

cerned I will not lay very much stress on the variation from "fifty-nine" to "fifty-four." But when we come to the evidence we shall see that "fifty-nine" is once mentioned and "fifty-four" several times. However, this is absolutely certain: that the information was subsequently amended, as I shall presently describe. On the 1st November the information was laid. On the 2nd and 3rd November the search was made. The first discovery the police made on the 2nd was two skins found in Meikle's smithy. They went out and found twenty-five sheep in his paddock. On the second day three of the police and some of the company's servants came, and they found two more of the sheep of the company on Mr. Meikle's land. When Mr. Meikle came before the Justices on the information on which he was committed it then appeared that it was twenty-seven sheep that had been stolen, and an amendment of the information was made. In the absence of the original information we have here the summary of it given in the preface to the depositions in 1887 in the examination of William Lambert. It appears sufficiently plain on the face of that document that there had been an amendment, because these sheep had been valued at 8s. a head, which would have made the number fit in somewhere at about fifty-five, but obviously the number could not be twenty-seven. They altered the number but not the value. Then there is the preliminary investigation held by the Justices at Wyndham from the 18th to the 21st November. Lambert then swore to having seen twenty-seven sheep and one ram stolen on the 17th October, or about that day. When the proceedings came up in the Supreme Court on the 16th December the charge was for stealing twenty-seven sheep and one ram on the 17th October. Now, is there any corroboration of Lambert's story in that? On the contrary, under the circumstances does not that cast the gravest possible doubt upon Lambert's story? Let me put a few test questions in regard to this matter. Here is Lambert gets his £1 a week, with an additional £50 if he gets a conviction. He sees his man on the 17th October and he does nothing—neither he nor his employers take any steps till a fortnight later. Why the delay if the occurrence was a reality? Lambert says that he saw this occurrence between 10 and 11 o'clock at night on the 17th October. Half a dozen witnesses could have been produced from the company's station to have seen the corpus of the dead sheep—to have seen the caput of the dead sheep from which, according to Lambert's story, Meikle took the precaution of cutting the ears off. Furthermore, the police could have arrived by breakfast-time or early in the following day, and everything could have been proved up to the hilt. If, on the other hand, the occurrence was unreal there was the greatest reason for delay. More corroboration was needed, and I shall submit that the delay actually took place owing to the want of corroboration, and until some corroboration could be obtained. It was admitted by Lambert in his evidence in 1887 in the Supreme Court that he was in Meikle's smithy on the evening of the 31st October or the 1st November. It was a day or two before the arrest of Arthur Meikle. At page 21 of the printed statement there is the following:—

"Last time I was at Meikle's, about 6 p.m., was before Arthur's arrest one or two nights. Search was made 2nd November; Arthur turned grindstone for me, and while we were sharpening knife father came over. No particular conversation."

That is stated by Lambert as having taken place a night or two before Arthur's arrest, and Arthur's arrest was on the 3rd, the search having taken place on the 2nd and 3rd. According to the evidence submitted on Meikle's behalf—and I shall submit it again to-day—Lambert called that evening about 9 p.m. My client's evidence is that Lambert called about 9 that evening, and that Lambert said his errand there was to sharpen his knife. Lambert's statement is that he was there about 6 p.m. That is not highly material, except that it would make his errand a little more suspicious if he came that distance to sharpen his knife at 9 p.m. According to the evidence—which was not before the Court in 1887—I may remind your Honours that Meikle's mouth was closed in 1887, and also Mrs. Meikle's mouth, because the criminal law did not allow a wife to give evidence on her husband's behalf. However, it appeared that Lambert sharpened his knife and went away. The police came the following day according to the statement of Meikle and his witnesses, but according to Lambert's statement it might have been the day after that. Evidence was also given both in 1887 and 1895, and will be repeated here, that particular precautions had been taken over the locking of these outhouses at this time, that at Lambert's request the smithy had to be unlocked that night to admit Lambert, and the evidence given by the police was that the smithy-door was open when they came along on the 2nd November, the other outhouses with one exception being locked according to the evidence of Meikle's witnesses. Lambert then had the opportunity that night. Why was the 17th October selected? The reason, I submit, is this: that Lambert had a partner in his hut up to the 17th October—McGeorge—who was also in the company's employ. McGeorge left the hut for another station or another employment about 8 o'clock in the morning of the 17th October, and Lambert fixed the day on which he saw the sheep stolen by reference to the fact that McGeorge had left on that date. In other words, that was the one outstanding point in Lambert's chronology, so that, assuming that Lambert was perpetrating the offence, the presence of McGeorge would be a very awkward element. It was stated by McGeorge that there were dogs about the hut, and that if sheep had been about the hut they would have let him know about it. At all events, there were dogs there on the 17th October. Meikle was to go to Dunedin on the 18th, but he did not go until the 19th October. The number of sheep Lambert had seen stolen had remained unascertained for a number of days—fourteen days. Twenty-seven had not been sworn to and the 17th October had not been sworn to, but the number was determined with mathematical accuracy after the search. Surely the numerical coincidence of this is a very suspicious circumstance. Fourteen days Meikle was in possession of the stolen property. For fourteen days it was practically as he had got it, and was there for the police or any one else to see, and absolutely nothing had been done. Take the case of the skins. Two skins bearing the company's brand were found in Meikle's barn—found in one of the only two outbuildings not locked. The police went straight there and found them among Meikle's own skins; there had been no attempt at concealment, as is freely conceded by the police and the company's servants. Why