

"I did not see any sheep killed before 17th October. I do not believe there were any killed before or after, about that time. I do not recollect saying Meikle killed sheep before and after 17th October."

Then, on page 38, John Waddell says,—

"I know a man Barclay. He generally has done this. He is a veterinary surgeon. I keep a notebook. I made a note of the time of cutting at the time. In 1887 Barclay visited me to geld my colts, on 17th October Lambert was with me."

Then on page 39 you have McGeorge fixing the date as being a Monday following a Sunday upon which he did work. One can see easily what the effect of this would be upon a jury. You firstly satisfy the juries that Lambert swore to a specific date. You then show an alibi. In addition to that you show that it was such a day and such a night "As ne'er fair Christian was abroad in"—at any rate, such a night as no man could drive sheep. Then you have travelled a large portion of the journey towards the conviction of Lambert for perjury. But, as I am going to show—and I think I shall succeed in this instance with the aid of a diary which I shall produce—the date should have been the 18th—that the date McGeorge left was the 18th. If I can satisfy you by the means I have suggested that the 18th was the date, then all the difficulties with which Lambert was confronted—and I submit by virtue of which he was convicted—disappear; the alibi of young Meikle disappears; and all the other difficulties that I refer to disappear. But what I am anxious to impress upon the Court principally is this: that this man Lambert fixed the date as to seeing young Meikle by an event—we have proof of it—and not by a date. Now, I would like to put this test question: What wrong evidence other than this wrong statement of the date has been proved against Lambert? And I desire to show that there is not a single important discrepancy or fact refuted other than the statement as to the date.

*Mr. Justice Cooper*: By witnesses outside the Meikle family?

*Dr. Findlay*: Yes.

*Mr. Justice Cooper*: Because the assignment of perjury was as to transactions on the 17th.

*Dr. Findlay*: The essential witnesses as to essential questions are only Lambert on the one side and Meikle on the other, the boy having died. Now, let me run rapidly over the story as told by Lambert. Lambert tells this story first:—

"I know prisoner's son Arthur. Was on friendly terms with prisoner. On night 17th October was at Meikle's first, then went over to Gregg's (marked blue)."

It is significant to notice that Meikle admits that Lambert was at his place on the 18th. He says that Lambert came to his place the night after his boy was ill and asked how he was. He says that night was the 17th. Lambert therefore was at Meikle's house on the 18th October. Lambert says,—

"On night 17th October was at Meikle's first, then went over to Gregg's (marked blue). 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."

Then John Gregg, at page 21, says,—

"I know Lambert. Saw him at my place on 17th October, about 9 p.m. I know hut Lambert occupied then. Lambert was at house then. I went with him across boundary-fence towards his hut as near half-way as I could get, then returned home. After I left I heard Lambert speaking. Other did not speak loud. Could not swear to voice positively. I know Arthur Meikle well. Cross-examined: I was asking Lambert about MacGregor going away that night. Had no conversation with Lambert that I remember. Been speaking about it. Re-examined: To best of my ability, when I heard voice speaking to Lambert, it was like Arthur Meikle's."

There is the evidence of a man whose apparent fairness, as far as I understand, has never been questioned. He says,—

"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 mob of sheep. It was not very dark."

Gregg was with him. It could not have been a stormy night or else we would not find Gregg strolling with him half a mile towards the hut. Then he goes on,—

"I spoke to Meikle. He had dog with him. I asked him where he was taking the sheep. He said he was taking them home to get a fat one. Road they were on was between turnips and Meikle's house."

You will remember that this is some month or six weeks after a friendship had begun between Lambert and the Meikles, and, as I told your Honours yesterday, I am in a position to prove it beyond question by calling the servants of the company. Lambert had reported to Troup and to Cameron that he was permitting Meikle to take grass-seed from the hut under the impression that Lambert was really giving away surreptitiously and dishonestly what belonged to the company; and that by that means and by calling at Meikle's house friendly relations had been created between Lambert and Meikle. Young Meikle used to go over to Lambert's hut, and you will hear that young Meikle used to go over and chat with Lambert. They were friends. So that the suggestion that young Meikle should not say what he was doing is met by the answer that the whole family, and young Meikle in particular, had by this time treated Lambert as one of his staunch friends—as one who was not going to give them away. Lambert says,—

"I spoke to Arthur Meikle. He had dog with him. I asked him where he was taking the sheep. He said he was taking them home to get a fat one. Road they were on was between turnips and Meikle's house. I went past him 30 or 40 yards towards my hut; then turned back and followed him. When he got opposite Meikle's house—there is a white gate there—he put sheep through this gate, took them down a little paddock, and put them into sheep-yards. After they were in yards, his father (prisoner) came with a lantern. They put them all into a blacksmith's shop, and felt which were fat and which were poor. There were twenty fat, seven poor, and ram. They counted them out of blacksmith's