

partly with reference to night and darkness, and fatigue of horse. It was not in my experience fit night to drive sheep. Not possible to drive them in rough country. Once been past Meikle's place. It is rough country. Could not drive sheep there. If you had them in control between fences you would possibly be able to do so. . . . To go from Mataura to Meikle's would take me about two hours' riding in the dark. Cross-examined: A good deal depends on the dog."

That is important to fix both the driving of these sheep and for expeditious travelling, but I submit, with regard to the proof of that alibi, that no evidence could possibly have been more conclusive. It was astonishing to be able to get it, and a man was entitled to take so many months to get it after the lapse of that time. They are independent witnesses—some substantial men—and no one witness knew enough to help Meikle or damage Lambert. Waddell remembers them being there. Barclay remembers that he met Lambert there and met McGeorge. McGeorge remembers it was the day he left the station, and Fraser and he met McGeorge, whom he had not seen for years, and saw Lambert the same evening at Humphries's Hotel at Mataura. Now, the estimate of two hours and a half to cover the distance between Mataura and Lambert's place is given. Lambert in his original testimony stated that on the night of the 17th October he left Gregg's at between 9 and 10 o'clock after having previously been at Meikle's house. He says:—

"On night 17th October was at Meikle's first; then went over to Gregg's. . . . Saw Gregg at fence when I got over to his place. I was speaking to him for a few minutes, and then he came half-way to hut with me. Left Gregg's between 9 and 10. He left me half-way between hut and his house. Shortly after—I had just got across fence and on to road-line—I met Arthur Meikle with a mob of sheep. It was not very dark."

I submit that in two senses these witnesses are independent; they are independent of any obligation to Meikle—Waddell swore that in 1895 Meikle was an entire stranger to him—and in their testimony they are independent of one another. The inability of each to supply any testimony which in itself went to establish the alibi was coercive proof as to the *bona fides* and correctness of the evidence. It is impossible, if these men spoke the truth, that Lambert was at Meikle's, Gregg's, or the turnip-field at the time he says he saw young Meikle driving the sheep there. As to Lambert's reply regarding the date, I may say, with regard to Lambert's defence, which stood in 1895 in the precise position that the prosecution of Meikle stood in in 1887, it rested on Lambert alone. He won his money in 1887, and paid the penalty in 1895. There were serious contradictory statements to discredit him. In his defence he says he only said "about the 17th." I shall quote his reference to the date. He only said "about the day." Then he said it was that night or the next night. Then there were, in addition to the evidence I have cited which was not local evidence and some of which was not available there, the indictment. Meikle was the chief witness to the alibi that failed in 1887. His evidence on the alibi was as to what happened on the 17th October, and also as to Lambert's important visit on the 1st November, the night before the police came to search. Then there is Mrs. Meikle as to Arthur's illness, and that night and for several days and weeks at the same period as to Lambert's conversation. Then there are two extraordinary and remarkable witnesses, one of whom had a bad mark against him (Ryder), and one of whom (Mr. Henderson) is entirely without suspicion. There is Ryder's evidence, on page 40, as to admissions made by Lambert of a very similar kind to that testified to by Mr. McDonald, and disbelieved in 1887. Ryder says:—

"Labourer, now working on the railway. On two occasions got convicted of larceny. I have seen Lambert. I only knew him knocking about. I have seen Meikle a few times. Not spoken to him very often. I know his son Arthur very well. I remember meeting Lambert at hotel in Wyndham after Meikle was convicted of sheep-stealing. He might have been a little elevated. I think it was about five years ago. Meikle's trial was mentioned. I think Lambert mentioned it. We were having a few drinks at the hotel. Lambert said he was sorry he had anything to do with it. He said, 'The money I have received has done me no good.' He says, 'I put them there all right.' I understood him to mean the skins. I do not know what I said. I said, 'It is an awful thing for a man like him to put another man away that was innocent.' He made a rush at me. I bolted. I went to tell Meikle. I only knew Meikle by speaking to him in the street. This happened long before I got into any trouble. It was long before I got into any trouble I made Meikle acquainted with it."

There is nothing in the cross-examination, I think, to shake the testimony or add to it. Lambert called one witness on the point. Lambert admitted the conversation (pages 46 and 47 of his testimony); and he says there was some row on account of Ryder accusing him of the crime, and he resented it. Benjamin Sherwill gives evidence, at the bottom of page 46 and on page 47. He says:—

"I saw Ryder when he was giving his evidence at Wyndham. I remember Ryder and Lambert being in billiard-room. They were intoxicated and annoying my customers. I heard Ryder make use of bad language. He accused Lambert of having put Meikle away. Lambert made a rush at Ryder and Ryder went away. Cross-examined: I heard nothing about sheep-skins before that. There was conversation before that."

Then I gave all the testimony there is on that point on Lambert's side. With regard to Henderson, who was a witness on Lambert's trial (page 31), he gives evidence of a very remarkable conversation of similar purport. Henderson is dead, and we can only rely on what appears on page 31 of these notes. The main part of his testimony refers to the fixing of the dates:—

"I saw Lambert at Otautau. About eight months ago, while he was waiting trial on a similar charge to this. I did not know him while conversation was going on. I made inquiries and found out who he was afterwards. The man with whom I had a conversation at Otautau was prisoner. I was standing at door of hotel. I am sure he knew me. He referred first to Meikle's case. I made the remark, 'It was a dreadful thing that a man could be found for fifty notes to swear another man's life away.' I can only give the gist of his answer. It was something to the effect that Meikle was no good. He said that he was a bad b——, and that he would give him more