

1895.

NEW ZEALAND.

JEREMIAH MCCARTHY

(PAPERS RELATING TO THE CASE OF).

Return to an Order of the House of Representatives dated Tuesday, 23rd July, 1895.

Ordered, "That there be laid before this House all the papers relating to the case of one Jeremiah McCarthy who was committed for trial on a charge of murder at the last sitting of the Supreme Court at Timaru, and discharged, 'No true bill' being found; the return to include all correspondence and enclosures forwarded to the Minister of Justice by the Rev. Father Regnault, S.M., and also the memorial presented to the Minister by the member for Waitaki at the commencement of the present session."—(Hon. Major STEWARD.)

FATHER REGNAULT and OTHERS to the Hon. the MINISTER of JUSTICE.

SIR,—

The undersigned inhabitants of Waitaki district deem it a matter of public duty to direct your especial attention to the observations made by his Honour Judge Denniston on an indictment presented to him at the late sittings of the Supreme Court in Timaru against one Jeremiah McCarthy for murder. While fully impressed with the necessity of upholding the forces of justice, and, in particular, that every effort should be made to search out the authors of atrocious crime, we are nevertheless entitled to expect that none of us shall be put to the terrible ordeal to which McCarthy was subjected on bare suspicion, or a strained and prejudiced view of one or two circumstances, which may be perfectly consistent with innocence. In this case his Honour the Judge unmistakably expressed the opinion that there was nothing whatever, legally considered, to justify the committal of McCarthy, and we submit that the persons intrusted to deal with affairs of such gravity should be reliable for sound judgment and careful regard for the rights of their fellow-subjects. We therefore trust that the matter will receive your earnest and immediate consideration.

We have, &c.,

P. REGNAULT, S.M., R.C. Clergyman,
And 123 others.The Hon. the Minister of Justice,
Wellington.

JEREMIAH MCCARTHY to the Hon. the MINISTER of JUSTICE.

SIR,—

Waihao.

I have the honour to submit for your consideration an appeal for compensation for the loss, mental anxiety, and degradation which I have had to suffer by reason of my having been wrongfully and unreasonably charged with the murder of a man who was found dead on a public road in my locality on the 12th January last. The circumstances connected with his death and the finding of the body are given in evidence at the inquest, which was held on the 15th, 16th, and 21st January last, are fully set out in the report of the inquest contained in the *Waimate Times* of the 16th, 19th, and 23rd January, copies of which I forward herewith.

At the conclusion of the inquest, although the police authorities, acting, as I maintain, on entirely mistaken and insufficient hypothesis, applied for and obtained a warrant for my arrest for murder, and on the 16th January I was arrested and lodged in the Waimate lock-up. Being brought before two Justices of the Peace on the following day, the police applied for a remand, and bail was applied for on my behalf and immediately granted.

The Magisterial inquiry which took place on the 30th January is reported in the *Waimate Times*, a copy of which I forward. It will be seen that I was committed for trial, though the Bench in doing so admitted that it was a weak *prima facie* case.

I forward a copy of the report of the address of his Honour Mr. Justice Denniston to the Grand Jury, and would like to call your attention particularly to the concluding portion of it, where he remarks, "That there was in his case a total absence of evidence directly connecting the accused or any of his family with the transaction—nothing but conjecture, no direct evidence at all—and it would be an exceedingly unsafe thing to his mind if the liberty of any man were to be put in jeopardy on such evidence. He would have to direct the petty jury that they ought not to convict; and this was just the sort of case in which it was the duty of the Grand Jury to interfere between the Crown and the accused."

I need hardly say that I had to suffer the most painful mental anxiety through being charged with such a crime, and on account of the degradation by being subjected to the proceedings consequent thereon.