

*Mr. Atkinson:* I can quite understand and sympathize with the spirit of my friend's objection. I do not want to put stress on this. I am merely citing this as part of the history of the case. I attach no weight to it. The finding continues, and it is essential to the facts:—

“The Committee recommends 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 in connection with his business, the legal costs incurred in defending the charge preferred against him and securing the conviction of Lambert for perjury, and also by way of compensation for the imprisonment he has suffered.”

Of course, I submit, your Honours, in substance that was a proper conclusion; although, from my point of view, the only concession—“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 prisoner's trial to warrant his conviction on the charge preferred against him”—is a somewhat grudging one; and I am contending, at any rate, for something a little more satisfactory from this Commission. My particular reason for mentioning this is to emphasize the conflict which delayed this matter for so long, and finally brings it before this Commission. The Committee, before deciding the matter, had referred the question to his Honour Judge Ward, as he then was, in 1895, and his reply to the Committee I have already dealt with in anticipation. It appears on page 30, headed “Second Report,” on the printed file. He reported on the 29th August, 1895. I have dealt with his analysis of the case for the Crown as it remained after the deduction of Lambert; but I had to pass one point then, your Honours, which I think I am entitled to emphasize now: that his Honour Judge Ward, with technical correctness perhaps, but, I submit, with substantial injustice, has treated the sheep-skins as still remaining part of the case against Meikle after the elimination of Lambert. Well, surely, your Honours, as a matter of substance, the sheep-skins when Lambert came to trial were two of the most damning things against him. The fact of how he got into the smithy and borrowed the skins hung on the wire two or three weeks before, and that these skins bore wire-marks, probably carried as much weight in the minds of the jury who tried Lambert as any single circumstance before them. So, I submit, if the sheep-skins are eliminated, as they should be, there was really no ground for suspicion left, though it remains as his Honour's conclusion that Meikle would have probably secured acquittal, even leaving the sheep-skins in, but for Mr. Templeton's gross perjury, which I trust I have sufficiently explained away. Nine issues have been submitted to this Commission for inquiry. I have dealt with the first two issues, and in my opinion they are the substantial issues, because obviously, if they are decided against my client, then all the others fall. The third issue is,—

“Whether there is any evidence to show that the said John James Meikle has since his conviction made any admissions or statements inconsistent with his innocence.”

My friend was good enough to offer me a list of his witnesses, but I have not received them yet. However, as to that, I can do nothing at present; but I will have an opportunity of doing so at the proper stage. The next issue is No. 4:—

“As to the circumstances which led to the prosecution of the said William Lambert for perjury, and whether there was an undue delay on the part of the said John James Meikle in taking proceedings for perjury against the said William Lambert.”

I have already dealt with that issue. The fifth issue is an important one:—

“As to the circumstances under which the said John James Meikle accepted the sum of £500 in full settlement of his claims; and whether, apart from legal considerations, the settlement then made should be treated as final.”

The position with regard to that is this: Nothing came of the report of the Public Petitions Committee in 1895. Meikle petitioned again in 1896. There was a similar report in 1896, pursuant to which a sum of £500 was put upon the estimates on the 14th October, 1896. The then Commissioner of Police wrote to Meikle stating that he was to have the money. The money was not taken, and on the 4th October, 1897, Meikle petitioned again. On the 2nd December, 1897, there was a discussion on the matter in the House, and although your Honours will regard me as equally anxious with my friend to keep any parliamentary questions as far as possible out of this discussion, I submit that it is material to see the circumstances under which this £500 was then offered. In *Hansard*, Vol. 100; page 275, there is the following—

*Dr. Findlay:* I do not know that that can be used as evidence.

*Mr. Atkinson:* It will probably be admitted. It is only to show why the £500 was to be given to Meikle. It was argued by some members that £500 being on the estimates was ridiculous; that the man was entitled to nothing if he was guilty, or, if he was innocent, he was entitled to thousands. Mr. Seddon, consistently with the view which the Government took of His Honour's report, stated that the payment was not in recognition of Meikle's innocence, but was paid as a contribution towards his expenses in bringing a perjurer to justice.

*Mr. Justice Edwards:* Was it paid on receipt?

*Mr. Atkinson:* Yes, we have the receipt here.

*Mr. Justice Edwards:* There is no legal claim in the present case.

*Mr. Atkinson:* No; my client, of course, has never had any legal claim. In *Hansard*, Vol. 100, page 275, Mr. Seddon said,—

“Of his own motion, and for the purpose of helping himself, Meikle had brought to justice a perjurer, which action had cost him a sum of money, and the Government were asked to compensate him and to recoup his expenses in connection with that prosecution.”

Although there is this receipt, surely that statement is material in order to show how the money was offered. Mr. Seddon also said,—

“He said they must take the whole of the circumstances and look at them. Then, what did the Judge who tried the case say? The Judge still said he was satisfied that Meikle was guilty. Now, a Government was not worthy of the name of a Government, or to be trusted to exercise the functions of Government, if, having referred a case to a Judge who had tried it, and the Judge reported upon