

circulated. It was admitted that these reports were quite without foundation; no such wholesale or extensive system has been established by the evidence. The extravagant anticipations raised by Jenkins or his supporters were deliberately untrue, and cast the utmost discredit on the accusation. I desire to indicate the principle on which it appears to me the Committee should consider the evidence which has been brought forward against my client. They should follow in this case the ordinary rule adopted in weighing evidence adduced to establish a charge of fraud—that the evidence in support of such a charge should be clear, cogent, and convincing. It would not be right for the Committee to expect me to be able to say that we can distinctly disprove that there are any grounds whatever for the existence of these charges, for the charges against my client depend on the weight you attach to Jenkins's evidence. I will show that the fraudulent entries are all in his handwriting, are all made by him, and made for his own purposes, with the view of acquiring a hold on this firm. It is impossible to disprove such charges more effectively than by showing that his evidence is wholly unreliable and improbable, and that his own story is not consistent with his conduct, or the reasons assigned by him for his conduct. This is a case in which the principle I refer to should be applied, and the charge of fraud be clearly established. There are two questions which require consideration: First, has there been a system of swindling by rendering false weights? and second, has the check of the Public Works Department been a sufficient check? I am not concerned with the second charge, except so far as it has a reflex bearing on the first. With regard to the first charge, one thing is patent and admitted by everybody, that the charges, except in respect of six items, depend entirely upon the evidence of the man Jenkins. Unless an inference has been drawn against us from the six items that are not in Jenkins's handwriting, the evidence depends wholly on the word of this man. It is, therefore, necessary that we should consider what is the character of Jenkins and what has been his conduct in relation to the particular charges. It is always an unpleasant thing to have to say hard things against anybody, but it is my business to state facts so far as they have come out in evidence. I think it unnecessary to enlarge upon his character, nor do I propose to review the career of this man in detail. I may, however, state to the Committee that during the past ten years he has embezzled money from nearly every employer who trusted him, and where he did not do so it was for a very good reason—because he had not the chance. In two cases he was guilty of considerable meanness, for whereas he was given a second chance of retrieving his position and becoming honest, we find him in a few months after he was forgiven continuing his course of dishonesty. It does not matter whether this dishonesty amounted technically to embezzlement or not. You have the fact of his continuous dishonesty before you. You have the fact that he was found to be given to corrupt and unfaithful conduct in his employments. The only reference I need further make to this is, that if he escaped the consequences of this conduct it was owing to the fact that his acts of dishonesty were committed where his parents and relatives were known to be respectable, and part of the defalcations found in his accounts were made good by his relatives.

*Mr. Menteath*: There is no evidence of that.

*Mr. Skerrett*: The main fact is that this man has been guilty of a series of acts of dishonesty while in the employment of the employers in whose service he was during the past ten years. I also submit that it is of considerable importance in this case, that in two cases his defalcations were effected by the falsification of books. It must be obvious that his character is as bad as any man out of gaol; that he is entirely unworthy of credit, and that it would be unsafe for you to act upon his testimony unless he is corroborated, and substantially corroborated, by trustworthy evidence. Having dealt with the general character of the man who has brought these charges it is necessary to consider his conduct in regard to these particular charges. It has been as bad as it could be. His story is that he was employed by this firm at a small salary; that on the second day after the commencement of his employment he began to take secret notes of certain deficiencies in weight which he says he had observed. It is true he says that he made the notes on the second or third day after the day on which the discrepancy occurred. I will give him the benefit of the doubt; but the third day, then he begins to make a series of secret notes of a series of deficiencies in weight, and for this he gives as the reason that he thought it necessary to do so to protect himself against the possibility of a criminal charge being brought against him for conspiracy. I think the Committee will agree with me that that account of the matter is a little too thin. He had not shown the same timidity in regard to criminal proceedings on five other occasions. Let us consider and see whether this was the object; whether it is possible, judging by his conduct, that this could have been the object he had in view. One would have thought that a person situated as he was would have mentioned something of his suspicions to some one, more particularly to one or other of the persons similarly engaged and incurring the same responsibility as himself. But he never says a single word about it to Bridson. He says in his evidence, to account for this extraordinary secrecy: [*Vide* notes of evidence—cross-examination, pages 19, 20, questions 33 to 60.] Now I say that is an utterly incredible account of the motive for making these secret notes. Supposing him to be an honest man, desirous to protect himself from a possible criminal charge, you would suppose the first thing he would do would be to take counsel with some one, but this man never says a syllable of it to anybody—neither to Bridson, nor to any clerk in the office, nor to any person in the employment. There must have been some junior clerk or other person to whom he could disclose his apprehensions; but no, he says not a word about it to any one. Now, with regard to Bridson, you had that witness before you. He is a younger man than Jenkins. If Jenkins's story is true, is it not extremely probable that there would be some conversation between them on this subject—some hint, or some suggestion of his fears in his intercourse with Bridson? It is true, he says Bridson was a man he could not very well approach. But then he sees Mr. Gellatly; he goes to Gellatly to complain of Mr. Bridson's conduct towards him, but he does not convey to the mind of Mr. Gellatly the slightest hint that there are any inaccuracies whatever in weights or anything else. When he is cross-examined, with a view to