

*Mr. Justice Cooper:* Under paragraph 7 of the order of reference we have to find the amount of legal and other costs incurred by him.

*Mr. Justice Edwards:* That does not mean these prosecutions?

*Mr. Atkinson:* No, sir; that comes under paragraph 6.

*Mr. Justice Cooper:* We have to find under that question the costs of the trial for sheep-stealing under the trial for perjury; notwithstanding that the Government has paid £294 on that account, we still have to find the costs of them.

*Dr. Findlay:* I propose to ask Meikle what he paid with the £294—if in point of fact he paid that to counsel; and I should probably be content with the answer. I know that Mr. Neave rendered a bill which was considered fabulously high, and which he said he would not pay.

*Mr. Atkinson:* Mr. Neave's bill was for £680.

*Mr. Justice Edwards:* For prosecutions in the Magistrate's Court?

*Dr. Findlay:* I do not know what he had to do with it.

*Mr. Atkinson:* He included counsel in that.

*Dr. Findlay:* I understand that the bill was manufactured for the purposes of the parliamentary Committee.

*Mr. Justice Edwards:* Of course, it is quite out of the question that any one would ever pay that for costs, and no solicitor who understands his duty to the profession and has any respect for himself would ever dream of making out such a bill.

*Mr. Justice Cooper:* I defended a good many cases of sheep-stealing, and have never yet had anything to do with a case in which the costs came to £680.

*Mr. Atkinson:* Of course, it has been spread over a great number of years, and spread out to a large amount. We are not putting it here as a moral obligation. Then there is the question as to the chief aspect, of which we have had some discussion already, coming again in the bottom of the sixth issue:—

“Whether, having regard to all the circumstances, the said John James Meikle is fairly entitled to further pecuniary compensation in respect of his conviction and imprisonment, or in respect of the loss and suffering alleged to have been entailed upon his family thereby; and, if so, to what amount.”

The question there of quantum, assuming that your Honours get over the abstract difficulties that have already been discussed, will then come in. The £5,000 your Honours have mentioned has been a sort of standard in various cases, although in Barber's case he was a sort of professional man, and, as Mr. Justice Edwards said, it was not on the basis of absolute compensation, although a consideration of that kind must clearly be an element in it. However, I think your Honours will agree that the basis of compensation in the present case, if the other questions were decided in Meikle's favour, will not be limited to the bare period he was in the walls of the gaol. If he was wrongfully convicted as an innocent man and suffered, then certainly he was entitled as an innocent man to seek redress. I do not suggest that compensation should cover any exorbitant claim, but I do say that whatever may be regarded as reasonable expenses, as a man doing his utmost through the Courts and in face of all the difficulties detailed to your Honours—I do say that whatever would be regarded as a reasonable allowance for the expenses of these proceedings, for loss of time and livelihood involved in these proceedings, will certainly be allowed. It is a difficult matter, and I am not going to attempt an accurate estimate before your Honours; but, clearly, not only as an innocent man who has suffered such wrong—if he is proved to be an innocent man—not only is he entitled to use all these methods—prosecution, litigation, and petition to Parliament—surely all these must be regarded as part of his rights, and that he was discharging a meritorious duty to himself, his family, and even his country in sticking to the matter and seeing it through. I put it to you not in any precise and technical way, but in this way: that the period of compensation, compassionate allowance, or gratuity must not be limited to the five years during which my client was in gaol, but that there must be a reasonable allowance also for the subsequent work, the merits of which my friend and I are agreed in conceiving the Government have recognised by the grants which have already been made. I refer, of course, to the case of Lambert.

The Court adjourned until next morning.

#### DUNEDIN, THURSDAY, 3RD MAY, 1906.

Consideration of the question of alleged contempt of Court preferred against the witness J. J. Meikle on the previous day was first dealt with by the Court.

*Mr. Justice Edwards:* We should like to hear what Mr. Meikle has got to say.

*Mr. Atkinson:* On Mr. Meikle's behalf I have to say that I regret the incident, which really is not so serious as represented to your Honours yesterday. It was the result of a double misunderstanding, for part of which my friend must bear the responsibility. As I mentioned yesterday, there was an undertaking on both sides that we should supply one another with lists of the witnesses we intended to call. I had carried out my undertaking, but I have never been furnished with a list of my friend's witnesses. He had mentioned one or two who are to be called in Wellington, but I have not had a full list. Mr. Meikle, therefore, was not aware that this gentleman, Mr. Fleming, was a witness before this Commission. Mr. Fleming was a witness in 1887, but, as your Honours know, there have been five different Court proceedings since, in none of which did this gentleman appear, and Mr. Meikle was not aware that he was to be called now. Then a remark of a perfectly innocent character made to him by Mr. Fleming was taken by Mr. Meikle to be a remark of an opposite character, and he resented it. There was no reason why he should have been hurt by the remark, but he was hurt nevertheless. He did not retaliate by a threat, though there was some more or less picturesque language used. And it was not in the capacity of a witness before this