

If that is all imaginary I must say he certainly has a remarkable power of romance. We cannot have him here to see him. The cross-examination elicited that he had two bad marks against him. It is on page 27:—

“On the 8th April, 1885, got two months for stealing a saddle; 9th June, 1888, got three months for stealing wheel of threshing-machine.”

He was cross-examined on the details of this offence, and the second was evidently rather a question of disputed title to property. I am sorry Mr. Davie is not here to testify. He had repaired somebody's wheel, but held it against payment. It was taken away and he went and recovered it himself, and for the recovery of the wheel he got his sentence. Well, assuming his record cannot be said to be worse than Lambert's as it stands to date, we know at least Mr. Lambert had a direct pecuniary motive, and Davie, as an independent man, had nothing. But the witness who cannot be shaken either in his testimony or his credit is Alexander McDonald. He is a farmer in the Wyndham Valley. He is another independent witness, who, fortunately, is here to answer to his subpoena. His evidence is on page 27:—

“Know Meikle and Lambert. Had conversation with Lambert in Esk Street on the 5th November. He asked if I knew that company were going to pull Meikle for stealing sheep. I: ‘No; I noticed in papers they were pulling his son.’ He: ‘Meikle had nothing to do with sheep or skins; I could clear them of it if I liked.’ That is all. Believe I asked him, ‘What about skins and sheep?’ He said, ‘It is not much altogether.’ Saw Lambert afterwards in Hewitt's Hotel, on the 8th November. Brother and Meikle with me. Meikle shouted. Six in room altogether. Morris Evans was one. Meikle and Lambert came out together into passage. Brother was outside. Meikle said, ‘Be truthful, Lambert, and tell the truth on both sides.’ Lambert said, ‘Yes; I am waiting to get £10 blood-money from Stuart.’”

The cross-examination was mainly in regard to the matter of a horse of McDonald's, of which we shall hear something later on. There is nothing in the cross-examination that in any way, as it appears in the Judge's notes, shook Mr. McDonald's credit, and I say your Honours will be able to judge as to his credibility from the way he tells his story here to-morrow. Now, I would urge again in regard to these witnesses that the great concern of my client is to be free of the Judge's strong impression that he was guilty of procuring this false evidence, and I again point out that, so far as the servants are concerned, there is a general agreement as to the vague statements made about the £50, but there is nothing indicating Lambert's guilt, and no precise correspondence there suggesting concoction in regard to these outside witnesses. Even assuming Davie and McDonald had agreed at Mr. Meikle's request to swear falsely, they might, at any rate, have sworn to something on which there could have been some mutual corroboration by themselves or somebody else—I suppose, by Mr. Templeton for choice, according to the character he has been given. Therefore, I say, there is no possibility of suggesting concoction in regard to the evidence given by this set of witnesses. The minor points for the defence were the nature of the night. It was the night of Waters's sale, which everybody was familiar with in the country district, and which everybody remembered. It was stormy weather and a dark and very tempestuous night, and for an invalid lad, or even for a man who was not an invalid, it was obviously no light task to drive a small mob of sheep collected in the open country and bring them along a road-line, fenced on one side only, in the manner described by Lambert, and then put them in. Mr. Waters himself was called on that occasion, and his evidence is found on page 27:—

“Andrew Waters, farmer, Wyndham: Sold off 17th October. Remembered day very wet and stormy. Very dark night; showery. Have experience of sheep—fourteen years. Difficult to have driven sheep that night, especially small mob. Cross-examined: Would not like to take it in hand. Cannot say how I might do with experience. Very difficult to drive small mob—almost impossible. Was in Wyndham that night—in and out of my house. Was out at 10, and several times. Re-examined: Went out of stable to see friend off that night. Do not think lad of seventeen could drive sheep that night.”

Apart from the question of the difficulty of driving sheep was the fact that Lambert said there might have been a shower or two through the day, but it was not a wet night. Mr. Waters is dead. As to the point of the difficulty of entrance into this smithy, there was no direct evidence upon it in Meikle's defence, and so it was not very much pressed in cross-examination. The evidence in regard to the fences I have already dealt with, and I shall not add another word to that at this stage. Well, the result of it was that Mr. Meikle was found guilty, as I put it first of all so far as the evidence for the prosecution goes, on the sole testimony of Mr. Lambert, and that was undoubtedly aided by the failure of the alibi for Arthur Meikle.

*Mr. Justice Cooper:* You say, on the sole evidence of Lambert plus the discrepancy as to the sheep-skins, which you say falls to the ground with Lambert's conviction.

*Mr. Atkinson:* Yes.

*Mr. Justice Cooper:* I might properly call it extrinsic corroborative testimony.

*Mr. Atkinson:* It was extrinsic then, but the conviction of Lambert for perjury proves the suggestion that he put the sheep there.

*Mr. Justice Cooper:* Yes, it is exceedingly difficult to keep the two things apart; the two things merge.

*Mr. Atkinson:* Then Mr. Meikle got a sentence of seven years, which, I submit to your Honours, was a terribly severe sentence of itself, and it was accompanied by words still more terrible to a man who values his reputation and that of his family—words about training “his son to perjury and his servants to plunder.” Mr. Meikle protested his innocence in a long statement from the dock, a statement which could not be put in evidence if we wanted to. These statements, I am instructed, were put into a petition to His Excellency the Governor from the gaol three months later, and in all material facts were found to represent the truth by the jury who convicted Lambert when Meikle came out of gaol. Mr. Meikle's communications from the gaol, so he was told by the officials there, could not reach headquarters because they were disrespectful in