

the tribunal : the wrong is done by the prosecution and the witnesses : the tribunal has rightfully convicted. This is plainly Meikle's case if he is innocent. The conviction by the jury was, as far as the tribunal is concerned, a perfectly proper and right conviction. The jury were bound by their oaths to find according to the evidence before them, and it will be hopeless to contend that the jury, of which Mr. Kelly, Meikle's own witness, was foreman, were not bound by their oaths to convict Meikle. Hence the State has never improperly convicted him—never denied him justice. Who then, it may be asked, has wrongfully injured Meikle if he is innocent ? His neighbour, the New Zealand Mortgage and Investment Company, for it was this company and its servants who secured his conviction. Your Honours must remember that this was not a public prosecution. The information was laid by the company ; the prosecution was started by the company, and it was owing to that prosecution and the company's witnesses that he was convicted. This is his whole case. His whole complaint is against the company—its nefarious conspiracy, and nefarious agents—Lambert, Troup, Cameron, and the rest. His complaint amounts to this : " My neighbour attempts to put me in gaol : he prosecutes me before the Court : he convinces a jury by seemingly overwhelming true evidence that I am guilty : he gets me convicted and sent to gaol : subsequently I establish my innocence. Who has done the wrong ? Against whom have I a moral claim ? " " Against the State," say Meikle and Mr. Atkinson. I say it is against the company and its servants, because it was they, if Meikle is innocent, who did this. It will be replied that he cannot get any money out of the company, Lambert, or the others. What difference does that make ? Actions for prosecution and false imprisonment are common enough even in New Zealand. As Mr. Justice Edwards pointed out to Mr. Atkinson, not rarely are men arrested, committed for trial, left waiting for trial two or three months, suffering inexpressible mental anguish, lose all their money in the cost of defence or neglect of business while imprisoned, their character may be ruined in every way—only for what ? Only to be discharged by the Judge : only to be declared innocent. Who has heard of a man who has gone through that experience—I have never heard—coming to the door of Parliament and demanding £15,000 or any other sum ? He is left by law to proceed with his claim against the wrongdoer. He has a civil remedy for wrongful prosecution or for conspiracy against the offender. If that is futile he must suffer his loss.

*Mr. Justice Edwards :* In many cases it is owing to the inefficiency of committing Magistrates, of committing Justices—generally Justices, I am bound to say, although I have met committals by Magistrates which never ought to be made. Really they cannot be blamed themselves. There is no remedy against anybody.

*Dr. Findlay :* There might be more colour for a claim there, because it might be suggested, as in Beck's case, that judicial officers, both low and high, had been guilty of gross neglect. But here there is not a tittle of suggestion that the Magistrates should not have committed Meikle and the jury should not have convicted him. To take a perfectly analogous case : My neighbour is insolvent. To get rid of me he damages my character by atrocious libel, falsely imprisons me, and while I am in prison burns down my house. Here you will observe, my property, character, and freedom have been destroyed. What is the remedy ? A civil action for damages on the one side, or a criminal action for the crime on the other. Supposing I were to go to Parliament and say I have suffered all this wrong from this insolvent man and wanted £15,000, would I receive serious treatment, or would I not be told to go about my business ? I submit that that is this case. No wrong has been done by the State in the case suggested : no wrong has been done by the State here. My friends may retort that the State imprisoned him. That is the view that occurs to a great many unthinking people ; but the imprisonment by the State followed the conviction secured by the company just as mechanically and irresponsibly as the carriage of a libellous letter posted in the State Post-office follows its posting. Would one so injured by the State have a claim, because by its carriage of such a letter it enabled one's character to be ruined ? The machinery of our imprisonment system follows criminal convictions with the same routine and impartiality as the delivery of a letter follows its posting. Hence Meikle's innocence, even if he establishes it, does not establish a moral claim upon the pockets of this colony any more than he whose house and character had been ruined in the instance I quoted had a claim upon the pocket of the colony. I leave this topic at this stage in the hope that I have to some extent made clear the ground which my learned friend appears to have to some extent misconceived—that the State by the imprisonment of Meikle was the wrongdoer or had done him any injury. Now I pass to the first important question this Commission has to ask : Has Meikle established his innocence ? He was convicted after a full and fair trial. The onus, Mr. Atkinson admits, lies upon him to show that beyond all reasonable doubt that conviction was wrong. No inference—none of the presumptions of innocence which precede conviction, are open to him now. These presumptions are now the other way, and it lies upon my friend to show that he was wrongfully convicted beyond all reasonable doubt. It seems to be assumed that because Lambert was convicted for perjury Meikle was innocent. I want to place in the earliest part of my address my entire denial of that proposition. It does not follow at all that Meikle was innocent because Lambert was convicted. Apart altogether from Lambert's evidence at Meikle's trial, there was ample evidence on which a jury could convict Meikle. Lambert's conviction, it will be remembered, did not remove two very strong proofs of guilt. First, it did not remove the fact that twenty-seven sheep of the company were found on Meikle's land at the time of the police search, secondly, it did not remove the fact that two skins plainly marked with the company's brand were found in Meikle's smithy. Now, it is admitted that Lambert did not put these sheep there, and no Court has ever decided that he put the skins there. He swore on the first trial of Meikle that he did not put the skins there, and the informations and indictments on which he was tried for perjury did not charge him with perjury in swearing that he did not put the skins there. The perjury assigned was that of swearing that he saw young Meikle driving sheep from the company's land to his father's, and swearing to the other incidents of that night. His oath that he did not put the skins in the smithy was not included in the perjury indictment, and has never been declared untrue by any tribunal in this colony. Hence Lambert's conviction for perjury leaves two strong evidences of Meikle's guilt abso-