

and the interest which he has created is in itself no guarantee that he is not an impudent impostor. Now let us see what Meikle's case really is. What are the few broad facts that have led to the appointment of this Commission. I will state them in the briefest outline for the purpose of focussing them. The owners of two adjoining farms in Southland are in the year 1887 at loggerheads. One is John James Meikle, the other is a large company—the New Zealand Mortgage and Investment Company. Both own sheep; and assaults and battery, litigation, perjury trials, parliamentary petitions, and what-not are the outcome of a bitterness which I shall show was entirely confined to Meikle himself. The company had lost in the year preceding Meikle's arrest twelve or fourteen hundred sheep. It must be obvious that they were stolen. But who was the thief? He long defied detection. The company in the ordinary course appealed to the police. The police admitted themselves unable to discover the culprit, and the police suggested that the company should itself engage a private detective to discover the stealer. At the instance of the police the company employed a man recommended by the police—viz., William Lambert. He, after a few weeks, reported to the company that Meikle was the thief, and stated the particulars of what he had seen. The company then went to the police and laid an information for theft against Meikle. The company, to secure his committal, conducted the prosecution by its own solicitor and called its own servants, including Lambert, as its witnesses. If there had been no case against Meikle on such a prosecution the company would have been liable in heavy damages to Meikle for malicious prosecution. Meikle, however, was committed for trial, and his conviction was obtained. This conviction was entirely due to the company's information and the company's witnesses. Meikle served five years' imprisonment, and then he prosecuted Lambert for perjury, secured his conviction, and had Lambert imprisoned for four years. Meikle then appeals to Parliament, and soon—very soon—is paid £294-odd for his prosecution of Lambert, and gives a receipt in full of all claims and costs for the prosecution of Lambert. Two years later he, on his own petition, obtains a further sum of £500, making in all £794 odd, and gives a receipt in full and final discharge of all the claims he had or thought he had against the Crown. Before he signed that receipt Mr. Kelly, one of his own witnesses, pointedly calls his attention to the fact of these terms, and that they amounted to a promise not to come to the colony again for further compensation. So warned, however, he signs this absolute release and discharge, gets his money, and goes his way. Immediately afterwards he ignores his claim and signed undertaking to accept the money paid him in full and final discharge, and comes knocking at the door of Parliament again demanding two things—first, some formal declaration or admission of his innocence, and second, £15,000 for the wrong he had suffered.

*Mr. Atkinson:* And his family.

*Dr. Findlay:* £15,000 for himself and his family. Not getting any more money, he and his friends finally demand a Royal Commission—a Commission of Supreme Court Judges, who were to hear and settle finally and for ever all questions both of innocence and of money. He gets such a Commission appointed; his solicitor approves of the terms of the scope of that Commission; the Government facilitate in every way Meikle's proof of innocence and his claim, pays not only Meikle's personal expenses before the Commission, but it pays his counsel's fees and his counsel's expenses; it further pays the expenses of every witness Meikle likes to call. All this immense expense is incurred, and then on Friday last, and upon oath, Meikle, after shuffling for some time, had to face the question of accepting your Honours' report as final, and then he told us he was not prepared and would not undertake to accept the findings of the very Commission erected at his instance as final. That, I do submit, is but a plain parallel of that breach of faith which he had earlier committed when he turned his back upon his own written promise after getting £500 from the public purse and knocked again at the parliamentary door for more. That, sir, is a brief epitome of how we come to be here. At the very threshold of this inquiry two questions essentially different stand out—one, was Meikle innocent; the second was, if innocent, is he entitled to more compensation from this colony? Or was he entitled to compensation at all? Now these questions are confused by Meikle's friends, by himself, and have been confused before this Court by his counsel, Mr. Atkinson. It has been assumed that if he was really innocent the colony was under a moral obligation to compensate him—an assumption in the circumstances of this case unjustified either by reason or by practice, as I hope to show. If a nation through its Government, Executive, or judicial officers does a subject a wrong for which there is no legal redress a moral claim upon the people as a whole arises. But I ask what wrong, legal or moral, has this colony done Meikle? It has done him no wrong. No judicial officer, executive officer, or public official has been guilty of any misconduct or injustice towards him. What this colony did in 1887 to Meikle and for the five years following it must in the same circumstances do again to-morrow and for ever if society is to exist. If this seems startling, let us for a moment calmly ask ourselves what it had to do and what it did do in 1887. It had to give him a fair and impartial trial. He got that trial; he was ably defended by Mr. John MacGregor of this city; and twelve of his fellow-colonists found him guilty on the evidence brought before them of sheep-stealing—a charge which every Judge knows is more than any other a difficult one to get a jury to convict for. So found guilty, the Judge had to sentence him and the State to imprison him. What else, then, could the State or the Judge do? Release him after he had been convicted by a jury? Surely not even Meikle's wildest advocates suggest that! What wrongful act, then, has this colony been guilty of? Surely none. How can Mr. Atkinson suggest that the colony as a whole has done Meikle wrong? Throughout it has acted towards him as it should do—fairly, properly, and inevitably. Then upon what is this claim of £15,000 based? £10,000 for himself, he says, and £5,000 for his children—all his children, I suppose. Yet he says he bases this claim upon what he and his counsel call a wrongful conviction. Now, what is the meaning of "wrongful conviction"? Two things—one properly so called, one loosely so called. An improper conviction may be improper on the evidence before the tribunal. That is a true improper conviction; or it may loosely include a conviction perfectly proper on the evidence brought before the Court but based upon testimony which is only subsequently declared to be perjured. Here no wrong is done by