

*Mr. Justice Edwards* : It is obvious enough that a witness might eight years later believe oats 9 in. high to be there that year if they were there the year before or after.

*Dr. Findlay* : Mr. Forsaith could not say whether it was in 1886 or 1887 that he saw the land. Your Honours will see that both Mr. Winter and Mr. Forsaith had no possible reason for remembering it. They say they were there with some cattle nineteen years ago, but they are unable to tell us what the nature of the pasture was. It would be only a fleeting impression, and it just shows you how easy it is to get an honest witness to tell a story which may put a man in gaol for perjury if you only allow a long enough time to elapse. I do ask the Court to bear in mind that the case the company made was that their sheep must have strayed from rich pasture land on to bare land—on to this ploughed land which was repeatedly referred to in 1887. It is referred to as ploughed land in 1887 right throughout the case. No one then had the hardihood to suggest it had a crop of oats 9 in. high upon it. You have to wait a good many years before that could grow. Now, after nearly nineteen years have passed we have the vague Mr. Perkins, who did not know exactly where he was, telling us of the crop then; and you have Mr. Forsaith, and Mr. Winter, and others, whose evidence was quite available apparently at that time as now, put into the box so many years afterwards.

*Mr. Atkinson* : Perkins was in Australia.

*Dr. Findlay* : Even so, what Mr. Perkins saw I suppose any one could have seen; and, in fact, you could have called the whole country-side in support of the fact that there was a crop 9 in. high.

*Mr. Atkinson* : A witness was called to prove that oats were sown in September.

*Dr. Findlay* : That still further shows that if the oats were sown Meikle had an opportunity of inviting his neighbours to come and see them, and testifying to having seen them in Court, and the same in regard to Duncan, who had examined the fences and had been over the property. Why did he not say there was a crop upon the ploughed land? He had been working there, and was a witness for the defence. Here we have to wait nineteen years until this crop grows in the rich, fertile imagination of Mr. J. J. Meikle. I do submit, then, that this additional evidence which was imported into the case in 1895 and since must be viewed with such grave suspicion that it cannot be relied upon at all; and we are entitled, I submit, to go back to the case made against Lambert in 1887 and ask whether the charge then made against him proved him to be guilty of perjury. Now, what was his story? He will tell it himself, and whether he makes a good witness or a bad witness I beg leave to say this: that he will give his evidence with more frankness and less shuffling than the man who stands opposed to him to-day—than Mr. J. J. Meikle, because I am inclined to think that your Honours have seldom had a witness who attempted to deny the truth longer, more persistently, or more astutely than that same witness did when under cross-examination. Whatever Lambert may be, he will tell you his story simply; and he will give my learned friend one-tenth part of the trouble Mr. Meikle gave me. What is his story? In July, 1887, Mr. Troup, the manager, found traces of sheep, the footsteps of a man and a dog in the snow, which traces showed clearly that sheep had been driven from the leasehold on to Meikle's place. A log which had been placed under the fence to make it sheep-proof had been removed, and that log had not been put back in the bed it had occupied before its removal. This was reported to Mr. Cameron, the manager of the company, by Mr. Troup, who pointed out that these sheep must have been driven from the company's leasehold on to Meikle's, and your Honours will remember the company had been losing sheep at the rate of twelve hundred in the twelve months. A report was sent to the manager, and the manager instructed Mr. Troup to see the police. Mr. Troup saw Constable Leece. Now, we will call Constable Leece; and I take leave to think my learned friend will not dispute the absolute honesty of Constable Leece in this matter. He saw Constable Leece at Mataura, and the police said that it would not do for him to be watching Meikle's property several miles away from the police-station. The police were then asked, "Well, what do you propose should be done. We believe Meikle is stealing our sheep." Constable Leece suggested to Troup that the company must employ a private detective, and he (Leece) named Lambert, who was afterwards employed about the beginning of September, 1887. That, your Honours, is how Lambert came to be employed. He was recommended by the police after the company had appealed to the police for some means of detecting these thieves. Now, my learned friend has skilfully criticized the arrangement made between the company and Lambert. The arrangement was this, he was to get £1 a week, he was to live upon the company's land, and if he discovered the real thief of the sheep from the company's land he was to get a sum of £50. Your Honours have heard the criticism of that arrangement. Well, I ask, if you are going to employ a private detective, is there anything inherently wrong in such a contract? My learned friend said in vigorous language that it was a very improper arrangement to make. But, your Honours, if my sheep are being stolen time after time, and if the police of the colony cannot protect me and my property, am I not at liberty to adopt any honourable means open to me to secure the conviction of the thief? The arrangement made in this case was quite an honourable one. He was to get the evidence which would satisfy the Court that the man he was watching was a thief, and he was to receive for his efforts a sum of £50.

*Mr. Justice Edwards* : The principle of no cure no pay is, of course, common in this business. It prevails in regard to the rewards offered by the Government. It is done by the authorities here, and also by the Home Secretary in England. But there is this to be said about it: in the case of a witness who has a monetary interest in the proving of a crime it is necessary to scrutinise that evidence very closely. Beyond that I do not say anything about it.

*Dr. Findlay* : To that I submit. If one has got a pecuniary interest to secure a conviction the evidence must be very narrowly looked into. But may I add to your observations this observation: If a man sets himself to earn a sum of £50, or any other sum, and had some experience as a private detective, his story would have all the appearance of consistency and of *bona fides*. He may be credited with sitting down to invent a story; but, if so, he would invent one that would not be composed of inconsistencies of time or place, or inconsistencies of any other nature. And what I say about Lambert