

language. This statement was not communicated to the prisoner, but to Mrs. Meikle. I do not suggest that officially the correct course was not taken, but I would like to be allowed to make a statement here, your Honours, in regard to the disrespectful or violent language which might from time to time have discredited my client in the eyes of people in general. I only ask, and it is hardly necessary for me to ask, your Honours to remember that a man who has passed through what Meikle has passed through, assuming he is innocent, is not a man to be judged by any normal or abstract standard of decorum or good taste. If the man is innocent your Honours will not require to be reminded of what the shock must have been. It would work like madness in the brain, and sometimes these things result in actual madness. It is of such suffering and wrongs as that that lunatics are made, and anarchists, who are really moral lunatics, are made. I suppose most men would have gone to the asylum or the grave before the twenty years were up, and I need not ask your Honours to overlook what to a man in an ordinary position might appear discrediting on that account. I submit this, further, to your Honours: that, so far from discrediting the substantial justice to my client's claim, any aberrations of that sort rather tend to support it than otherwise, because an impostor in the same position would have made infinitely better progress by going steadily, smoothly, and quietly to work, instead of making people regard him as a man with a grievance or a bee in his bonnet, and think that owing to his talking wildly he is not to be believed. In my contention, your Honours, such behaviour is the natural outcome of the tragedy in Meikle's case if he is innocent. On my friend's hypothesis, which he may have to support, it is a very clumsy blunder which mars an otherwise most elaborate and sustained imposture. Now, with regard to Mr. Meikle's first petition from the gaol, dated the 26th March, 1888, the whole purport of which was to the effect which I have stated, there is no necessity for putting it in, though I shall submit it to my friend in case he should like to look at it and test the general statement I have made, but the sole quotation which seems to be relevant to put before your Honours is this statement: "That your petitioner strongly believes that Lambert put the sheep-skins in the buildings." I submit that was proved in 1895. Then he asks for a "sifting inquiry" into the whole matter, and that, your Honours, he did not get then, but he is getting now. In one petition he asked for counsel and for the privilege of four sheets of paper—the normal gaol regulations only allowing for one—in order to communicate with counsel in Wellington. That was contrary to the regulations, and was not acceded to. Well, the immediate result of one of these petitions was the report of Mr. Judge Ward, most parts of which have already been considered, dated the 28th April, 1888. The prisoner's petition had been dated the 26th March, 1888. I submit confidently with regard to that report that it is neither so accurate in its statements of fact nor so judicial in its comments and inferences as such a document should be. I am not going to traverse the ground already incidentally covered in analysing the evidence, but there are one or two points in the summary of facts contained in the first two paragraphs which are worth pointing out. For instance, there is the statement in the report that Lambert "saw the prisoner kill and dress two of them"—that is, the company's sheep. Lambert's only evidence on the point was,—

"After fat sheep were drafted out Arthur Meikle caught one and killed it. . . . Elder prisoner had gone over to the house. After sheep was dressed he returned."

That is to say, the report states that the prisoner killed two sheep; the evidence and the notes show it was the young fellow who killed one. Then, reading from the report,—

"He (Lambert) could see by the light of the lantern used the brands and earmarks of the sheep."

That is, the brands of the sheep killed. But the evidence on page 19 of the printed report before your Honours, according to Lambert's statement, is,—

"I did not see brand on sheep that was killed. . . . I only saw earmark on that sheep."

I would point out here that Lambert in the lower Court stated that he had not seen either. That is an exceedingly material contradiction, I submit, and the contradiction is a good deal more damaging than appears from that summary. Lambert's statement in the lower Court, in the depositions of 1887, in cross-examination by Mr. Wade, who was appearing for the prisoner, is this:—

"There was no secrecy. The sheep was killed in my presence. I cannot say what brands were on it. For all I know it might have been one of Meikle's. I supposed it was one of the company's sheep, but I did not look at the brand. I did not notice the earmarks. I thought it was the company's because it was in the mob he took off the turnips."

Well, it is a most extraordinary position at which we arrive between Mr. Lambert and His Honour Judge Ward. Between them they exhaust all the varieties possible in dealing with these two things. Lambert, in the depositions, saw neither the earmarks nor the brands; in the Supreme Court he saw the brand; and, according to Judge Ward in his report, he saw both. I submit that a contradiction of that sort is very serious. Dealing with matters after this lapse of time it might not be unnatural to find some contradiction in the evidence after the lapse of eighteen years and a half; but a witness who saw every detail of what happened and testified to it within a month after it happened would hardly go wrong in a really important point like that. Well, your Honours, I have already disposed of the *ex post facto* coincidence in the number of sheep, and also in regard to the amendment of the original information based on Lambert's report to fit the number found on search. I have also disposed of the suspicion arising from the sheep being on Meikle's land, and the confirmation from the fences and pasture. "It would be difficult to form a clearer case for the Crown," says Judge Ward in his report. I submit that the case, excluding the two sheep-skins, which can no longer be regarded as extrinsic evidence, was dependent on a single witness who was paid by results and is in contradiction with himself on vital points. Then Judge Ward at the end of his first report says, "I have seldom heard harder swearing than that of the witnesses for the prisoner." Now, what I am entitled to complain of in regard to that report are the omissions. The evidence of Mr. Meikle's servants and the evidence of Templeton are first dealt with. The witnesses are named, and reasons more or less sufficient are put aside, but the fact