

that there was any evidence at all outside this—evidence that was not impugned at all—is not mentioned. Secondly, the contradictions of Mr. Meikle's witnesses with one another is very properly indicated, and also one or two minute points, such as Mrs. Shiels's discrepancy, are fully indicated; but as to Mr. Lambert himself, the man on whom the whole case rested, there is no suggestion, there is no word of warning as to the bias created in an impecunious man by such an offer, and no microscope turned at all on the improbability of his story, or on the glaring contradictions between the evidence given before the Justices and the evidence he gave in the Supreme Court. Then, your Honours, the report closed with some references I should rather not have dealt with. For prudential reasons they are not printed in the copy before your Honours. There is a note appended explaining their absence. I suppose my friend has the original report. I have here a copy of it with the Government Printer's imprint.

*Mr. Justice Cooper:* They were in the *New Zealand Times*; that is where I saw them.

*Mr. Atkinson:* The general charge is there, your Honour, in the very last sentence,—

“The crime of sheep-stealing has long been rife in the Wyndham district, and it is fortunate that an example has been made of the central criminal.”

There was not a tittle of evidence upon the point. There was something, therefore, extra judicial in that.

“Referring to the case *Regina v. Scott*” says the report. But why refer to it? I should have thought that this point was outside the scope of the report as much as of this Commission. It seems to come to this: “that if there is any doubt in regard to the stealing of those sheep, at any rate I am pretty sure he stole a horse.” If after this lapse of time there is a desire to accuse my client of stealing a horse, then, we say, let Lambert or anybody else be produced; we are prepared to face them. With regard to this paragraph, I am absolutely indifferent as to its going in, but I wish to state on behalf of my client that there is not a syllable of truth in any of these inferences. Fortunately, Mr. Alexander McDonald is here and can be examined. I submit from the judicial point of view it is regrettable that an absolutely expert judicial statement of that sort should get into the report—a statement which was never heard of, and which there was never any chance of dealing with until to-day.

*Dr. Findlay:* I do not know whether it will save time, but I would like to say this: My friend has occupied a good deal of time in attacking this report of Judge Ward's. I understand that the scope and purpose of this Commission is to answer the questions contained in it. I am not relying on anything Judge Ward says in these reports. I think that this Court will not accept these statements in face of the fact that you have the witnesses themselves here—that you have the direct material from which to come to a decision. I simply desire to remind my learned friend that it is not necessary to labour this part of the case, because I am not relying on it.

*Mr. Atkinson:* It is unfortunate that my learned friend did not make that statement at an earlier period, because I have now done with the report. That was my last point.

*Dr. Findlay:* The Judge himself will be called.

*Mr. Atkinson:* So much the better. In that case how can you say that his statements are irrelevant to the inquiry? What I am going to say now is relevant to the fourth issue:—

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

Meikle was discharged from the Nelson Gaol on the 10th November, 1892. On the Monday following he was in the office of the Minister of Justice in Wellington, and applied to him for assistance in the prosecution of Lambert. He did not get that assistance. He had a brief illness after getting home, and perhaps that might justify his inaction for the space of a month. On the 10th December, 1892, he addressed a public meeting at Wyndham on the whole subject—on his conviction and on his wrongs, as he alleged them—and he invited his friends to help him to get his wrongs redressed, and he invited anybody who had got any information bearing upon the case to apply to him.

*Mr. Justice Edwards:* When was he discharged?

*Mr. Atkinson:* On the 10th November, 1892. There was the usual remission for good conduct.

*Mr. Justice Cooper:* He served the whole of his sentence?

*Mr. Atkinson:* Yes. He repeated his request to the Justice Department from time to time in writing—requests for help for the prosecution of the man he alleged to be a perjurer. But the Crown authorities did not see their way to interfere. Meikle then turned and faced the task alone. Your Honours will realise that his money was gone and that his character was gone. You will realise the difficult task he had under those circumstances in tracking down a perjurer—after a lapse of five years, and during the whole of that time he had been lost to the outer world. His boy was dead; other important witnesses were dead; others were scattered abroad—some in Australia and others in different parts of New Zealand. Others were not very far off, but they were far enough away to elude his vigilance for months. He took legal advice from time to time. The first legal advice he took was in December—a month after he came out of gaol. He consulted Mr. Neave, of Gore, and he had advice from time to time as he went on, but he could not write a cheque for Mr. Neave or anybody else from time to time to depute them to see the case through. Every investigation had practically to be made by Meikle himself. He got on to scores of false scents at times. He had to take the evidence of witnesses himself, and practically he had himself to prepare the brief on which he got Lambert convicted of perjury. He did not spare shoe-leather or horses in his hunt, and I do not think my friend is likely to make a strong point of the statement as to any undue delay in the taking of proceedings against Lambert. What was perhaps the most important link in this part of the case was the evidence of the man McGeorge—the man referred to by Lambert as having left his hut on the 17th October—that being the date by which Lambert fixed the day on which he alleged he saw the stolen sheep. McGeorge was obviously a