

is this: if he set himself to invent a story he could have escaped every pitfall that my learned friend says he fell into, as I will show in a few moments. It is admitted that the evidence of one who has a pecuniary interest in a conviction must be looked to narrowly, but I will submit that this man's story and all its surroundings has all the genuine ring of truth. Let us begin with these observations. Lambert knew the man he was dealing with. He knew Meikle, and what he had not learned from him personally he had learned from reputation. He knew he was dealing with a man who was an old policeman; he knew he was dealing with a cunning man whose detection would be difficult; and he set himself to adopt those means which he thought would best arrive at the discovery of the thefts. What was that? He boldly went to Meikle. He was asked right off by Meikle, "What is your business here?" He says he met Meikle picking up stones in one of his fields, and he replied to Meikle, "I am sent here to find out who is stealing the company's sheep"; but he added with a significant something which led Meikle to infer that Meikle had no reason to be afraid. Now, I am going to put things in a certain order and prove them afterwards, and you will see how much stronger this case is than my learned friend would make it to be. Lambert had the permission of the company to give away certain grass-seed. Grass-seed is referred to in the evidence, but this is the part it played in this detection. He impressed upon the wily Mr. Meikle the fact that he (Lambert) was not going to have very open eyes about the place. He said, in the course of conversation, "I find some grass-seed at the hut. I am not going to use it."

*Mr. Atkinson*: You did not cross-examine Mr. Meikle on that. Are you going to cross-examine him?

*Dr. Findlay*: I will cross-examine him if you like. I had not the opportunity of going through Lambert's evidence until after Meikle had left the box, and if Meikle wants to deny it he can go into the box. Meikle was told by Lambert that there was grass-seed at the hut, and he (Lambert) was not going to sow it, and Meikle could have it. Meikle sent Arthur, his son, that night to Lambert's hut. The seed was not given that night, but Lambert was invited to call at Meikle's house—to come and visit Meikle's house. The following evening Arthur came and took away the grass-seed. Now, your Honours, that was done deliberately. It was done by Lambert for the purpose of impressing upon Meikle that he (Lambert) was not going to use his eyes to secure Meikle's detection. Your Honours will see that giving that grass-seed away would in the eyes of Meikle expose Lambert to very serious criticism by the company, because Meikle assumed the seed was given to him by Lambert improperly and with a view to defraud the company. It was not so given. It was given with the knowledge of the company. That relationship being established, Lambert secured his first step towards the confidence of Meikle, and he was invited to come over to the house. He went over. Your Honours will remember that about that time the horse for which Scott was afterwards imprisoned was on the property of Meikle, and that horse had been worked for some time after Scott left it there. It had been worked for three or four weeks, they tell us. It had been worked for some weeks, at any rate, after Meikle swore he had bought it from Scott. The hour for its sale had arrived. Mr. Meikle must sell this horse, and when Lambert visited Meikle's he found Arthur Meikle doctoring the brand. He was not altering it with a hot iron or anything of that kind. The brand had been altered before by Scott or Meikle, and what they were doing when Lambert went over was bathing it or washing it to remove a scab which made the alteration far too obvious. That is the operation which Lambert swears he saw when he visited Meikle's land. He held his peace about it, and an additional confidence was established between the two men. He told Meikle that he was to receive £50 to secure his (Meikle's) conviction. He was to get £50 if he caught Meikle stealing the company's sheep. Now, your Honours, the purpose of this is quite obvious. It is just precisely what a detective in the employ of the Government would have to do in similar circumstances. It is just the kind of thing the detectives of this colony have to do every day to meet the wiles and tricks and the watchful eye of a criminal.

*Mr. Justice Edwards*: Something like what they did in London the other day. They got hold of a receiver's house, and the police acted as receivers of stolen goods for some days.

*Dr. Findlay*: You must adapt your methods of detection to the skill of the thief, and I have no doubt whatever if Lambert had gone prowling about Meikle's land with a suspicious look about him that Meikle would have taken precious care that no sheep from the company's land came over to him. The first thing a skilful detective would have to do in dealing with Meikle would be to establish this friendly relationship which apparently was ultimately established. Mrs. Meikle puts the thing in a nutshell. She says, "He gammoned to be our friend." On page 20 of the printed evidence before your Honours, Lambert says—

"This was three weeks after I came there. I did say I was to get £50 if I got a conviction against any one for stealing sheep; not against him."

That was said on cross-examination, and my learned friend used it as if this money was to be paid to Lambert for a conviction against Meikle only. What the company wanted to get was a conviction against the sheep-stealer, and no doubt Lambert thought, and also no doubt rightly, that Meikle was the sheep-stealer. Now this statement is doubtless the exceedingly small and minute basis on which has been built this whole story about getting £50, putting skins on the ground, the dark and white man, and the rest of it. This has been developed into the fairy-tale my learned friend and his client ask the Court to believe. Well, some weeks having passed, and this relationship having been established, you come to the night on which the sheep were stolen. May I pause here to remark the very important fact that in the Court when Lambert was first examined he did not pledge himself to the 17th October. His depositions will show that he said "About the 17th October"; and if he had maintained that statement it is submitted he never could have been convicted of perjury. What was done at his trial for perjury was this: It was shown in the Supreme Court on Meikle's conviction that he did swear, or at least evidence was led to show that he did swear, precisely to the 17th, and Mr. Solomon called witness after witness to show that on the night of the 17th young Meikle was too ill to be out, that Lambert