

chronology of Meikle's witnesses throughout, and contradicts entirely the attempts of Lambert in the trial of 1895 to blur events deposed to when the facts were fresh in his mind. As to the £50, the witnesses were Arthur Meikle, Harvey, Templeton, McDonald, Davie, and Shiels. Lambert was in conflict with all the six on material points; and on the question of this £50 Lambert himself admitted in 1895 that he had mentioned the £50 business to Meikle. Now, as it stood in 1887, it was Lambert plus the sheep-skins plus Gregg against these six witnesses. I mention these six only as being in specific conflict. That was the position in 1887, and Lambert with his two auxiliaries prevailed. Now, how does the case rest? To speak accurately, in 1895 two experts witnesses testified as to the possibility of a certain thing having been done which was alleged to be impossible. Well, excluding that, it is not far from precisely accurate to say that Lambert's defence rested on Lambert's testimony alone, and I shall just detail to your Honours the list of witnesses with whom he is in direct conflict, with many of them on vital points, and there is such a variety of points that there is no possibility of concoction. He contradicts first of all Mr. Henderson, Registrar of the Court at Meikle's trial, and a solicitor in private practice since, and, as your Honours will remember, he said Mr. Henderson was touting for a job.

*Mr. Justice Cooper:* Was that the Mr. Henderson who afterwards went north?

*Mr. Atkinson:* No, it was not that Mr. Henderson. The man I refer to died at Invercargill. Well, he is in conflict with Mr. Henderson as to the date, and as to the conversation in which Lambert was said to have made an admission of guilt. There were also Mr. Kelly (the foreman of the jury), Meikle himself, Mrs. Meikle, Templeton, Howe, Harvey, Fraser, McGeorge, and Ryder. All these witnesses were called for the prosecution in 1895. In addition, there was Mr. Stuart, one of his own witnesses, whom he contradicted as to the appearance of the skins. Though that is not a perjury point, yet it bears, at any rate, upon his accuracy of one kind or another. And then his allies, the sheep-skins, have been turned by Mr. McGeorge into one of the most powerful forces against him. And then, as I put it to your Honours, Mr. Gregg—he was called in 1895, but he is not here now—Mr. Gregg's testimony, which was very valuable confirmation of Lambert's in 1887 on the matter of chronology if for no other purpose, is also turned against him, because he comes exactly into line with the date as fixed by the witnesses for the prosecution. There are one or two other witnesses I shall call here who were not before the Supreme Court in 1895, and they will be added to this majority. It makes ten witnesses for the prosecution, and, in addition, there are Stuart and Gregg. Surely, your Honours, Mr. Lambert cannot sustain the conflict against a number like that. It is not worth arguing as to whether these ten conspired to commit perjury on utterly remote and different points when he is in this radical conflict with himself. He is the alpha and omega of the case for his own defence, and now he is the alpha and omega of the case for the prosecution. Well, as a result of the trial in 1895, Mr. Lambert was found guilty, and he was sentenced to four years' imprisonment, which, as Mr. Justice Williams stated in giving sentence, was the maximum term the law then allowed. At this point, your Honours, it may be convenient to meet the objection raised by Mr. Justice Edwards with regard to Mr. Justice Williams's charge, or alleged charge, to the grand jury in 1894. The statement I was quoting roughly from the charge to the grand jury with regard to Lambert's prosecution was:—

“The evidence that the person now accused then gave was undoubtedly of the highest importance in the case of sheep-stealing, and without it the accused would not have been convicted. The present prosecution is brought by the then accused against this witness, in respect of statements made by him at the preliminary investigation and trial. You will have the witnesses before you, you will see that the point is a most material one, and you will be able to judge for yourselves as to the credibility of the witnesses.”

The reason why Mr. Justice Williams refers to the materiality of Lambert's evidence to the case against Meikle is that, though Lambert was tried since the Criminal Code came into operation, his offence had been committed previously, and so the old law as to the materiality of the perjury to the matter in dispute applied. Then, your Honours, so far as I know, or so far, I expect, as your Honours will know during the present case, Mr. Lambert has not protested, and it is not at his instance that this investigation is being held now. Mr. Meikle, one might suppose, if the whole of the facts had been fully before the public, would have been taken to be cleared in the public estimation by the result of Lambert's trial. He petitioned Parliament immediately after the conviction of Lambert in 1895, asking for £10,000 compensation, and the Committee reported on the 9th October, 1895, as follows:—

“That the Committee are of opinion that, after eliminating Lambert's evidence, who has since been convicted and is now serving a sentence for perjury, there was not sufficient evidence adduced at petitioner's trial to warrant his conviction on the charge preferred against him. The Committee are also of opinion that the request of petitioner to have his name removed from the prison record of the colony merits the serious consideration of the Crown. The Committee recommend the Government to make provision on the supplementary estimates for the payment to petitioner of a sum of money by way of compensation for the loss he has sustained”——

*Dr. Findlay:* I think I must ask the Court to rule on this matter. A great deal has been said in Parliament and out of Parliament by Committees, by Ministers of the Crown, and by my learned friend. I do not know whether it is any assistance to the Court, and I do not know whether it is relevant to the question which this Court has to decide; but if my friend is going to read results of Committee investigations, I would—and I ask not to be put in that position—be called upon to place before the Commission authoritative statements by officials in the Government service who probably are as well able to speak as the Committee. Now I ask your Honours to rule this out. It cannot be suggested that the finding of a parliamentary Committee is any assistance whatever to this Commission in arriving at the conclusions which it is asked to arrive at by this commission.

*Mr. Justice Edwards:* We are to find the facts. The matter has been referred to us for the purpose of finding the facts so far as anybody can find them.