosecutions. He told me that Mrs. Chemis intended to lay the informations. He did not tell me any object in laying the informations. He did not say what he intended to do with the police generally. He did not express his opinion as to the Wellington police generally, I do not think. He has not said anything with regard to Thomson or Campbell, but he did express an opinion as to Benjamin. He said that he would be prosecuted, and that he believed that Benjamin had stated lies, that he lied in his evidence. He told me so on more than one occasion. He instanced the statement about the quail, the wad-cutter, the wads and the powder-flask. I forget if he said anything about the paper. I do not think he told me that Benjamin was a liar. He did not comment on Benjamin's character generally. He has not used abusive language about the police. I never heard him say he would have the police out of the place.

*By Mr. Jellicoe.]* I am not responsible for what appears in the paper; I am editorially responsible. I have no reason for saying that Mr. Jellicoe makes wild accusations. It would not be right for me to express an opinion on an action which is practically *sub judice*, meaning an action Bell *versus* Jellicoe.

*Edwin George Darke Woodward, sworn, saith:* I am a clerk in the office of Mr. Jellicoe. I remember the 29th July last; on that day I took the bandbox produced to the Premier. I remember it being brought into the office by the office-boy, Cropp, a few days before it was sent to the Premier. I placed it on the table in the Premier's room. The Premier was present. You were there. I delivered other exhibits at the same time. It is not now in the same state as it was when delivered in the Premier's room. It had then a straight edge. The piece had not been cut off the top. I went in a cab to the Premier's. George Cropp carried the box to the cab from Mr. Jellicoe's office. Mr. Bailey is a clerk in your office. The box was kept in the safe at the office. I had the box in my possession in presence of Mr. Bailey on the morning I took it to the Premier's.



*Thomas Alfred Bushe Bailey*, sworn, saith: I am a clerk in the office of Mr. Jellicoe. I remember the office-boy bringing the bandbox produced. I placed it in the safe. I remember Mr. Woodward removing it. I was not in the office when it was taken to the cab. I saw it half an hour or an hour before. The box is not now in the same state as when I saw it. It has had a piece cut off round the top.

*George Cropp*, sworn, saith: I am a clerk in the office of Mr. Jellicoe. I remember taking the box produced from your house to the office. It was put in the safe. I took it into the cab to Mr. Woodward. The box is not now in the same state as when it was put into the cab. The top has been cut since.

*William Henry Warren*, sworn, saith: I was in Court yesterday afternoon. I was taking shorthand notes. I was present when Mr. Bell cross-examined Mrs. Chemis.

*Annie Chemis* recalled, and re-examined.

*By Mr. Jellicoe.*] I am responsible for this prosecution, and I am paying for it—whatever way I am paying for it. I will pay for it in time. I told Benjamin if I had to sell the last piece of clothes I had I would prosecute him. Benjamin came up with another gentleman sometime about the time of the Cabinet meeting. I do not know the other man. He came to my house for a drink of water and I gave him a cup of milk. I spoke to Benjamin, and said how shameful it was of him to swear so much lies about my husband through his having denied these things were in the drawer. The other gentleman remained by the cowsheds. Benjamin came up to the house and carried my little boy. The other gentleman came up afterwards. Benjamin gave the boy a shilling to buy lollies with when he came up the road first, before I told him I would spend the last shilling. Benjamin went up the hill, and my little boy told me he had given him a shilling. They came to the house afterwards and I did not give him back the shilling. I do not carry a watch. My husband cut a cask full of mangolds. The cask was kept in the shed close to the cowshed. The cask produced is the same. I was in the cowshed milking when he passed. He chopped the mangolds with the chopper produced. He was pulling up mangolds while I was in the shed. I could hear him chopping the mangolds when I was in the kitchen. I was in the cowshed when my husband passed from his work. He went to the kitchen with his basket, and when he came out I asked him the time. He said, "After 5." My children were about. It was some time about 6 when my husband came to tea. It was nearer to 6 than any other time. From the time my husband passed the cowshed and had his tea my husband did not leave the premises. The gun of my husband was hanging in the bedroom from the time my husband passed me at the shed and tea-time. After tea he read the *Post*. When the children were put to bed he was reading the paper. I put them to bed at 7 o'clock. 1st June was the first time I remember baking quail. I have a colonial oven. I looked to see when the quail were done. When I took them from the oven I knew they were done. Only our own family dined off the quail and the joint. Another joint of meat was being cooked when the quail were in the oven. I gave my brother some of the quail at tea. There is a form standing by the house at the back of the yard. Some boards are on the ground leading to the water-taps opposite the kitchen door. Yesterday when I went home I had to milk the cows. Dowd had to feed the cows. I prepared the children's tea after milking. Afterwards I got them ready to go to bed. John Dowd left the house with a young woman who had been looking after the children. He returned before I went to bed. I know all the things I have mentioned were in the drawer. They were not placed in any particular place in the drawer. The bullets were in the right-hand front corner of the drawer. I saw Inspector Thomson inspect the documents. I still swear no newspapers and no fragments of newspapers were brought in the handkerchief and placed before Inspector Thomson. The documents were placed in the left-hand drawer after the police left on the first day of June. The documents were in the morning in the left-hand drawer. I kept the money in the right-hand drawer. I kept it locked because I did not want the children to go near the drawer. The key was kept in the left-hand drawer. I remember the bandbox being taken away by you. The box is not the same now as when it was taken away. It was level at the top. I said yesterday that if a piece had been taken off the top since it was not done in my house. I remember Tuesday, the 20th August. Mrs. Richardson called at my house, the wife of one of the Ministers. She had two of her children with her. She asked me questions. She had a note-book and pencil. She told me she was the wife of the Minister of Lands.

*Augusta Richardson*, sworn, saith: I am the wife of George Frederick Richardson, Minister of Lands. I remember last Tuesday afternoon. I went to Mrs. Chemis's house with my two daughters—eldest and youngest. I could not say how long it took me to go from the road to Chemis's house. I saw Mrs. Chemis. No one sent me up; I went of my own accord. Mrs. Chemis was milking the cows. I spoke to her, and went into her house afterwards. I spoke about the newspaper found by the police. I asked her where the paper was got, and she said it was not in the bed-room or drawer, but some was found in the kitchen and parlour. I wrote down two dates, nothing else, 1st June and 31st May. I inquired about Mrs. Chemis' means. My object was to do what I could to assist Mrs. Chemis if I could. These two dates refer to the newspapers. I asked if she had paid her lawyer to see if she was short of money. I cannot remember the whole of the conversation. I have no idea how long we were talking. At the cow-shed I asked her if she had any of the newspaper of the 23rd May. She said she thought not. We talked of her husband coming home that night and what he did. I asked her about her money matters to see how she was situated. She told me what she drew from the bank. I went to see what I could do for her. I generally carry a note-book with me.

*By Mr. Bell.*] I have had no communication with any police officer. Colonel Hume was at our house. I told him I was going to see Mrs. Chemis. Colonel Hume asked me to find out anything I could with the hope of clearing up anything connected with the murder. Mr. Fisher had asked

me to go out the night before. I had asked him to assist me in getting up a subscription. I took part in getting a petition. I believe Chemis is innocent. There is no foundation in the statement that I went out for the purpose of getting evidence against Chemis in this case or for the police. Why should I, when I thought him innocent. I was trying to find evidence to prove his innocence. I did not want to get evidence for the police or against the police. I should have done what I did whether I had seen Colonel Hume or not. I believe Chemis to be innocent. My efforts were for Chemis's family and for the elucidation of any facts to prove his innocence.

*By Mr. Jellicoe.]* I knew that Colonel Hume was making inquiries for the Government in Chemis's business. I told him I was going out the same day. On Tuesday he was at lunch. He said, would I take the trouble to find out anything to clear up the murder, as she would talk more freely to me, being a woman. He suggested I should make a memorandum of it. I saw him in the evening. I think Mr. Richardson asked him to tea. I told him what had taken place at Chemis's. He did not take a note of what I said.

*By the Court.]* Colonel Hume knew I thought Chemis innocent.

*Mary Hawkings*, sworn, saith : I am the widow of the late Thomas Hawkings. I remember the morning of the 31st May, my husband left for town at about 9.40 a.m. He had £7 15s., or £7 17s., when he went out ; there were £5 or £6 in notes, one half-sovereign, and the rest in silver. I put it into his purse ; it was a gentleman's pocket-book.

*By Mr. Bell.]* That night he was murdered. Constable Carroll and Dr. Cahill came to my house that night. Next morning Healey and Carroll called, then later Inspector Thomson and Detective Campbell. I did not give information to Carroll and Healey about the pocket-book. I did not then know it was lost. I told Inspector Thomson and Campbell after 4 o'clock. I was at the Morgue on Saturday morning. Nobody but I, or anyone I told, knew that my husband had the pocket-book. I do not remember speaking to Carroll and Healey, except about the trap and horse. Do not remember them asking me about the pocket-book, they may have done so. I described the book and about the money in it when I spoke to Detective Campbell and Inspector Thomson.

*By Mr. Jellicoe.]* It was after 4 o'clock—they were not long in my room.

*By Mr. Bell.]* They went from my house towards Chemis's house across the hill.

*John Alfred Koch*, sworn, saith : I am ledger-keeper at the Bank of New Zealand, Wellington. I knew the late Mr. Hawkings. I remember receiving £6 paid into the bank to the account of Thomas Hawkings—five pound notes, and one pound gold—that went to his credit on the 31st May.

*By Mr. Bell.]* I was first served by the police with a subpoena. Inquiries were not to my knowledge made on Saturday about the payment to Hawkings's account. Either Mr. Hawkings must have stated it, or someone who had a right to inquire.

*By Mr. Jellicoe.]* Bank closed at 12 o'clock. I was ledger-keeper that day while the bank was open. There is a staff of about twenty-six in the bank. I think they could all have given the same answer as I would—that is, "Refer to the accountant."

*Mary Hawkings*, recalled, saith : I was not aware he was going to pay the money into the bank. He mustered money always on Friday, and made his purchases, and paid his money into the bank—I mean the balance after making the purchases.

*John Taylor*, sworn, saith : I am in the employ of Thompson and Co. I knew the late Thomas Hawkings. I saw him come into the shop on the 31st May, he purchased some dress material and hosiery ; he paid for it by a cheque. He pulled out a few shillings and said he had not enough. The account was £2 8s. 1d. He said when he pulled out a few shillings, "That is all the money I have."

*By Mr. Bell.]* The police did not inquire until a few days afterwards. I did not tell any one in the meantime.

*John Daley*, sworn, saith : I live in Murphy Street. I am a bricklayer. I know Robert Dybell, he resided in Wingfield Street. I saw him on the evening of Saturday, the 13th April last. I went to his house at about 7 o'clock. We went to Robert Gardner's, ironmonger, Lambton Quay. I went into the shop, Dybell purchased some shot, powder, and a wad-cutter, No. 14. He wanted another, No. 13, they had not got one. We then both went to Denton's, Willis Street ; Dybell purchased a No. 13 wad-cutter for 1s. 6d. I looked at it. There was a name on it—Ward, I think was the name.

*Walter Edward Rawson*, sworn, saith : I was a clerk in the employ of the late Mr. Bunny. I remember on the 18th of July giving Mrs. Chemis the little box and wad-cutter like those produced. They were found by me in Mr. Bunny's black bag. I opened the bag on Monday, the 15th July. I saw a brown paper parcel. Mrs. Chemis said what she wanted was in a brown paper parcel, so I knew where to find them. I did not open the box, and I do not know what it contained.

*By Mr. Bell.]* I saw the brown paper parcel the day Chemis was convicted. I had not seen those articles before. I had seen the same parcel before some time before the trial. I saw it on the mantel-piece in Mr. Bunny's room. I do not know how it got there. It might have been in his office before, but I did not see it—it might have been in his bag, and put on the mantel-piece afterwards.

*By Mr. Jellicoe.]* It may have been on the mantel-piece some time before without my noticing it. It may have been in the bag before it got on the mantel-piece. I would not like to say whether the articles were in the bag at any time when it was in my possession before they were on the mantel-shelf.

[Remanded till 26th August, 1889.]

*Henry Norman*, sworn, saith : I live at Belmont, at Mrs. Miller's. I left there at 7.30 a.m. this morning, and got in the train at the Hutt. I did not inquire what time it was when I arrived in town. I left the house about 7.30 this morning. I walked about the town. I saw Mr. Bell by the Court here. I inquired for Mr. Bell in the library. I saw him just outside this room; he was walking along. I saw Mr. Bell. I was subpoenaed by the prosecution in this case, and knew Mr. Bell was Benjamin's lawyer. I was a witness for the prosecution in the Chemis case; before I was called I saw Detective Benjamin twice, I think. I wrote out my evidence and gave it to Benjamin—all except what I knew about Bowles. Benjamin was at the Court—just outside the Supreme Court. It was about Hawkings being threatened up there. Benjamin called me on one side and read it over to me. He said, "You stop there," where I was standing at the time. He gave no answer to what was written in the statement. I did not speak to him again until I gave my evidence. I did not tell the Judge all that was in the statement. Hare was working with me at Hawkings's after the accident. Hare and I were talking together yesterday (25th August). I have not made any statement different to what I have made to-day in reference to what Benjamin said to me when I gave him the statement. I have never seen the shot-pouch [produced] before. I never saw a shot-pouch of Hawkings's. I have not seen Mrs. Hawkings this morning. I never saw a person with a pouch before—that is why I said I never saw the pouch [produced] before.

*George Frederick Richardson*, sworn, saith : I am Minister of Lands. This gun [produced] and other exhibits were taken into the Cabinet-room after the conviction of Chemis. I saw the gun shortly after it came to the Cabinet-room. The stiletto [produced] was among the exhibits. I used one of the wads in each barrel. I drove them down; they fitted very well. I got the wads out of a little tin box. I think I would know the box again. I took the wads from the box produced. I have tried experiments in the lower portions of the coat of the deceased. I made three or four cuts just by the tail of the coat. I used it on a rug as well; I simply tried the stiletto once or twice in the rug. I tried it upon paper, the rug, and the coat. Other Ministers were present when I put it through the coat-tail. Mr. Hislop was present; I think he used the stiletto in the tail of the coat. It appears to me to be more rusty than when I saw it last. I examined the clothes; I saw them in the Cabinet-room. The clothes were not interfered with; the revolver was not experimented upon. I saw the bandbox [produced] in the Cabinet-room. I do not know who took off the piece of the top. It was kept in the Cabinet-room. I do not recollect about the top edge if it was different to what it is now. I took the cartridges out of the revolver.

*By Mr. Bell.*] I would not have hesitated to have taken a piece off the top if I had wanted to make any experiments. I had no communication with the Crown Solicitor. The detectives were not present while any of the experiments were being made. Did not tell Mr. Jellicoe of the experiments being made in the Cabinet.

*Harry Albert Atkinson* re-called: I produced the exhibits now in Court. I then said they were the same as when received. I do not now adhere to that statement. I did not notice there was any cutting of the edge of the bandbox. My impression is that the box is not now in the same state as when I received it; to the best of my belief the top-edge was straight and uncut. I had not noticed the edge when I was examined previously. I am unable to offer any explanation as to the cutting of the edge since it has been in my possession. I have made inquiries. The exhibits were kept locked-up in the Cabinet-room until after the Cabinet came to a decision as to what advice they would recommend the Governor to follow; but at the time the room was not kept locked. After that I could not say who went into the room. I was in Court on Thursday last when Mrs. Chemis was examined. I first noticed that I thought there was some difference when I put it in the tin, but I was not certain. I, when I saw it being held up by counsel, thought I could not remember if it had been cut. Mr. Waldegrave brought me the bullets in an envelope, I think, in the box with other things.

*By Mr. Bell.*] I did not count the bullets received in the box. I think there were seven, but I am not sure.

*Louis Chemis*, sworn, saith : I can speak English. I remember the 31st May last; and the police coming to my house on the 1st June, Saturday night, about 4 o'clock or a little after. I have not, since my arrest, had any conversation with my wife except in the presence of a warder. I remember sending a statement to the Governor. Before doing so I had not had any private interview with you. When the police came to my house on Saturday I was outside chopping wood. Benjamin spoke to me and said, "Good morning;" at the same time he put his hand in his pocket and said, "Here I have a search-warrant to search your house for a pocket-book that was stolen from a man that was killed last night." I said, "All right, sir, you can go and search as much as you like." Mr. Thomson passed from behind Benjamin at the time. I did not know then he was Mr. Thomson. Then he said, "Read that over to him." The man, Mr. Benjamin, did so. After he had finished he said, "March on." I said, "All right." We went into the kitchen. When we were in I said to my missus—she was close to the fire—"The police are going to search the house." I do not know if she gave me an answer or not. Mr. Campbell was with them. I have known him this last twelve or fifteen months. Mr. Thomson said to Benjamin, "Search him first." Benjamin did so, and took everything out of my pockets and put them on the table. I was in the kitchen. In fact, he took a little penknife out of my pocket, and I have not seen it from that day to this. It was not produced at the trial. A bit of the handle was broken. They took it from my trousers pocket. After this Benjamin said, "This place is getting rather dark; let us go outside, we can see better." We went out in the back yard. Benjamin looked at my boots, and all over my clothes. He looked at my hands as well. Then he asked me if I was wearing my clothes the day before. I said, "Yes, and a week before." He asked me if my wife had washed my clothes that day. I told him I did not know. It was true I had worn the same clothes the day before,

and a week before. I was arrested in the same clothes. I had worn them about a week. We went inside into the kitchen. Thomson said, "Nothing." I do not know what he meant. Benjamin said, "No." Thomson said, "You had better go round the rooms." Benjamin said, "It is too dark to go round the rooms now." I said, "I will soon find light enough for you." I lit two candles. There was a lamp there; I am not sure if any one lit it. I think I did; I am not sure. Benjamin took one candle, Campbell the other. Thomson said, "You had better go round the room, and take notice what they are doing." Thomson stopped, sitting by the table. I saw him take the chair. Campbell and Benjamin went into my bedroom. I went after them. We were close together. Benjamin looked up and saw a gun hanging over the door. Benjamin put his candle in the washstand, and collared the gun, and went into the kitchen with it. I looked after him; he was very smart. I did not know where he was going. I could see he went to Mr. Thomson. The gun was there all day the day before. Campbell went to the chest of drawers, to a little drawer I used to keep locked. It was a top drawer, nearest to the bed on the right-hand side going in. I knew the drawer was locked because we always kept it locked, because I kept dynamite caps and revolver, so that the children could not go there. I kept the key in the other drawer. I had the key in my hand before he asked me for it. I saw he was going to ask for it. He said, "The drawer is locked." I said, "I will soon open it for you." I got the key from the left drawer; I opened the right-hand drawer. Benjamin was by it when I opened it. He had come back. Benjamin started to take papers out of the left-hand drawer, such as bills, letters, discharges, and put it all in a handkerchief which he had spread on my bed. My lease was in the drawer where I kept my powder. He took out the papers out of the left drawer, and put them in his handkerchief. He took nothing else out of the left drawer. There were no pieces of newspaper there. One of them took out the shot-pouch. I do not know if it was Benjamin or Campbell. It was from the right drawer. The shot-pouch was alongside of the powder-flask, both lying close together in the right-hand drawer. I saw the powder-flask myself; anybody could see it. Either Benjamin or Campbell took up the shot-flask in his hand and shook it, and said, "Is that all the shot you have got." I said, "That is all. I have powder there, and plenty of caps; that is all the shot I have got." Campbell picked up a bullet, which he was looking at. Benjamin said, "Pick them up." They took a knife, or stiletto—what you call it. Campbell held it in his hand, and Benjamin said, "Take that." Campbell remarked, "There is some dust on it." "No wonder," I said, "there was some dust on it—it has been there several years, and it has not been out of its sheath for the last six months." It was true it had not been out of its sheath for the last six months. He laid it on the top of the chest of drawers. It was not there more than two seconds when Benjamin took it and put it on top of the bed with the papers. They took five things from the right drawer—the revolver, stiletto, bullets (I do not know how many), the lease and shot-pouch. They took no fragments of newspaper out of that drawer. I kept no paper there. They looked at everything. Campbell opened a box in the right-hand drawer; it had some dynamite caps in it amongst some sawdust. He asked me what they were. I told him, and how to use them. It was a round box with sawdust in it. Box produced is the same. He put the caps back again in the box, and put the box in the drawer. Campbell put them back. There was a powder-flask in the drawer; there is brass on it where you put the powder in it. It was alongside the shot-pouch; they were lying together. There was some powder in it; not very much. There were two cocoatins, one containing powder, the other was empty. I put the powder into the tin. It was blasting-powder, ground up once when I was short of powder. The tin produced is the same. It was in the drawer. We used to keep money in the other tin. When I received money I sometimes put the money in, and sometimes my wife did; we were not particular. I believe that tin [produced] is the other tin. Mr. Benjamin opened the tin with the powder in it. I took some money out of the tin used for keeping the money in at—I believe it was—dinner-time on Saturday, the 1st of June. I went home to dinner that day. I took a sovereign and a few shillings. I do not think I left any in. There was fuse, a little ointment-box, revolver, ammunition in it, in a little flat tin. That is it [produced] with ammunition in it. The fuse produced, I believe, is the same. There were two boxes of caps, a big box and a little box. The little box was nearly full; it contained one hundred when full. The big box was nearly empty; it contained two hundred and fifty when full. The box produced is the small one, nearly full. The big box was a larger one than that produced. These things were in the drawer when the detectives looked at it. There was also a wad-cutter in the drawer. It was a No. 13 wad-cutter. I received it from a man named William Dybell, blacksmith, Kaiwarra. He bought it for me. I paid him 1s. 6d. for it. I got it the Monday morning before Good Friday, the 15th April, I think. We were talking together, and from that conversation the wad-cutter was purchased. The wad-cutter produced is the same. I sharpened it myself on the grindstone. The wad-cutter was in the drawer when Campbell and Benjamin examined it. I cut some wads with it after I received it. I cut them from the box that is there [pointing to the bandbox on table]. I have not seen the box since I was arrested, or any of the other things. The box was kept in the front room—the sitting-room—on top of a little shelf. I cut out the piece of the side. I got the hammer and a piece of board and punched them out. My missus saw me punching them out. Some of the wads were in the drawer when the police searched it. I did not look at the wads that day, but they were in the drawer. The wads were in the left-hand corner with the caps. The wad-cutter was alongside the stiletto, on the right-hand side of the drawer. I believe the wads were loose. Box of ointment, "Rough on Rats," and blistering ointment, were in the box. All these things were in the drawer, and were left there by the police that day. I have not since my arrest had an opportunity of speaking to my wife about these things. I do not know if my wife has given evidence here. I used my gun twice that week—I think on the Thursday morning, and the day before. I fired at some quail. I got two more next morning at the same spot. It was behind the house close to a little bank, and I fired about 40 yards away from me to the quail. I was standing 3 or 4 yards away from the house. The quail were in that tin or another like it [pointing to the biscuit-tin on the table.] The tin was on the top of the shelf in the kitchen, on the right side

going in. There were four quail in it that I had shot. Benjamin took down the tin that the quail were in, opened it, and looked in. He did not say anything; he put it up in the same place again. Some bullets were taken from the drawer. A man named Gibson gave them to me. I have not seen him since I was arrested. He gave them to me because there were some wild pigs up there in the place I had from the Hawkings's. Gibson used to shoot in the land. I told him he could go there when he liked. I used a few of the bullets. I found they were too small for my gun. Benjamin took the newspaper out of the bedroom into the kitchen. There was no newspaper in the handkerchief when he took it out. There was no newspaper taken from either of the drawers. We had the quail for dinner on Sunday. I had tea at home that day. Fred Greaves came there in the morning. I left the bandbox in the same place I took it from after I cut the piece out. It was in the same place in the sitting-room when the detectives searched. I went down the road with the police when they left, as far as my gate. They did not take the revolver with them that night, nor the documents. They left the revolver on the shelf close to the tin, and the documents on the table. I thought they had the revolver. I said, as they were leaving, "Don't you lose that revolver." Benjamin said he never took it, it was on the shelf. Benjamin went to the table where he put the papers. Benjamin said, "Did you look at them?" Thompson said, "There is nothing but bills and documents and paper in connection with the house. There is nothing we want there. There is a lease there with only Hawkings's name. I cannot make it out." Then my wife spoke up, and said, "I suppose Hawkings has a lease with only Chemis's name;" then he said no more. Before they went away there were two coats hanging up near the door. Thomson said, "Which of those coats do you wear through the day?" I said, "That one that is torn." He put his hand in the pocket, and his hand went right through. He said, "Don't you wear this one, too?" I said, "Yes; I wear it every morning when I go with the milk to Kaiwarra." Then he took from it two or three bits of newspaper from the pocket, and put them in an envelope, and put them in his pocket. My wife was behind with the baby. They said—Thomson said—"Come on with us." When we got down the road, he said, "I want you to show us the road as far as the gate." He asked me if I saw the three of them up the hill. I said, "No." He said, "We saw you." I said, "Well, I never saw you, you were looking for me." When we came to the gate, Thomson said, "We do not want you any further." I said, "You know where to find me, if I am wanted any further," and I laughed. I returned straight to the house. I took the revolver from the shelf to the right-hand drawer. I took all the documents from the table, and put them in the left drawer. My wife was about the room or the kitchen. It might have been years since I used the revolver. I kept it because I was living in a back place. It might have been loaded about two years. I was present when the gun was taken on Sunday morning. Detective Benjamin and Campbell came. It was just after cutting a bit of mangolds. Then Benjamin said, "I have come for that gun." I said to him, "Then I wish you had taken away that gun last night." He said, "Last night and this morning are the same." I said, "Last night no one would have seen you take it; to-day there are a number of people about." Benjamin then said, "Tell me this, now, was you anywhere last Friday night?" I said, "No, do not you see every night, when I come home, I have got to work—an hour and a half's work before me. I must cut that tubful of mangolds every night, and look after the horse and cows as well." "Never mind," he said, "come up and give us that gun." I said, "All right." He stopped in the back yard. I brought the gun to him. He said, "Is that gun loaded?" I said, "No, do you not know I have not got any shot." He put the ramrod down both barrels; it was not loaded. He said, "Tell me this now, when did you fire this gun, now?" I said, "Three days ago." I believe it was last Thursday morning—I showed him the spot. I showed him the spot I had fired from at the quail you saw last night. All the articles produced, the powder-flask, dynamite caps, box of caps, box of ground powder, wad-cutter, cocoa-tins, revolver, cartridges, the wads and fuse were all in the drawer when I returned the revolver to the drawer. I cut mangolds on Friday night, before the detectives came, after I had left Lee, and returned home. I did not cut mangolds on Saturday, because I have Sunday to myself. The cask produced is the one I used to fill up every night with a chopper. I believe I see the chopper there; yes, there it is. I knocked off work on Friday, the 31st May, at about 4.30. I wore the same clothes that night as I wore the next day, and the same clothes I was arrested in. I had to help Lee to put some sacks in the cart, and I got my *Post*. I got to my gate at about 4.45 or 4.50. I went up the hill. I first saw my wife at the cow-shed door. I used to leg-rop a cow for her. I leg-roped the cow for her, so that she could milk her. I went to the hay-loft, and threw down a handful of hay to each of the cows. I took the kit home. I cannot say I took my kit home before I leg-roped the cow. I did not go away from the premises that night. I was just round about the house. I did not use my gun, my stiletto, or shot-pouch that night.

*By Mr. Bell.]* I was in Kaiwarra on Saturday morning. I went to deliver my milk as usual. I do not think I collected any money that morning. I cannot swear one way or another. I do not remember; it is such a long time. I was told by a man named Jack Mack; he said, "Tom Hawkings was killed last night." I asked him for particulars. He could not tell me. He did not tell me he was murdered. I spoke to Charles Collins. He told me Hawkings was hurt; Dr. Cahill had come out in a hurry. I spoke to young McCallum at my gate; he told me Mr. Hawkings was killed; he did not say he was murdered. I told him I heard it in Kaiwarra. I left McCallum at 6.50 or 6.45. I went home to breakfast. I do not know if I went to my bedroom. I went to breakfast, and to work afterwards. I spoke to a good many persons about it, but did not hear he was murdered till the afternoon. I went home to dinner in the middle of the day. I told my wife that Hawkings was dead. It was before dinner I heard that Hawkings was killed. Myself and Mr. Colter were having a drink at 11 o'clock; the barmaid told me there was foul play.

Why did you not tell your wife there had been foul play?—I suppose I told her. I would not say exactly if I told her. I might have spoken to her about it. I went back to work in the afternoon. I got home before 4 o'clock in the afternoon, about three-quarters or half an hour before

the police came up. I took meat home on Friday. I took it and went out. I cannot say if I had any conversation or not. When the police came on Saturday I was chopping firewood. I saw the three policemen come up. I knew Campbell. I was not surprised when Benjamin spoke to me. I never had the police at my house before. I went into the house with the police. It was not dark then: it was light enough to see at first, and Benjamin began to look over my clothes. I went outside. Benjamin and Campbell had a good spell before I went outside. Benjamin said there would be more light outside, I believe. I could not say what they were searching my clothes for. They might have been no more than six or seven minutes looking at my clothes inside when they took me outside. The lamp was lit, but I could not say if it was alight before I went outside. I believe I lit it myself. They said, "Let us see in the daylight." I lit the candles when I came in after I had been outside. I am quite sure. I lit them when I came in myself. I kept the lease in the same drawer as the powder. I often saw it there. It was in a big envelope, torn. The insurance policy was in the other drawer and the Italian letters too in the left drawer. The insurance policy was in a different drawer from the lease. I am quite sure. I saw the handkerchief on the bed, and the papers put into it. There were about two hands full; there might have been twenty or thirty. I saw the stiletto put in the handkerchief. I do not know about the pistol. There were no fragments of newspaper there. I spoke about the powder-flask and caps when I was sentenced. I said, I think, quite enough. I did not think of the paper—not then, at any rate. I said the first thing that came into my mouth. I do not know if I said anything about the quail. I do not know exactly now what I said in my statement to the Governor. I do not think I said anything about the paper to the Governor. I mentioned the things they took away from the drawer. I did not mention the paper, because they never took it. I heard the Judge addressing the jury. I could not say exactly I thought the evidence of the paper was the main thing. I thought the stiletto and bullets were. I cannot tell you why I did not mention the paper to the Governor; I must have forgotten it, I suppose. I had a very long private interview with my solicitor. He told me of some of the evidence that I knew myself. I saw the back of the affidavits of Dybell and others produced to his Excellency. The inside were read to me. Those are the witnesses I intended Mr. Bunny to call, he sent out subpoenas for. The gun was the first thing that Benjamin touched. He took it down. He did not then ask me any questions. He took the gun out to the kitchen and came back and said, "How long is it since you fired that gun." I said "Some few days ago, at some quail." He asked me that question on Saturday. I did not tell him then the quail were in the house. I might have said something about the quail when he was looking at the tin. I believe I said "There is the quail." I fired the gun last. I believe I did; mind you I will not swear to it. My wife was in the kitchen; but mind you I will not swear to it. But I swear that Benjamin looked into the tin and saw the quail. I told the police on Sunday when they asked me when I fired the gun last, I said, "I fired at them quail that you saw last night." I believe the quail were in the oven. I think I plucked them on Sunday myself. I did not show them to the police because I thought they might be in the oven. I plucked them close to the fire and threw the feathers in the fire and gave the entrails to the cat. I left them on a plate about 9 o'clock on the table. The police came about 10 o'clock. Greaves told me he saw the police going away with the gun. The police did not go into the house that morning. I took out the gun. I shot two one morning and two another morning. I did not mention to the police until Sunday morning that I shot two quail on Thursday morning and Wednesday morning. I said, "I shot some quail a few days ago." I fired the gun off last Thursday morning; the quail were on the ground. I have killed as many as four with one shot. I got some bullets from Gibson—I believe I had twelve. I do not remember firing more than three. I am quite sure I fired three—I am sure I fired three. I believe all the bullets were the same size; they were slack in the gun. I put paper on the top that kept it down. I do not know how many bullets were in the drawer on the Saturday. There was one on Sunday left in the drawer by Detective Campbell. The bullets were taken from the right-hand drawer by Campbell. I took some silver and a sovereign from the drawer on Saturday morning. I do not believe I left any money there. The police searched the drawer on Saturday afternoon. I do not think there was any money in the tin then. After the police were gone I put the revolver in the drawer. I could not say if there was any money in the tin then. I never looked. I bank at the Post Office in Wellington. My missus puts the money in the bank. I cut the piece out of the bandbox some time before I was arrested. I cut it with a knife. I do not know if it was a penknife or a sheath-knife, to carve with. I never carry it if I kill a pig. I carry it in my hand. I never did carry a sheath-knife since I was a sailor. I never carry a stiletto. I got it from a man when the waterworks were finished. I took it out six months before. I put some salad oil on it, and put it back about six months ago, and I have not looked at it since. It was never bent at the point. It was as sharp as always [looking at dagger]. There was loose rust on it. It was not bent when I last saw the dagger in my drawer. I cannot account for the curve in the stiletto. Two or three pieces of paper were taken from my coat. I saw Thompson put the paper in an envelope, and put it in his pocket. I went into the parlour with the detectives. I never saw them touch any paper there. I never saw them take any paper out of there. I did not see them put the paper into the handkerchief. I saw them take the handkerchief into the parlour. I believe they put it on top of the table. It had the documents, stiletto, the shot-pouch, and the lease in it. They left it on the table a minute. I did not see them put any fragments of newspaper paper into the handkerchief in the parlour. I could not say if the revolver was in the bundle or alongside of it. Benjamin took the revolver and handkerchief into the kitchen. At the same time I saw that, I saw them put close to Mr. Thomson. Then Benjamin and Campbell went into the children's room. I did not see any newspaper picked up in the children's room. I never saw any newspaper picked up in any of the rooms. I saw Thomson take paper out of my coat and put it in an envelope, and put it in his coat. I saw what was done in the children's room as plainly as I saw what was done in the other rooms. No newspaper was taken out, as far as I saw, out of the rooms, except



what was taken out of my coat pocket. I was more careful when they were in the bedroom than I was in the children's room. I could not have missed seeing them if they had picked up many pieces. I would have seen them if they had picked up four or five pieces. I have an overcoat and an oilskin. I remember the last Queen's Birthday. I could not remember if I was out shooting that day. I could not swear if I had my gun out that day. I could not say if I went out with my gun. I lent my gun one day, but I cannot say if it was the Queen's Birthday. Greaves had it. He used the things in the house as if he was boss of it. I cannot remember if I had it out on the Queen's Birthday. Dowd, myself, and Greaves always used that gun and other things. I do not know a butcher named Mitchell—not by name. Dowd and Greaves used to take the gun when they liked. I greased the shot. I did so because it carries further. I put a drop of oil in more than once. I last bought shot a good while ago now, either at Denton's or Gardner's. I remember Sunday, 2nd June. Greaves was there before dinner; no one was there to dinner. He left just before we went to dinner. I was at the cow-shed most of the time he was there. There was no one there to tea. I had one of the quail; I suppose the rest were eaten; there were a lot of us. We had a leg of mutton as well; the police saw it. I suppose the rest of the quail were eaten. I suppose the rest eat them. The children, I believe, had tea with us. I did not see any quail on the table at tea time. I saw my missus at the cow-shed on Friday when I went home. I leg-roped the cow, I believe, before I went home. Then I went home and left my kit. Then I went up the hill to get my horse; I was away about five or six minutes. I gave him his feed, and then went and pulled up some mangolds. I had six cows round the house. I only gave them one barrel-full of mangolds each day, with pollard as well. My missus used to feed the cows. I cut the mangolds up myself. I did not cut any mangolds on Saturday night, because I have Sunday to myself. On Sunday night I cut some mangolds. I used to cut two tubs full on Sunday. I had one cut just when the police came. I cut the other after dinner, and, I expect, before tea. The children sometimes helped me. They generally were there, but I cannot say if they were there that day. I knew Mr. Hawkings well; I was his tenant. I had made an arrangement for a longer lease. The new rent was £52; my present rent is £14 for nine acres; the new rent was £52 for seventy acres. I was losing by the new rent, and I wanted to give it up. He tried to make me carry out my bargain in the Supreme Court. I saw him a few times, and spoke to him. I did not threaten him. I never threatened him. One morning he was passing, and I was coming into town to appear at the Resident Magistrate's Court. He had summoned me for some survey. I had just before received a letter from Messrs. Chapman and FitzGerald. He was wanting £50, and I could give up the lease. I said to him, "You always want money—you are always after money you blooming devil; you are never satisfied." Same day we came in Court here. I won that case. I spoke to the man on another occasion. That must be about four months ago. Close to my gate I saw him coming down towards me. He was on horseback; he was going home, so was I. I stopped him, and told him I did not want his children to beat mine, because they were twice as big as mine. I said, "If you have anything towards me you might as well give me a slap yourself, not to take revenge on the children." He said, "I was quite mistaken; it was not his children, but a little girl from town who was staying at his place." After he asked if I was working at the quarry still. I told him Yes, I had been there about six months, and I came down in April. I wish I could come down to work on the Hutt Road, as it is too far to the quarry. We parted good friends. That was the last conversation I had with the man.

[Remanded till 27th August, 1889.]

*By Mr. Bell.* I kept in the small left-hand drawer a lot of bills from timber merchants, insurance papers, some Italian letters, my seaman's discharge; a razor I believe was there, a little new four-bladed knife in a case. There were no children's clothes—children's underclothing. I never saw any children's clothes in it. I believe I put the papers back in the drawers after the police had left on Saturday. I am sure I put the revolver back in the right-hand side drawer. I could not swear that I put the papers back. I think the lease was put back. I know they took it out from the right-hand drawer, but I do not know if it was put back in the right- or left-hand drawer. I took the razor out of the left drawer next morning to shave myself. I went to the right-hand drawer with the revolver. I locked the drawer. I went for some money to the right-hand drawer on the Saturday, the 1st June. I cannot remember if I went to the right-hand drawer after the 1st June. I did not see what Thomson did with the bullets. I did not see them in his possession at all. Thomson took the stiletto away from the House. He said, "This thing is rusty, we will see it better in daylight;" at the same time he put it in his pocket. He did not put it in his breast-pocket. It was the right-hand pocket; either at the right or side. He put it away with his right hand, but I do not know which pocket he put it in. [Statement of Chemis to Governor put in.]

*Re-examined by Mr. Jellicoe.* I wrote a statement to His Excellency in Italian. I do not know who translated it. The warder told me the date at the gaol when I wrote it. At the time I had had no private interview with you. Mr. Garvey came out in the yard and told me to make it. He told me I had better make a statement and send it to the Governor, "It might do you some good." I said, "You had better give me time." Mr. Garvey said, "No, you must write it down this evening." So I wrote down a few particular things that I thought, but I never gave full particulars like. He never mentioned if I should be allowed to see a solicitor before I wrote it. I had asked to see a solicitor, but was refused. I do not know who is being tried now. I have not heard anything about it. I have asked the warder several times, but he says he knows nothing about it. John Mack told me something on 1st June. Collins told me something too; it was different from what Mack had said. Mack said Hawkings was killed. Collins said he was only hurt. I did not know which of the two to believe. That was just before I went home to breakfast. I told my wife that I heard Hawkings was killed. I heard this from young McCallum; he said Hawkings was killed. After breakfast I went to work, and at the Rainbow Hotel the barmaid told me that there had been foul play. That was the first time I heard Hawkings had been murdered. Then, when I went home, I told my wife he was dead.



Did you expect, after what you had heard, that inquiries would be made by the police, and that the houses in the neighbourhood would be searched?—Yes.

Therefore you were not surprised to see the police?—No.

I brought meat home on the Saturday afternoon, and the Friday afternoon I heard a Mr. Tasker give his evidence at my trial. [Evidence of Tasker read to witness.] I had no photographs. I did not imagine his evidence was important. I was unable to follow it, or make out what they were talking about. I had no photograph, papers, or documents. I could not have explained that evidence in my report to the Governor.

*By the Court.*] I could not say how long that evidence took; it took a considerable time. The witnesses were shown different papers. Photographs were given to the jury. I understood it referred to paper found in my house and on the ground. I understood Carroll had found paper on the ground and the detectives found paper in my house. All the talk was about the papers. I did not know if it was danger to me.

*By Mr. Jellicoe.*] I believe Mr. Bunny sent out subpoenas, and the men were there, but he never called them. I had a private interview with you at the gaol. It was a long interview. I was told of certain evidence that had been obtained, and I knew it before. You spoke to me about William Dybell, the blacksmith's, evidence; in fact, that man mended my powder-flask, and put a new spring on it for me—that spring there [pointing to spring on flask]. I paid him 1s. for it. He kept it about a day. This was about a week or a fortnight before Hawkings was killed. You spoke to me of John Holmes and Fred Greaves's evidence. I believe Gibson's no more. You wrote down everything I said from first to last. It was a long statement. It principally related to what had occurred from the time of my arrest. I plucked the quail and put them on a plate for my wife to put in the oven. I had one quail for dinner. I was not there when she put them in the oven. There were twelve bullets Gibson gave to me. I used three bullets. I used the last of the three bullets about nine months before Hawkings was killed, about the time when Gibson was shooting pigs at my place. The detectives left one bullet in the drawer, left-hand drawer. I found it next morning when I went for a razor to shave myself. On Saturday I said I took out some silver and a sovereign from the tin cocoa-box. I tipped the tin up into my hand and the money came out.

Could you swear there were no notes at the bottom of it?—No, I could not swear that.

I got the stiletto from an old man named Andrea Zanbon. He was going home to Italy. It was after the Wainui waterworks were finished. It was a present. I put it into the drawer, and it stopped there ever since. I said I had a knife to cut pigs with. The knife produced is the knife I meant [a large sheath-knife]. My wife used it more than I did. It was either with that or a pocketknife I cut the bandbox. The police went with the handkerchief with what they took from the drawer into the parlour. I went in with them. I still say they did not put any fragments of newspaper into the handkerchief when they were in the parlour. I followed them into the kitchen close behind them. I saw them put the handkerchief on the table before Thomson. I still swear that there were no fragments of newspaper in the handkerchief; in fact, the man himself said, "There is nothing in there that we want; there is nothing but letters, a bill, and documents." Mr. Thomson said that. Thomson did not take out of that handkerchief any fragments of newspaper. There was none in it. Benjamin and Campbell went into the children's bedroom. I went in, sat on the bed, and smoked a cigarette. After Benjamin had done searching the left drawer in the bedroom he left in the left drawer some cigarette papers and tobacco. I said, "Have you done with this drawer?" He said "Yes." I said, "I can have a smoke, I suppose?" He said, "You can do as you like." There were two or three little boxes on top of the drawers. Benjamin opened one and took out a long, black, gentleman's pocket-book. There was a string round it. He opened it hurriedly, and he found there was a little account-book inside, with Italian writing. He put it down again, and I could see he was disgusted. I said, "That is my pocket-book, old man," and I laughed at him. He put it back in the same place. The pocket-book was black, about 6in. long, as wide as a palm of my hand, and tied with a piece of common string. The pocket-book produced is the same. I have not seen it from that day to this. [Marked Exhibit G.] I was looking at them in the children's room, but I did not notice them so particular as I did when they were at the chest of drawers in my room. I greased the shot more than once. I greased my shot twelve months or so before. If any person used my shot-pouch they could know if the shot were greased or not. I cannot remember the last time I greased the shot. Sunday is my day at home. People come up to see me on Sunday afternoons. There are so many persons come to tea I cannot remember. I believe John Dowd was there on the Sunday afternoon, but I could not swear if he stopped to tea, because he comes there so often. I do not know if any one stayed to tea or not. If any one stayed to tea I would not know how much they would eat, but I would notice what they were eating, because they would eat the same thing as I eat myself. I did not have any quail for tea.

*Cross-examined by Mr. Bell.*] I was not present when Thomson was looking through the documents in the kitchen. I got the powder-flask from a man who is dead now; his name was Edward King. His nephew is alive, and I dare say he would know it; his name is Billy King. Edward King was working with me on the road. I got it about four or five years ago. I took it to Dybell about a week or a fortnight before Hawkings was killed. I went for it either the same night as I went home, or the next day—it was one or the other.

*By Mr. Jellicoe.*] It was kept in the right-hand drawer when I brought it back.

*Robert Dybell* recalled: I have just come in from Kaiwarra. I had a telephone message. No one has spoken to me as to what I am called for.

Have you ever seen that [powder-flask produced]?—Yes, I put a spring in it. Chemis brought it to me to get a spring in. I kept it about a day in the shop. I charged a shilling for putting it in. I think it was in April. I could not fix the date.

*By Mr. Bell.*] I only saw it once—that was when I repaired it. I never saw it in Dowd's possession. I know Dowd pretty well. He has called at my shop about once a fortnight, at odd

times, when he called in. My forge is by the Waterloo Hotel. I have only seen him about once a fortnight during the last month. I saw him passing every dinner-time when he was working for Mr. McGuire. I did not see a good deal of Dowd when I was making the affidavits and statement. Dowd has not been constantly in my company. Whenever he passed he called when he was working on the hill for McGuire. He did not work for McGuire after Chemis was convicted. Dowd has not been more than once a fortnight in my company since Chemis's arrest—perhaps not that. I have not frequently discussed this case with Dowd.

*Re-examined by Mr. Jellicoe.*] Dowd went to work at Mrs. Chemis's after Chemis was convicted. I leave work at Kaiwarra at 4.30, and then come into town. I have not, since Chemis's arrest, spent an evening with Dowd, or any part of an evening. Dowd asked me to go to Chemis's house. Dowd was not present. When I made my statement I left. Dowd was not present when I came to him to make an affidavit to the Governor.

*John Dowd*, sworn, saith: I am a brother of Mrs. Chemis. I live with her now. I am looking after the place for her. I was working for Mr. McGuire before Hawkings's death. I went to Mrs. Chemis on the 5th June. I have not a gun of my own. I have been out shooting on Chemis's land during the time I was working for McGuire. I got the gun from Chemis. I went in and took it when I wanted it. I always found it in the bed-room hanging up. I took the ammunition out of the bed-room. Powder-flask, shot-pouch, caps, and wads. I first got wads from Chemis some time after last Easter. The powder-flask, shot-pouch, shot, and caps were kept in the right-hand top drawer. That drawer was kept locked. I opened it with a key. I got the key from the left-hand drawer. I returned the gun to the bed-room when I came back from the sport, locked the drawer, and put the key back in its place, after I put the ammunition in. I last used the gun on the 26th May, the Sunday before the murder. Timothy Dowd was with me. It was in the morning. He is my cousin. I got the gun that morning out of the bedroom. I took his powder-flask, shot-flask, caps, and wads with me. I got them from the right-hand drawer. I found the key in the same place in the left-hand drawer. I locked the drawer, and when I returned I unlocked the drawer, put them back again, and put the key in its place. The powder-flask produced is the same. The shot-pouch produced is the same. The shot in the pouch was greased. I took the box of caps out with me shooting on this Sunday. I took wads with me. There were some loose in the drawer, and I took them, and some out of the box. I took two out of the box. The wads were made out of a handbox. The box produced with the wads in is like the box I took them from. That cap-box produced, I believe, is the same I took with me. I restored these articles to the drawer on my return. I actually put back in the drawer the shot, the caps, powder-flask, and I am not sure whether I put back the wads. I did not get a shot at anything while I was out. I was away about an hour and a half or two hours. I discharged one barrel before I came to the house. I had loaded the right-hand barrel. I discharged it so as not to fetch it into the house loaded. When I returned the things I saw a wad-punch, a revolver, a tin of blasting-powder, a dagger or stiletto, dynamite caps, some fuse, a cocoa-tin, and some other articles in it that I never took notice of. I first saw the wad-punch some time after Easter—between Easter and the 26th May. I had been out shooting with Chemis's gun. It was either Sunday, the 5th, or Tuesday, the 12th May. I took the powder-flask, shot-pouch, caps, and some wads from the drawer then. The wads were similar to those I used on the 26th May. No one was with me that day. I returned the things to the same drawer, excepting the gun. I do not think I returned the wads that day. I kept them loose in my pocket. I remember Sunday, the 2nd June. I heard that day, at about half-past 10 o'clock a.m., that Chemis had been searched. My house had been previously searched. Not my house, but Greave's house. I lived there. They searched my things—Benjamin and Campbell. I went to Chemis's that afternoon, between 3 and 4 o'clock. It was after 3 o'clock when I left Greave's. It would take me about ten minutes walking there perhaps. Chemis was about the sheds somewhere. I did not see him. When I went up Mrs. Chemis told me something. In consequence of what she said I went to the right-hand drawer and examined what was in it. I found a revolver, powder-flask, wad-cutter, dynamite-caps, tin of ground-up blasting-powder, some gun-caps, some fuse, and some revolver cartridges.

What were the wads in?—They were in a tin box. There may have been some in the drawer loose.

*By the Court.*] I did not see any loose in the drawer.

*By Mr. Jellicoe.*] Those produced are the same. I had a cup of tea. Mrs. Chemis made me a cup of tea. She gave me some pieces of quail, which she said had been left from dinner. I was there on the 5th June, the day of arrest; and after I was there, between 12 and 1 o'clock, I then saw Mrs. Chemis. I was sent to town to see Mr. Jellicoe. I asked her for some money. She went to the right-hand drawer in the bedroom. I saw her at the drawer. I was at the drawer with her. She got some notes out of a cocoa-tin like the one produced. She gave me £6. I do not know how many she took out. When she gave me the money I could see the articles I have mentioned. I did not examine them particularly, but I could see the wad-cutter, powder-flask, and revolver. On my way to Wellington I met Constables Carroll and Healey and Detectives Campbell and Benjamin. They were going in direction of Ngahauranga. I came down to town, and went to the Police-station. I never went to Mr. Jellicoe. I was told Mr. Devine had seen Mr. Chemis; that is why I did not see Mr. Jellicoe. When I returned to Chemis's house I found the revolver was gone. I have worked with Chemis at one time. I lived with him for about eighteen months. I left off living there about April twelve months. When we worked together we took our lunch out in a kit, unless we were working near home, when we went home to dinner. The lunch was wrapped up in paper. We sometimes threw away the paper, and sometimes took it home. I was working with him about four months, and was in the employ of the County Council. I never saw him carry a sheath-knife. When I returned on Sunday, 26th May, Timothy Dowd returned with me; he stayed in the kitchen, and did not go into the bedroom with me.

*By Mr. Bell.*] I am a brother of Mrs. Chemis. I lived with the Chemis's till about twelve months ago. I paid for my board when I lived with them. I do not pay now. I am only living with her now to oblige her while she is in trouble. I do not know that my cousin, Timothy Dowd, has a gun. He was living last May at Kaiwarra, at John Dowd's, my cousin and a cousin of his. I do not think John Dowd has a gun. On 26th May I took the gun, powder-flask, wads, and caps. There may have been more than one box of caps; I did not see it. There were some articles there I did not examine. I did not examine the contents of the drawer on 26th May. I did examine it on another occasion, but I did not examine it carefully. I examined it on Sunday, 2nd June. I examined most of the articles in it. There may have been an article or two I did not examine. I examined some carefully. The powder-flask was one. I opened a box of caps. [Q. Did you examine it carefully?] I looked into it. I examined it enough to see what was in it. I examined carefully the powder-flask; the revolver I had a look at; the wad-cutter I do not know if I looked at it carefully. I do not know that I examined anything else. There may have been another box of caps. Mrs. Chemis told me that they had been taken away—the gun and shot-pouch—and that was my reason for examining the articles carefully. I was surprised that they did not take away the other things belonging to the gun. I thought when they took one they should have taken the lot. Because they had not taken them away, that is why I took the powder-flask in my hand and looked at it. I said to Mrs. Chemis, "It is surprising they did not take this," when I held the powder-flask in my hand. I did return the powder-flask to the drawer on 26th May, and the box of caps. I swear the wad-cutter was in the drawer on 26th May and 2nd June. I saw the drawer on 5th June, before the police had been there and after the police had been there. I went to the drawer with Mrs. Chemis for money. I think I said to Mr. Jellicoe I had been to the drawer on 5th June, after the police had been there. I say so now that I saw the drawer on my return on 5th June. Mrs. Chemis had some notes left and some silver; besides what she gave me she had some notes left. There might have been more than one there. I know there was one. It looked like as if there were more than one. I did not see what she did with the rest of the money. I left as soon as I got the money. I do not know if there was any money in the tin when I came back. I looked in the drawer, but not in the tin on my return. I never saw the lease in the right-hand drawer. It might have been at the bottom of the drawer under some things. I did not see it there on 26th May. It could have been there unknown to me. I did not see other documents there. I took the £6 home again and gave them to Mrs. Chemis. I do not know what she did with them. On Sunday I got to the house at between 3 and 4. I had a cup of tea. Mrs. Chemis made me a cup of tea. I did not see Chemis, he was about the cowshed. The children might have been there, but I cannot remember. Chemis was not in the room. I had some pieces of quail and some bread and butter. Mrs. Chemis did not eat with me. I had it by myself. The true story is what I am telling now. The statement made to the Governor may have been a mistake. I did not tell a lie. What I am telling you now is the truth. I only loaded the right barrel on the 26th May. I had always used paper for loading with up till Easter. I had now used wads. I did not load the left barrel on the 26th May. Timothy Dowd was with me when I fired the gun off on 26th May, a good few chains in the bush. It was not so far as a quarter of a mile away from the house. I discharged the gun opposite the house, leading on towards the butts. I was not quite on the top of the hill—about half-way between the butts and Dimock's. I did not load that right barrel with paper. I know that the *Evening Post* is taken at Chemis's house. I never fired a bullet out of this gun, not on any occasion.

*Re-examined by Mr. Jellicoe.*] When I went to the drawer on 2nd June, I went because Mrs. Chemis told me the police had searched the house the day before, and had taken some things, and left these; the purpose was to satisfy myself that they were really there. I was not looking for blood stains. My only purpose was for what I have mentioned. Mr. Jellicoe prepared the affidavit I made for the Governor from what I told him. It was the first time I had made an affidavit.

*By the Court.*] Mrs. Chemis put her finger in the box when she took the money out?—I would not be sure, I think she did. I was not searched when they came to Greaves's house. I do not know what became of the wads I had in my pocket. I expect they came out of my pocket when I pulled out my handkerchief.

*Louis Chemis* recalled: I wish to say there was a lolly box in the left-hand drawer with some jewellery in, and a Foresters' book. I belong to the Foresters.

*Timothy Dowd* sworn, saith: I live at Lower Hutt. I am a labourer. I remember the Sunday before Hawkings's murder. I was living in Kaiwarra with a cousin of mine named John Dowd—not the last witness; he is living in town now. I went to Chemis's house with my cousin John Dowd, the last witness, in the morning of the 26th May. My cousin had not a gun with him before he went to Chemis's. He went into the room, and got a gun. I remained in the kitchen, and while I was there he went into Chemis's bedroom. He brought out a gun, powder-flask, shot-flask, some wads, and some caps. The wads were not in a box. I would, I think, know the powder-flask again. I believe that produced is the same. We went up the hill shooting. We stopped away a few hours. We could not see any thing to shoot at. Coming home he fired off the gun, and said it was best unloaded. He was on the brow of the hill—not a very long distance away from the house, towards Dimock's. The wads he had were like those produced. When we got back to Chemis's we went to the kitchen. He took the gun and ammunition back in the bedroom. We both left together for Kaiwarra. This was the Sunday before Hawkings was killed.

*By Mr. Bell.*] I did not see my cousin load the gun; he must have loaded it in the room before he came out. He did not load it in my presence. I did not know that only one barrel was loaded. If I had the gun I would have had two barrels loaded. I did not notice the nipples. He fired off one barrel when we were coming home. We had been shooting upon Chemis's ground. We went

on a shooting expedition. We were coming up this side of Dimock's from here. I do not know how the gun was loaded. All those things were taken out, and only one barrel was loaded.

*By Mr. Jellicoe.]* We did not get a shot. It was not our fault, but the fault of the game.

*Sir Harry Albert Atkinson* recalled: As a member of the Executive I received a statement from the prisoner Chemis addressed to the Governor. On Friday morning last the papers were laid on the table of the House. Mrs. Chemis had been previously examined and cross-examined in this Court. It was latish on Friday night. I put them on the table of the House. I would think it very unlikely that Mrs. Chemis, or any other person on her behalf, would be made aware of the contents of the papers before they were laid on the table of the House.

[Remanded till Wednesday, the 28th August.]

*Frederick Greaves* sworn, saith: I reside at Kaiwarra. I am Mrs. Chemis's brother-in-law. I know Louis Chemis, and have for the last three years visited his property shooting. I generally go shooting there on Sunday; sometimes of an evening. I know the room occupied by Chemis and his wife as a bedroom. I have not got a gun of my own. I used Chemis's gun from a rack over the door in his bedroom. I remember Sunday, the 19th of May, last. I went out shooting on Chemis's property that day. I took the gun from the same room and same place. I took also a powder-flask, shot-pouch, caps, and two or three wads from the same room. I obtained them from the right-hand top drawer in the bedroom. The drawer was locked when I went to it. I obtained the key from the left-hand top drawer of the same room, and I afterwards locked the drawer and put the key back again in the left-hand drawer in the usual place. That day I do not think I was away more than a quarter of an hour. On my return, I returned the articles back again in the same place I got them from. The powder-flask produced is the same. I took the caps from the cap-box. I would know the box again. I believe that produced is the same box. I took the wads from a tin-box smaller than the cap-box in a box similar to that produced. Those wads produced are similar to those I took from it. I saw in the drawer, when I took and returned those articles and a coil of fuse, a revolver, a stiletto, revolver-cartridges, dynamite-caps, cocoa-tin containing powder, and another cocoa-tin were in the drawer. I did not open the cocoa tin. I shook the one with the powder, also the other. It sounded like money when I shook it, but I did not open it. I did not look so particular this time. There was a wad-cutter in the drawer. I saw it first a few nights after Easter. Chemis showed it to me, and showed me how to use it.

*By the Court.]* I had seen a wad-cutter before.

*By Mr. Jellicoe.]* He said, "It is very easy to use them; all you have to do is to hit it with a hammer." I was at Chemis's house on Sunday, the 2nd June. I went there, as near as I can say, between 10 and 11 o'clock. I saw Chemis first; he was cutting mangolds. I went into the kitchen. I saw four quail. I was not there much longer than three quarters of an hour altogether as near as I can think. I was there on the evening of the arrest (5th June). The shot, when I used the pouch, were greased. It was in the evening, between 6 and 7 o'clock, on the 5th June when I was there. Mrs. Chemis and the children were there. She showed me all round the house, and how the police had upset the place.

*By the Court.]* In turning over almost everything in the house, I should think.

*By Mr. Jellicoe.]* I went to the right-hand top drawer. My attention was called to what it contained. I saw then the powder-flask, the wad-punch, empty cocoa-tin, a tin-box containing powder, in cocoa-tin a coil of fuse, some gun-caps (a box), some dynamite-caps in a box, a piece of indiarubber, some wads in a box, some revolver-cartridges, and some ointment. Some days afterwards I had a conversation with Mrs. Chemis. It had reference to paper. Mr. Bunny had spoken to her about it. I told her she ought to take Mr. Bunny those wads and wad-cutter.

*By Mr. Bell.]* I work at Kaiwarra tanyard. The shot-pouch I saw in the drawer was an ordinary straight one that you put in your pocket, not one of those that go round the shoulder. I heard about another shot-pouch at Kaiwarra this morning. I cannot say that I did not hear of it before, but I did not hear the description of it before. I have spoken to Dowd recently about another shot-pouch, and I and Dowd went together to see James Gibson. Gibson has been subpoenaed here. It is not a fact that the pouch found by Lowes was in the possession of Chemis on the 31st May, not to my knowledge. I do not know that Gibson lent that pouch to Chemis, but Gibson told me that he did. He told me some time before the shooting-season. The shooting-season began some time in March. It was long before Chemis was arrested for the murder Gibson told me he lent it to Chemis. Gibson told me he had left a shot-pouch at Chemis's. I know who was the owner of the shot-pouch Gibson left at Chemis's; it was Hodges. Hodges lives at Kaiwarra. He is a sick man. They call him Bonny Hodges. I did not see Hodges' shot-pouch at Chemis's house. I did not see it, to my knowledge, at Chemis's house after Gibson told me he had left it there. I do not know that Hodges' shot-pouch was at Chemis's house on 31st May. I have spoken to Dowd about the shot-pouch of Hodges in the last day or two. Monday evening last Dowd and I went to Gibson's; and on Monday evening I had not seen the knife found by Lowes. I did not ask Gibson about the knife. I did not hear Dowd ask Gibson about the knife. We only spoke about the shot-pouch, that is all. I have not seen Hodges's pouch. I have only seen two shot-pouches in the last three years—one was Chemis's and the other was one that goes round the shoulder, at Ngahauranga. I have spoken to Mrs. Chemis about the shot-pouch in the last day or two. I did not speak to her about the knife. I made an affidavit to try and save Chemis's life. I saw Mr. Jellicoe first. I signed the affidavit. I never saw Hodges's shot-pouch to my knowledge. I cannot swear Chemis and Gibson went out pig-shooting. I know Chemis went. I have seen him out with the gun, but I never saw him with a knife. I saw him once out shooting. He might have had a knife, but I never saw it. I know the knives they use in the tanyards. I never saw one of the knives that had been used at the tanyards at Chemis's house. I have had the knife found by Lowes described. It was not described to me as a tanyard knife by Lowes himself. Lowes does not work

in the tanyard. He gave me the description of it. I looked into that drawer on the evening of the 5th of June, and I then saw wad-cutter, powder-flask, and wads. I am giving you both what I saw on the 5th of June and the 19th of May. It was then between 6 and 7 o'clock on the 5th of June. I swear that the articles I mentioned were in the drawer on the evening of the 5th of June.

*Re-examined by Mr. Jellicoe.*] I heard a rumour at Kaiwarra on Sunday night. I first heard it on Sunday afternoon, that a knife and shot-pouch had been found near the scene of Hawkings's murder. I first heard Hodges's name connected with that rumour on Monday evening. I cannot remember who first told me—I was talking to so many. I heard Gibson's name connected with it too, and then I went to Gibson.

*By the Court.*] The four quail I saw were being cooked with a joint of meat when I was at Mrs. Chemis's on Sunday, the 2nd of June. They were being cooked. I saw her put them in the oven.

*Frank Stevens*, sworn, saith: I am a reporter. I was present at the trial of Chemis when Detective Benjamin was examined. I heard him say he searched the drawer. I reported for the *Press*. He said, as far as I can remember, he found some pieces of paper in the drawers and on top of a book-shelf in the parlour. He said all the articles he took from the drawer he put in a handkerchief spread on the bed in the bedroom. I look at Exhibit B, a printed note of Benjamin's evidence. With the exception of what I am about to state, the Judge's notes agrees with my recollection of what Benjamin said. At the end of the cross examination it appears, "I got no message from either Gleeson or Healy at the Morgue." My recollection of what he said was, that he was at the Morgue in the morning, and that he got a message from one of the constables that the murder had been committed with a sharp instrument, and said nothing about a gunshot wound.

*Carter Hodges*, sworn, saith: I am a tanner, residing at Kaiwarra, in the employ of Hurst and Co. I had a shot-pouch at one time. I last saw it two years last Easter. I gave it to James Gibson. I lent it to him. It was a plain leather pouch, pistol-shape. I do not know if it was marked. It was all plain leather, about the same as any pouch I have ever seen. There was a sort of triangular thing on the end of it to hang it with. The top part was of iron. I had never seen an iron top to a pouch before. The "D" at the bottom was not so round as the one produced. The top was all iron. I do not remember if the top was embossed. I am not sure, because I have not seen it for two years. I got it from Tommy Sorrell. He was working at the freezing-sheds some time. He was in Wellington last time I heard of him. I should think it would hold 2½lb. of shot. Sorrell gave it to me. He said "You are a bit of a sporting man." I never used it. I lent it to Gibson. It was a stouter leather than that produced; more like a sole to feel. It was more in the shape of a pistol. I cannot draw. My hand is more for working than drawing. That is like the shape of it. [Sketch produced, marked H.]

*By Mr. Bell.*] When I shifted books I saw it but I never used it.

*James Gibson*, sworn, said: I am a tanner at Kaiwarra. I know Hodges. He lent me a shot-bag about three years ago, to the best of my belief. I used it sometimes. I last saw it between twelve and eighteen months ago. I cannot recollect if it was at Chemis's, or if I lent it to a young fellow. Young Round had the loan of it once or twice. His name is Ebenezer. I believe it was a bent shot-pouch. I cannot draw. I can draw the shape of it. It was bent after the fashion of a revolver. The leather was brown. There was a picture upon it, of game, stamped on the side of it, of a gun and a man, about the size of a five-shilling piece stamped on the leather. To the best of my recollection it was only on one side. It may have been on both sides. I am not certain if there was not a hare or rabbit in the picture. It was stamped into the leather. Was brown. Just an ordinary brown colour. I could not say what the spring was like. I could not describe it if it were iron or brass, or steel. I have been out shooting a lot of times with that pouch. I could not say how much it would hold; perhaps 2lb. I am not sure. It might hold less. The spring was something after the shape of the spring on pouch produced. [This is the pouch produced at trial of Chemis.] I could not say if it was longer or shorter. It might have been a little bigger pouch than the one produced. It looked a little bigger than this one. I believe there was a strap-holder on the bottom of it. I always carried it in my pocket. I believe the leather was harder than this one. The picture was about the middle of the pouch, about the size of a five-shilling piece.

*By Mr. Bell.*] I have been an intimate friend of Chemis and his wife and Dowd, no more than I have been with Dowd, in a manner of speaking. I made a statement to be sent to the Governor on Chemis's behalf. I saw Dowd on Monday night—the night it was wet. I did not see him last night—not to speak to, but I did to nod to. I saw Mrs. Chemis on Tuesday morning. When she spoke to me about this pouch she came up the road where I was working in the yard.

*By Mr. Jellicoe* (Four pouches handed to witness.)] I cannot say I know either of them. The picture was stamped on the pouch something like the one produced. To the best of my knowledge the leather was like this one produced. [Another shot-pouch produced in a blue box, and shown to witness.] Is that the shot-pouch?—I cannot swear to it; there is no mark on it such as I have described.

*By the Court.*] I cannot say for certain that this is the one. I had the pouch in my possession about three years.

*Carter Hodges* recalled (Two pouches produced to witness.)] The pouch I speak of was not like these. The leather was stout, just like that one. There was nothing on it like the picture on the one produced. I never examined it carefully, no more than just handling it. I cannot say how often I handled it. I had it there so long. I never used it from the day it was given to me.

I never had occasion to examine it. The pouch produced, in a blue box, is as near like it as anything I saw. I believe it is the same. I never had one with a top like it before. What makes you think it is like yours?—The iron top of it. I never saw one like it. The leather being stout is another reason. I have done a good bit of shooting one time or another. I had another shot-pouch; but that was a belt, not a pouch. I gave it to young Holmes.

*By Mr. Bell.*] Have you any doubt that is your pouch?—Of course I have no private mark on it, but to the best of my belief it is my pouch.

Does it correspond in every respect with the pouch you lent to Gibson?—To the best of my belief it does.

*James Gibson* recalled (examined by *Mr. Skerrett*):] I know Greaves; he works with me. I remember telling Greaves before April that I had left a shot-pouch with Chemis. Greaves had asked me for the loan of a shot-pouch. I told him that it was at Chemis's. He asked me for the loan of a shot-pouch. I said, "It is up at Chemis's." I told him to fetch it down. Nothing else was said about it. I did not tell him whose pouch it was. I had left. I do not recollect saying it was Hodges' shot-pouch. It was Hodges' shot-pouch I left at Chemis's. This conversation took place before last Good Friday. The night before Good Friday. I do not know if he got the pouch or not. He never fetched it down. I did not bother my head about the pouch at all. I could not swear that I left it there the last time I was using it or not. I am not certain whether young Round had borrowed it since or not. I first borrowed the pouch from Hodges about three years ago. I could not swear it might not be three years. It might have been two years last Easter. I used it myself some time. I could not say if Round borrowed the pouch once or twice. It was about two years ago Round came to me about the pouch. I believe he got the pouch. I think he returned it. He did return it. I could not say how long he had it. He had it a few days. I could not say how long it was ago since he came to borrow it the second time. I cannot say if it was this shooting-season or last. I remember his coming. It might have been in the middle of the season, for what I know. I think it was about thirteen or fourteen months ago. I am not quite sure. I could not say how long it is since I last saw it. How long do you think it is since the pouch was in your possession?—I cannot say. I could not give you an idea within a month. It was the shooting season before last. I believe I used it in the shooting season before last. I am not certain it was the shooting season before last, or the one before that.

*By the Court*: I was shooting with Chemis's gun last season.

*By Mr. Skerrett*: I used Chemis's gun in the year 1888 in and out of season. I borrowed ammunition from Chemis. I used his shot-pouch the last time I was shooting. I had a gun of my own that I used to shoot with twelve or thirteen months ago, that I borrowed from a Mr. Thomas Harris; he is a carter. I was using it for pig-hunting. It was a fowling-piece. It was twelve or thirteen months ago, about the latter end of winter, about October or November. I could not tell you how long I had it. I had it several weeks, five or six weeks, perhaps more. I could not tell you when it was I was using this gun for pigs. I do not recollect if it was in the shooting season I was shooting pigs with Chemis. Chemis did not have a gun with him when I was with him. I was only out with him pig-shooting on one occasion. I was out with him on one occasion besides when he was shooting. I held the dogs. I do not think I was out with him any other time. I had a knife. I got Mr. Harris to buy the knife for me. I would not say if I paid 3s. or 3s. 6d. for it. I have that knife at home. I shot several pigs. I killed the pigs with the shot. Chemis did not kill any of them. I shot two, and I stuck them. I swear I stuck one of them. The other was not stuck; only one was stuck. I was unsure when I said both were stuck. I swear Chemis did not stick a pig. We caught four or five pigs when I went out with the dogs with Chemis. I had Jim Holmes's dogs, and Chemis had his own dogs. The pigs were left lying. I did not stick any of the pigs on the last occasion. They were caught alive and brought home. They were steyed for a week, and then advertised for sale. They were sold. I can only recollect going out with Chemis twice. I could not say if I went more than twice. I took bullets of my own with me. I have never seen Chemis with a gun—after pigs with a gun, not that I remember. I have often been at Chemis's house. I cannot say that I have often seen a sheath for a knife there. I cannot say that I have ever seen a sheath in Chemis's house, a rough kind of sheath, a rough kind of a sheath. I cannot say that I have, and I cannot recollect that I have not. I have never seen a sheath in Chemis's possession. I never gave Chemis a knife, and I cannot say that I have ever seen a knife like a tan knife in Chemis's possession. No knife like those used in the tannery. I cannot say I did. There are so many knives worn down to nothing at the back. I have never seen one of those outside the tannery. I cannot say how long ago I lent the pouch to Round. It was about twelve or thirteen months ago since he came to me for the lend of the pouch. He asked for a shot-pouch. I cannot recollect if he asked for a shot-flask or a powder-flask. I told him that I had not one. I recollect telling him that. I cannot recollect telling him where I put it. I might have said I left it at Louis Chemis's, but I cannot say if I did or not. I do not recollect if he asked for a shot-bag or a powder-flask. To the best of my knowledge I said I had left it at Chemis's. To the best of my knowledge, on the second time he asked for it, I said it was at Chemis's. He could not have had it a second time if I did not have it to give him. He returned it once, a few days after he borrowed it. I cannot recollect if he got it a second time or not. I would not swear that he had not it, and I cannot say that he had. I believe I told him I had not got one, and that I told him it was at Chemis's. I do not believe he had it a second time. I could not swear that he had not it. No; I did not give it to him.

Now, you are certain?—No, I am not certain. I have not made a statement to Dowd, except what I said when Round was with us. I do not recollect if Dowd or Greaves asked me to say I was not certain if Round returned me the shot-pouch. They did not say that; they said, "Did Round return the shot-pouch or not?" I said I did not know. Round said he borrowed it about eighteen months ago; when we were bachelorising. Then, Round said he had only borrowed it once.



I asked Round how long it was since he had it. He said, twelve or eighteen months. Then we argued about it. Dowd, Timothy Dowd, and Round came to the conclusion it was three years since I borrowed it from Hodges. Round said he did not think he had borrowed it twice. Round showed me his shot-pouch. Round said that when he came for it I had not got it, and he came to the conclusion he had only borrowed it once; that he went a second time for it, and I did not have it.

Did Dowd or Greaves ask you to say that you were doubtful if Round had returned the shot-pouch or not?—They asked me if Round returned the shot-bag the time he had it or not, and I said I did not recollect about it. They said he could not have returned it if I cannot remember. I cannot say that he got it a second time or not. I thought it was Chemis up to Thursday night before Good Friday. On Thursday night Greaves asked me about it. I told him it was at Chemis's, and told him to bring it down—it and the sheath-knife. It was my own knife, the knife that Harris purchased for me. I got the knife back about Good Friday. When he brought them home I was in town, and he gave them to the missus, Mrs. Harris. At that time I had no doubt it was at Chemis's—the shot-pouch. The pouch was at Chemis's. I will not swear it was there. I have no doubt but that it was there, but I will not swear it. I know I left it there once when I was shooting. I left it there because I ran out of shot. I borrowed his (Chemis's) to go out shooting with. I left mine there then. I used Chemis's several times afterwards. I cannot recollect taking mine away. I have all along believed that my shot-pouch was there. I have used Chemis's shot-pouch several times. I cannot say which I used last, the one I borrowed or Chemis's. I had no doubt I borrowed the shot-pouch from Hodges. I had a conversation with Hodges, I think last Monday morning (26th August). I heard of the find when I was in a room with some young fellows, when Mrs. Overend came in and said a shot-pouch and a knife had been found. I spoke to Jim Holmes about it on Monday (the son); he came to me about it. He asked me what I had done with the pouch I had borrowed off Bonny (meaning Hodges). I said I thought it was up at Louis's. I said I thought it was not for me to say where it was. Holmes said he would find out about it, or see about it. I said, I know the place where I left it last. He did not say, "Where was that?" I gave him a reason for not saying where I had left it. I said, if I could prove where I left it it would not do the case any good. I meant the lawsuit between Mrs. Chemis and the detectives—this case. I was told the description of the flask, and it led me to the conclusion that it was the one I left at Chemis's. Jim Holmes was speaking about the description in the yard. I meant that I left it at Louis Chemis's, and it would not do Chemis any good. I heard about the knife. I cannot say that I have seen a knife like it in Chemis's possession. I cannot be sure if I have or have not seen it. I cannot say that I have seen one at Chemis's. I have seen some knives like it down at the fish-shops at Kaiwarra. I have never seen the knife produced in Chemis's possession [the knife found in Chemis's house]. The tannery knives are larger than this. I do not use knives like that produced. I spoke to Hodges on 26th August (Monday). I went to the engine-house to him. I asked him something about the shot-pouch. I asked him if it was he I had borrowed the shot-pouch from. He said, Yes. I had partly forgotten I had borrowed it from him. He did not say I would have to give an account of it. I said I thought it was at Chemis's. I think I used Chemis's name. I told Hodges that I saw Benjamin with a shot-pouch in his pocket, and I said if I saw the one he had in his pocket I would very likely tell it was the one I had had at Chemis's. I was in the room, the jury-room, while Benjamin was there and had the pouch in his pocket. I did not think it my duty to tell the police I had left a shot-pouch at Chemis's. I only told Greaves when he came to borrow it. I did not tell Dowd or Mrs. Chemis I knew I had left a shot-pouch at Chemis's. I thought it was there at the time of the murder. I did not know the police had taken only one pouch. I did not think it my duty to tell the police. I did not know but what the pouch was in the house. I cannot really swear the pouch produced is the same I borrowed. It is the same shape; it has no picture on it. I could not say if it had a brass top or iron top—leather is the same. The only thing that makes me think it is not the pouch is because there is no picture on it. I am more certain that there was a picture on it than I am that it is the same flask. There was no picture mentioned in the description by Holmes. The flask I left at Chemis's was the one I got from Hodges. I told you I fancied there was a picture on it about the size of a five-shilling piece. I said I would not swear there was, and I would not swear there was not. If it had a picture on it I would swear it was the flask I had. I gave Chemis the bullet.

*Ebenezer Round*, sworn, saith: I am a tinsmith, employed by Mr. Garland. I remember the Sunday after Hawkings's death. I live with my father. I had a gun in my house that day. I obtained it from Dimock Bros. There was nothing wrong with it. A nipple was not off it. I received the gun the third Friday in April last. That gun was in my house on the 1st June. It was taken out by me that day. I had it out all day. I went out in the morning. I have not the slightest idea what time I went out. It was daylight, I think, when I got up. I go to work at 8 o'clock. I cannot say if it was before 8 o'clock or not. I do not know what time I got up. I did not have my breakfast at home that morning. I had it over the hill. The gun was at home from Friday till Saturday at 2 o'clock. I knocked off work at 5 o'clock on Saturday night. I last spoke to Joe Eagle at our gate about 5.30 on Friday the 31st May. I did not look to see if the gun was there or not. It was there all right on Saturday at 2 o'clock, when I went for it; it was in the same place as where I left it the Sunday before. I never had it repaired. I cannot remember if anyone was with me on Saturday, shooting. It was before breakfast-time I went out. Breakfast-time is 8 o'clock on Sunday. I went round Cummings's. I did not see Cummings. I saw Charley Alpin when I had been out two or three hours. I had the gun then. I got home at dusk. I had the gun then. The gun was in the same state when I returned about a fortnight ago as when I received it. I gave it to Mrs. Bett. I always used paper with that gun. I generally use "B B" shot as a rule. I last bought shot at Bradford's. I had a shot-pouch—an ordinary



shot-pouch. I never lent the gun to any one, and it was only out of the house when I used it. I bought my shot-pouch the Thursday before Good Friday. I bought all sorts of ammunition at the same time. I have borrowed a shot-pouch. I borrowed a shot-flask from James Gibson about twelve months ago. I returned it just after the commencement of the season before last, 1888. I went to Gibson's house for it, and he lent it me. I returned it in about a fortnight. I used it twice about. I did not examine it. It was a brown-leather, stiff-leather, revolver shape. Nothing else that I can remember about the flask. [One shown to witness.] It is not the flask. I do not think there was any picture at all on it.

Will you swear to it?—Well, I cannot swear to it, it is such a long time ago. I know Bonny Hodges. I saw him in the porch, in the passage outside the Court. I just nodded to him. I last saw him before that on last Monday night (26th August), at his own house, between 6 and 7 o'clock. Jim Eagles, A. Holmes, Jim Holmes, and Hodges were present. I heard something about some things being found on Hawkings's land, but I did not hear what had been found before I went there. Eagle told me what it was in Hodges's house. He told me that a shot-pouch and a knife had been found in Hawkings's gully. He did not describe them. Hodges was busy making frames. I stayed there for an hour, till Gibson came for me. I was sitting down, smoking occasionally. I heard Jim Holmes say something about a shot-pouch being picked up, and he believed it was the one Hodges had had. Holmes said he had seen it. He did not say what it was like. If he spoke to Hodges about it, he must have been pretty cute. I did not hear him. I went down the road with Gibson for a walk. Gibson came to the door. Greaves, Jack Dowd, and another gentleman was there. We all went down to my place. We talked about a shot-flask. Gibson asked me if I remembered getting a shot-flask from him. I thought a minute, and then I told him "Yes, I remember getting it from you several times." I did not tell him anything else that I am aware of. They were talking privately among themselves. I went into my house, and went upstairs and got my shot-flask. I showed it to them. I told them I would show it to them if they liked. Greaves said, "It is a very small one aint it?" We then went back. I went to Hodges'. They left me after I had gone three parts of the way. We had a bit of a barney on the way. Gibson said he had had it three years. I said he had had it two. We both came to the conclusion it was three years, but I still think it was only two years. I do not know which it is. That is all that was said to my knowledge. I did not get a description of the powder-flask that had been found from Jim Holmes. The spring of the flask I borrowed I think had a brass top. I had so many, I cannot remember. I have one with a picture on it. I had had any amount of flasks before with pictures on them. I cannot remember if Gibson's flask had a picture on or not. I have one now with a man and a gun on. I never take much notice of those sort of things. I have had mine with a picture on since the Thursday before Good Friday. I do not know what the picture is. I showed it to Greaves. It was dark when I showed it to them. I have had one off him twice, but I do not know if a picture was on it or not. When I last returned him the flask it was about twelve months ago. I did not take notice of the pictures on other flasks I have borrowed. [Pouch produced to witness in a blue box.] That is very much like the same one that I got off Gibson. It was bent so. It is the same shape. I never saw one before like it till I got this one. As far as I can remember that is the same I borrowed twice. I asked for it on other occasions. I borrowed it on Wednesday night before Good Friday. I went to ask Mr. Hodges for Mr. Hodges' flask. Hodges told me to go and get it from Gibson, and that Gibson had one of his. I went to Gibson. Gibson said he could not let me have it, because he had given the shot-flask to Louis Chemis when he returned Louis Chemis his gun. He said he gave it to Chemis; not that he thought he had given it to Chemis. He said he would get me one from town if I liked. I went to town to get one for myself.

*Annie Chemis*, recalled, saith: I never saw another shot-flask in the house except the one the police took away. Gibson often came up there shooting. He took my husband's shot-flask and gun when he came. I never saw the shot-flask produced in the house, or in my husband's possession.

*By Mr. Bell.*] I never saw in my house any shot-flask, except the one the police took on the 1st June. I do not think there could have been another shot-flask in the house without me knowing it. I never saw a sheath for a knife that my husband had. The knife produced I gave to Mr. Jellicoe. I used it several times. My husband brought it there some years ago. Well, it is a good while in use. I could not say how many years. It has been in my house for one year, any way. He often cut pigs with it. He bought it in town somewhere. He did not tell me so. He was in town the night he fetched it. I remember the night he fetched it. It was twelve months ago. I cannot remember the date. There was not another knife in my house with a handle like that, with that name and that brand on it. I never had in my house, except the stiletto, a knife sharpened on each side—not at any time. There could not have been one in the house without I knew it. I never saw him take a knife out with him pig-hunting without me knowing of it. He never did take a knife out pig-shooting.

*John Dowd*, recalled (by the Court): I am not aware that any shot-pouch was in Chemis's house besides the one the police took on the 1st June. Everything in the shape of ammunition was always kept in one place in the right-hand top drawer. I am quite certain I only saw one pouch. It is not likely another would be in the house without I knew it. I have never seen a knife sharpened on both sides in Chemis's house. The knife produced is the one I mean. I never saw a sheath in the place.

*Ellis George Lowe*, sworn, saith: I reside in Molesworth Street, and work at Bannatyne and Co.'s. I was born in Wellington. I knew Hawkings very well. I have recently been there. I remember calling upon you last Monday week, the 19th August. I was asked to do something. I was asked to search the gully from Dimock's to the target, and any water-holes or creeks I could

find there. Something was said about payment. You said that if I was put to any expense or trouble you would see that I was paid for it. In consequence I went out on Sunday last (25th August). I entered Hawkings's property from a point near Ngahauranga. I came along a track which led along the face of the hill. I got up to the top of the hill. I saw a man named Collins, who is employed by Mrs. Hawkings. He asked me what I was doing there, and asked if I wanted to see any person. He asked me if I had seen the notices about the place. I said I had. I said I was there in search of evidence of Hawkings's murder.

Did he tell you in which direction to go?—He said if anything was to be found it would be found in among those gullies, pointing to the target-gully on the way to Chemis's. I went down the other side. I went to the creek that runs from Dimock's to the butts. I am not used to plans, but as near as I can judge I was at the corner I mark with a red cross when I was speaking to Collins. I went from there in the direction of the furze. I discovered a creek running on Hawkings's property from the direction of Hawkings's house into the main creek on my right going up from Dimock's. I was going up it from the main creek. I found two falls in the creek. I found a second fall of about 8ft. or 10ft. fall, and as I was going up I saw something at the bottom of the creek.

Were there any boulders there?—Yes; I saw something lying on a boulder. I first saw a shot-pouch lying on the boulder. I saw the end of it sticking up. I did not see anything but the top of the shot-pouch. I picked it up. I had not seen anything else before I picked up the shot-flask. I next saw something—the blade of a knife, before I saw anything else. It was on its end, sticking straight up, the blade uppermost. I took possession of the knife. I could not see the handle before I picked it up. It was surrounded by leaves. I rummaged about the leaves to see if anything else was there, and I found a knife-sheath. There were not many leaves over the sheath. I could not see the leather of the shot-pouch, because it was covered with 3in. or 4in. of leaves.

*By the Court.]* They had the appearance as if they had fallen over the pouch. There was no appearance of water having flowed over them.

*By Mr. Jellicoe.]* There was a thick overgrowth overhead. I do not think the shot-pouch produced is the same [J], because it was a straight one. That looks a good deal like the pouch. The one I found was marked with a black mark on it like this. According to the black mark on it I should say the pouch is the same. The end was resting on the boulder. Leaves, sticks, and rubbish were holding it underneath. It is the pouch, I believe. The knife produced is the one I found [K]. About 2½in. or 2in. were sticking up. The sheath produced is the same I found [L]. When I found them I took them home, and then took them to Mr. Jellicoe's house, and gave them to Mr. Glascodine. I did not see Mr. Jellicoe. I went out this morning with Mr. Glascodine, and with you, and another person. I pointed out to you and Mr. Glascodine the spot in the creek where I found these articles, and the position I found them in, within a foot of each other. The knife might have fallen from the sheath if thrown from above from the position in which I found them. The knife going first would go first and stick up. Portions of the knife and shot-pouch were partly exposed. I was not more than a couple of feet away from the pouch when I first saw it.

*By Mr. Bell.]* The overgrowth joined overhead: The things may have been a foot away from the water when I found them. There was no water flowing over the ground, it was flowing under the leaves. It would certainly not have been covered with water in winter. I have been told that it was a plant to catch me. Mr. Dyer said so to me last Monday or Tuesday. No one told me to go up this creek. No one knew I was going there. I had never been up that creek before. I had been searching the hill before. I called some men to look at these things when I found them. There were Jim Holmes and five others. When I showed these things nothing was said about the pouch being Hodges. I did not know it was connected with Chemis. I asked them if they had seen anything of the things before. They each and all said they had not seen anything of the things before. I know James Holmes, he is an honourable man. My recollection is that he said he had not seen these things before. I asked them all to take particular notice of them. I understood them all to say they had not seen any of the things before. I believe they each said they had not seen any of the things before. When Dyer said it was a plant, I said it was impossible it was a plant, that no man would do such a thing. I believe it is no plant. In my own mind it was no plant. I have not the slightest doubt about it. I did not hear Jellicoe say to the warder, "Have you been here before," when at the creek. The warder threw a stone or stick into the creek to show Mr. Jellicoe how far he had gone up the creek. That was not so far up the creek as I found the things. I found them about 30 yards further up. Reardon, the warder, did not say other people had been up further. We went in a cab this morning. It was arranged last night that I should go this morning. About 10 o'clock last night.

*By Mr. Jellicoe.]* I had been dreaming previously for some weeks about Chemis' murder case. I was looking for things the murder had been committed with before I saw Mr. Jellicoe. There was nothing said in the cab this morning about what we were going to do. After I left the cab I went in front to show the way.

*John Coyle, sworn, saith:* I am a warder at Terrace Gaol. Mr. Bell asked me just now who were with me on the 2nd August, when I went up the creek. I went to Hawkings's property this morning with Mr. Glascodine. Reardon had been previously this morning. I was at this creek on the 2nd August on instructions from the Gaoler. Reardon was with me, and another warder, Foreman, joined me. We were searching about the scene of the murder to see if we could find anything to throw any light upon it. I went this morning with Mr. Glascodine to a creek running into the main creek on the right-hand side going from Dimock's. We went into the hollow of the fall about 8 or 10ft. I went up that creek from the main creek on the 2nd August. I had a stick with me to probe about with. I climbed up the left side of the fall. Glascodine pointed out the place where the things were said to be found. On 2nd August I could not say I disturbed this

exact spot. I probed here and there in the creek in any likely place, of course I did not probe the whole of the creek. I followed it up to the fall. I did not see any knife, shot-pouch, or sheath. If the shot-pouch had been exposed as described I should have seen it, as I was searching closely. My instructions were to search closely. If there had been a knife exposed as described by Mr. Lowe I think I should have seen it. I heard him describe where he found the sheath, with leaves and rubbish over it. I might have disturbed the rubbish, but I cannot say. I climbed up the bank by the fall, and met Reardon higher up. I helped to dig up some of the earth near the scene of the murder where the paper was found, where I believe the knife was found. We had no instructions, at least I had not. I was looking to see if we could find anything to throw a light on the murder. Reardon, Nelson, and O'Connor were the persons who were digging the earth on Monday.

*By Mr. Bell.*] On the 2nd August, Reardon and I went together, and Foreman followed. We left a signal for Foreman. We went out by the 7.15 train. Reardon and I went to the scene of the murder; from there we went over the spur to the track on Hawkings's side of the main creek, and separated at about where the small creek joins the main creek. We first of all searched the gorse; not every inch of it; we did it as well as we could. We might have missed finding the end of a shot-pouch, and blade of a knife sticking out, if they had been on the hill. From the hill we went down into the main creek, and I followed down the main creek towards the bridge as far as the bush covers the creek. Then I returned, and went up a creek to the right—the one Mr. Glascodine showed me this morning. It was between 8 and 9 o'clock that I got to the place where I turned up. I got to the scene of the murder about 8 o'clock. In that time I had searched the hill and the main creek. I did not search the hill thoroughly. The main creek was nearly dry. I turned over all places where there was soft rubbish in the creek. I was in the creek itself about half an hour altogether. I think I got on the scene about 8 o'clock; I was there before 8 o'clock. I thought it was a serious matter. I did not go more than fifty yards down the creek. It might be more or less. I struck the main creek where it joins the small creek, marked "Creek." I went down the bed of the main creek, and came down the creek. I do not think I made a complete search yet; I do not think anybody could. I searched coming down, as well as going up. I was about three, or four, or five minutes in the small creek. If the small top of the flask was uncovered, I must have seen it: if only an inch had been uncovered. From the main creek to the waterfall is about 20ft. or 30ft. I heard Lowe say Reardon had thrown a stick or stone about 50ft., as showing where he had been to. There is a bush growing on each side of the creek. There was only a trickle of water in the creek on the 2nd August—the same as it was this morning. I am the only man who went to that spot, as far as I know. I was a member of the police force in England, and have made many searches. I was about nine years in the police force, and left five years ago last December. I did not go over the hills again after leaving the creek—not immediately after, but at 11 o'clock we went over the same way as we started. We scattered, and did not walk together. We were searching all the time. When you got on the hills, where did you go to?—We crossed the creek, and went towards Chemis's. We went to Hawkings's hill in the afternoon. We went over different ground—some of it was different. The principal officer, I expect, Mr. Reardon, made a report. We smoked a good deal of the time; not all the time.

*By Mr. Jellicoe.*] We could search as well as smoke. I was instructed to make a close search, and I obeyed my instructions. We were told to search for anything at all that might throw any light on the matter. If we had found buttons, or pieces of paper, we should have picked them up. It was very rough country. I did not have a watch with me that day; I did not look at the time. Some of the men did look at the time. We did not take off our coats that day, but the day previous we did. We were there two and a half days in the neighbourhood. Mr. Glascodine and myself went up the track this morning as far as the fall, then left the track and went into the hollow at the fall.

*Charles Edward Glascodine*, sworn, saith: I am an English solicitor. On Sunday last, the 22nd August, Mr. Lowe handed me a knife and sheath, and a shot-pouch. The shot-pouch contained shot. Those produced are the same. They were in a handkerchief. On Tuesday morning I handed the knife and sheath to Mr. Skey, and the same day, in the afternoon, I took the shot-pouch to Mr. Tolley, the gunsmith, at Mr. Denton's. The knife was kept in the safe. I believe you kept the keys, both keys, and it was kept locked. I took the knife and sheath out of the safe on Tuesday morning. Tolley, at my request, took the shot out of the pouch. Mr. Tolley put them in a box and sealed them up at my request. I produced the box marked "I." I was in Court on Monday, and I know the shot-pouch was brought down to the office, and I saw it put in the safe again by you. I took it from the safe when I gave it to Mr. Tolley. I went with Warder Reardon, Lowe, and yourself this morning to Hawkings's property. Lowe pointed out the place where he found the articles produced, and described how they laid. I returned to the Terrace Gaol with Warder Reardon, and went out immediately afterwards with Warder Coyle. I showed Coyle the place where Lowe had pointed out as where he found these articles. I went along the track after going up the road. We left the track at the fall, and went into the hollow with Coyle. I described how the things were found. Lowe had left some pieces of wood as he had found the articles. You gave the pieces of wood to Lowe, and he placed them in position. They were marked "pouch," "sheath," and "knife." Tolley put them in his hand and said the size was "3;" and then he afterwards said they were mixed, "3, 4, and 6," I think he said.

*William Skey*, sworn, saith: I am the Government Analyst. I received the knife and sheath contained in the box produced from Mr. Glascodine, on Tuesday last. I carefully examined the knife. It is a single-edge knife. It looks like a butcher's knife. I examined it very carefully for blood. I did not find any trace or indications of blood. I found iron rust on it; there was a good deal on the brand side. I did not notice the point portion; but I examined it all for blood. I have removed the rust. I cannot say how long it has been in water. It had been in a long time—

weeks, anyway. In water?—Mixed; with water, rain, and dampness. I did not examine the handle. I think the handle would swell a little if it had been in water a long time; but I cannot say; I do not think it is swollen much, if anything, only a little.

*By Mr. Bell.*] If that knife had been in water, after being covered with blood, and allowed to remain in water, would it have shown any signs of blood?—I think so, except it had been in running-water, and then it would run away. If not in running-water, I think I should have found some trace. Long rains would have washed the blood off too.

*Re-examined.*] If the blade had laid flat on the ground, and water had run over it, I think I should have found trace of blood on the lower side. If it was standing up on end in running water it would be carried off. If it was in an upright position the rain would wash off the blood. If sheltered by boughs overhead, I think it would have been washed off with rain.

*By the Court.*] If the knife had been left in an upright position at the time of the murder, with the rainfall that has occurred since then, would there be any trace of blood remaining?—I do not think so; but I cannot absolutely say.

*Ebenezer Round*, recalled, saith: I remember what I said yesterday, and the conversation with Dowd, and Greaves, and Gibson. I did not say there was a picture on the pouch. I am certain I did not. Gibson said there was one.

*By the Court.*] I did not contradict him.

*By Mr. Skerrett.*] The pouch shown to me yesterday is a similar one to that I borrowed from Gibson. I have no doubt in my mind the pouch is the same. I do not grease my shot. Alfred Holmes does sometimes, so that they carry closer, and will not scatter so much. Gibson said when I went for the pouch that he had given it to Chemis, and he offered to buy me another one. I am quite sure of this. I remember the conversation perfectly. The pouch I have has a picture on it. I showed it to Gibson. Greaves, and Dowd were with him. It was after I shewed them mine that Gibson said Hodges's pouch had a picture on it. Gibson did not tell me what sort of a picture it was. Gibson did not ask me to say I had not returned the shot-pouch.

*By the Court.*] I have lent my shot-pouches to people at different times, but not often. I never lent the pouch I borrowed from Gibson to any one.

*By Mr. Jellicoe.*] I cannot remember who I have lent the others to. Holmes has told me he has greased his shot. It was the same Alfred Holmes who was with me on Monday. He is a relation; a brother of John Holmes. I did not see any of the Holmes's on Sunday night.

*James Gibson*, recalled (*To Mr. Skerrett.*)] I have not spoken to anybody since yesterday about this case. I saw him (Dowd) knocking about town, and this morning going to catch the train. I spoke to Mr. Jellicoe last night. I spoke to Dowd at dinner-time. He overtook me. I asked him where he was going to dinner. We went together. He sat one table, I at the other. I have seen Mrs. Chemis since yesterday several times. I spoke to her last night when I asked her if she was going home. We went home together. We walked home. Dowd, Mr. Greaves, and me and Mrs. Chemis walked home together. Nothing was said about the case. I did not hear her talk about the case. I cannot tell you one word of what she or Greaves or Dowd said. I was told not to speak to any one. I was told not to speak about it before dinner, but not after dinner. I did not speak about the case. We were speaking about other matters. I did not hear them speak about a plant. They did not speak about my evidence. I did not hear them, not that I know of. I left them somewhere between the hotel and the road to their own place. I first saw them this morning to say good day to them. I gave some bullets to Chemis about some time before November of last year. I got a young chap to make them for me named Overend. He works off Manners Street. James Overend, at Luke's foundry. To the best of my knowledge they were all the same size. Some were pared down even and some were not, except that they were all the same size. I left them at Chemis's on one Sunday night when I was coming home. I could not say to a certainty, but I should say there were seven or nine. I could not swear how many there were, there were seven or nine. Well, say eight bullets. Say eight or nine. I will not say for one. I say there were more than seven. There might have been seven or nine. I was pig-hunting that day on Chemis's place. I have been out twice shooting pigs on Chemis's land. That was shooting pigs. I was only on one occasion out with Chemis. Greaves was with me on the second occasion pig-shooting. I cannot say which occasion it was I left the bullets. I left them on the table. I took them out of my pocket and said, I will leave these here. Mr. Chemis and Mrs. Chemis were there, I think. I could not swear which of them were there. I said I did not want them. I have some more at home. I knew he wanted them, because he had wild pigs there. I left a knife and a sheath there, because I did not want to carry them home. I was often about Chemis's house. I never saw a sheath there to my knowledge. I am a tanner, and know something about leather. I will swear I have never seen that sheath before. That leather might have been made at Ngahauranga tannery or Kaiwarra tannery. It does not look like a piece of scrap-leather. I swear I never saw that knife before, either in Chemis's or Dowd's possession. Dowd worked at one time in the tannery premises, bagging hides, I believe. I never sold or exchanged a gun with Chemis. I never had a gun of my own.

*By Mr. Jellicoe.*] I cannot exactly say when I was last shooting at Chemis's. I have not been there for seven or eight months until the night you were there. It was not, I think, on the last occasion I was there I left the knife and sheath. I got my knife and sheath back since. I have been there before. Good Friday, the night before Good Friday, I got it returned. Mr. Greaves fetched it back. He did not give it to me personally. He did not tell me he had done so. I told him to bring it down, and he did so. I told him also to bring down my shot-pouch. I did not get my shot-pouch back; he did not give me a reason. I could not say if it were there or not when I went for it. I could not say for a fact whether I took it away or not. I could not say when was the last time I lent it to Round. I cannot remember if I lent it.

to Chemis after the last occasion when Round returned it. I still can only remember Round borrowing it once. I cannot remember if I lent it to any other persons or not. I cannot say positively I saw Round on Monday night last. We had an argument about the shot-pouch. They asked me what sort of a pouch it was, Greaves and Dowd. Round said he could describe what sort of a pouch it was, and I said I could too. We both described it. We both described it together. Round said he believed there was a picture on the outside of the pouch. Greaves, Dowd, and Tim Dowd were present. They were standing close together at the time. It was raining. I live at Kaiwarra. I did not know we had time to catch the train, or I should have gone out by it last night. I was not warned a second time not to speak about this case when I was here the second time. They did discuss my evidence, and they did not discuss theirs. I knew it was not improper so long as I did not talk about this case.

*By Mr Bell.*] Nobody has spoken to me about the description of this pouch since I gave my evidence. I spoke to Mr. Fisher this morning about not being able to identify the pouch, because there is no picture. Fisher is an expressman. I went out of friendship. I wanted to speak to him. Fisher has been in Court. I was talking to him about this case. It was after dinner to-day. I could not say if I have seen Fisher in Court. Mr. Harris can say there was a picture on the flask. I told Overend there was a picture on it; it was a picture with a man, a gun, and a hare or rabbit on it. I will not swear it had a picture on it, and I will not swear it had not. I have read what Round said about the pouch. I do not swear what he says is false. He said there was a picture on it when he described the pouch. He was not sure there was one or not. Was the pouch you lent Chemis a pouch with a picture on it?—To the best of my knowledge it had one on. I am not able to say whether I took it away from Chemis's or not, and I am not able to say if I lent it to anyone else.

*By the Court.*] I could not say if the pouch I left at Chemis's was Hodges' or not. I had no other I could have left. If I did leave one at Chemis's it must have been Hodges'. I had no other one.

*Frederick Greaves* recalled: (To Mr. Bell.) Gibson told me some time before Easter, before the shooting season, that he had left a shot-pouch at Chemis, but he was not certain. I had not talked over the matter with Mrs. Chemis since yesterday. I have not talked about this case to Harris nor Dowd—about this case. I walked home with them last night, and I walked in this morning. We have been together this day. The words "Hodges," "shot-pouch," have not been mentioned. Yesterday I was going to tell you that Gibson had got Hodges's shot-flask for so many years, and he was not certain if he had left it there or not. Gibson told me he thought he had left a shot-pouch at Chemis's. It was Hodges's shot-pouch I went to ask Gibson for. Gibson did not ask me about a knife. He asked me just before the shooting season—I think about the same time as I asked for the pouch—if I would get him his knife and pouch from Chemis's house. I believe it would be the same night. I went to Chemis's house, and Chemis told me he had not got it. You did not ask me about it yesterday that is why I did not mention this yesterday. You told me to confine myself to answering questions. I just answered your questions. I remembered this yesterday. I did tell Gibson that Chemis said he did not have the pouch the day after I took the knife and sheath back as I believe Gibson did not ask me about it. I told him I had taken his knife back but did not get the pouch. I do not believe Mrs. Chemis was there when Chemis said the shot-pouch was not in the house. I am not a Catholic. I got the knife from Chemis some time before the shooting-season. I will not be certain if it was Chemis or his wife who gave me the knife. I believe it had a belt on it. Gibson killed a pig with it once. It was in the house. I do not know if it was used. I never saw a sheath at Chemis' house except the one I took back to Gibson. I have seen a sheath-knife in the house. They used it for carving. I never saw the sheath produced in Chemis's house. I never saw this sheath or the knife before—not in Chemis' house. I have seen a similar knife in butchers' shops.

[Remanded to 30th August, 1889.]

*Frederick Greaves* recalled:

*By Mr. Bell.*] I have not a powder-flask. I never had one of my own. I have had one in my house, I believe. I could not be certain if I have ever had Chemis's in my house. That is the only one I have had if I have had any. I could not say if I always returned Chemis's flask on the same day that I borrowed it. I never took a powder-flask to be mended to any person, or shot-flask. I am quite certain of that—never on any occasion. I do not believe I did take one to be mended this year. I am almost positive I had never a powder-flask but Chemis's in my possession for the last three years. I know a Mr. Fink. I did not take a flask to him to be mended. I took a part of a flask to him. I took the inside part of the flask. I did not remember about it just now. It was a little concern inside the flask I took to Fink. It was a rivet wanted putting in. I did not have the flask in my pocket when I went to Fink. I cannot say when it was; it was about the commencement of the shooting season. It was Chemis's flask I took. It wanted a little rivet inside.

*By Mr. Jellicoe.*] The flask produced is the one. I took the piece I now take off. I took the little piece to have the rivet put in. I was going to do it myself but he proposed to do it. The spring was broken. It was before Dybell mended the spring. The spring was broken when Fink put in the rivet. I remember asking Round about the shot-pouch which, it had been rumoured, had been found, and which Gibson thought he had left at Chemis's house. Round said he had borrowed it twice from Gibson. I think he said twice right off the reel. Did he say what was on it?—No, sir. I was paying particular attention to what he was saying. I was thinking how it could have been at Chemis's without me seeing it. Gibson, at the beginning of the shooting season, asked me to bring a knife and sheath from Chemis's. What occurred was this: some few days before the shooting season I was talking to Hodges at work about shooting. He told me that Gibson had had his pouch for the last two or three years. I went to Gibson a day or two after this

and asked him if he would lend me his shot-pouch. He told me he had not got it. He thought he had left it up at Chemis's house, but was not sure. He said, "You might bring it down if it is there; also bring down the sheath-knife and sheath, which I left there some time ago." I went up to Chemis's house that night. I asked Chemis for the sheath-knife and shot-pouch belonging to Gibson. I got the sheath-knife and sheath, but I cannot remember him telling me he had not got the shot-pouch. I could not remember who gave me the knife and sheath—whether it was Mrs. Chemis or Mr. Chemis. When I said, "I cannot remember him telling me," I was going to say, I could not remember who gave it to me—Mrs. Chemis or Mr. Chemis. I did not get the pouch. I asked for it at the same time, to the best of my belief. Mrs. Chemis said he had not got it; it was not there. Mrs. Chemis and Dowd came past my room to get to the railway-station.

*By the Court.*] Gibson must have left the knife and sheath about twelve months ago. It was kept in a rack in the kitchen. I am not certain whether Mr. Chemis or Mrs. Chemis gave it me. It was reached down from the shelf at the back of the plates and put on the table for me. It must have been there about eight months. Mrs. Chemis must have seen it there when cleaning down the shelf. It was a new sheath, with a narrow strap round it. There were, I think, two slits for the strap to go through. It was a proper made one that had been made in the shop.

*Carter Hodges* recalled :

*By the Court.*] Who went first to ask about the shot-pouch?—You mean the first who came to me about it, Alfred Holmes. He told me a knife and a pistol-shaped pouch had been found. I asked him had it an iron top or a brass one. He said it was iron. There were no further remarks made at that time. The other brother Holmes came up to my house—James Holmes.

*Edwin George Darke Woodward* sworn, saith: I saw witness (Norman) last Sunday, 25th August, at Belmont, where he was then living. A man named Hare was with us.

*By Mr. Bell.*] I do not know anything of Hare's antecedents. I heard Hare had been working at Hawkings's.

Ruled that Norman was not an adverse witness, and evidence to contradict him cannot be called.

[For former Papers, *vide* H.—33, Appendix to the Journals of the House of Representatives, 1889.]

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