in the Home Office is detailed on p. xv of the report. From this it appears that they pass through the hands of subordinate officers, who deal with the simpler cases, and that the more difficult only are passed up with explanatory minutes until they reach, if necessary, the Permanent Under-Secretary, who uses his discretion in consulting the Secretary of State upon them.

The actual mode in which Mr. Beck's petition was dealt with is set out in the report at pp. xv–xvii. On p. xvii the result is summed up in these words: "The short fact is that if there had been any one in the Home Office in the chain of subordination up to the Permanent Under-Secretary whose legal training had enabled him to convey in a minute the real nature of the miscarriage, the attention of that official must have been attracted to the case in such a manner as to compel intervention."

From this report, which bears the great weight of the authority of the Master of the Rolls, it appears therefore plain in the first place that Mr. Beck's wrongful conviction was due to a miscarriage on the part of the learned Judge who tried him, and in the second place that his petition to the Home Office failed by reason of a miscarriage on the part of the officials of that office.

It can hardly cause surprise that in these circumstances the Home Secretary felt that Mr. Beck was entitled to a substantial sum. The allowance of that sum does not, however, afford any precedent in the present case, in which, as we have already observed, it has not been even suggested that there has been any miscarriage on the part of the learned Judge, or of any official of the Crown.

At the commencement of the hearing in Dunedin at the beginning of May, counsel for claimant mentioned another case, which he said related to a solicitor named Barber. He stated that he would supply particulars of this case to us at the adjourned hearing in Wellington, but he has not done so. A case in connection with a burglary at a clergyman's house was also mentioned from the bench, speaking from recollection of a newspaper paragraph. We have been unable to obtain any details of either of these cases. Without particular knowledge of the circumstances of each, neither is of any assistance in the consideration of the matters referred to us.

We repeat that we are not aware that in such circumstances as exist in the present case any moral right in the person wrongly convicted to be compensated or indemnified out of the public funds has ever been recognised or allowed by the Government or Parliament of Great Britain, or of any community regulated by the principle of English law. To this we add that we are not aware that in such circumstances any substantial grant has ever been made by way of bounty, as distinguished from compensation or indemnity, to a person who without any misconduct, *laches*, or mistake on the part of some public responsible official has had the misfortune to be wrongly convicted.

We think that it is proper that we should call the attention of those who are asked to establish a new precedent in this respect in the present case to the fact that such a precedent must open up an enormous and constantly recurring number of claims against the State.

The wrong suffered by a person who, apart from a miscarriage of justice on the part of some public official, has been wrongly prosecuted, but has escaped conviction, is in character and in many of its consequences the same as the wrong suffered by a person who in the same circumstances has been wrongly convicted. No year passes without many persons charged with criminal offences being acquitted by juries, not infrequently upon the direction of the Judge given constantly because the evidence is insufficient to warrant a conviction, although the Judge himself may entertain but little moral doubt as to the guilt of the person charged, and in rarer but by no means uncommon cases because there is really no case against the prisoner. In such a case an injury which may be practically irreparable in its consequences may be done to the person charged. We may instance the case of a medical practitioner charged with manslaughter, an alleged malpractice, or gross neglect in the exercise of his profession, and committed for trial. It may happen—it has happened quite recently in the history of the criminal jurisprudence of this colony—that there was no evidence which could warrant the committal, and that the Judge had directed the Grand Jury to throw out the Bill. Yet, who shall say that that medical practitioner has not suffered a grievous wrong, the consequences of which may attend him to the last day of his life.