

Cross-examined by Mr. Hesketh.—I think this sheep had scab for some time : had been scabby, dressed, and broken out again. It would have shewn more in other sheep if more than a month old. A wound could not have the same effect. It could not have been by a dog.

Frederick Howard, sworn.—I have thirty years' experience of sheep in New Zealand. I know scab. On the 30th of April Schmiedle showed me some sheep. Early in the day I had seen some sheep in another part of Hunter & Nolan's yards. I saw symptoms that were suspicious ; there were some pluck ; and I saw a sheep I thought a scabby one. I after examined one. It was suffering from scab, I have no doubt. I handled it so as to know it was scab : near fore-leg below shoulder. It was scab of long standing. I think the sheep had had blue ointment or something killing part of the scab ; but outside was a ring of live scab. I touched the scab with my fingers. The sheep turned and bit at me. I know no other disease for which sheep will turn and bite. The scab part was bare. I looked no farther at the sheep.

Cross-examined by Mr. Hesketh.—The mark was below the shoulder. I do not know if it was the same wound I saw. Red louse is nearest to scab. I do not know any disease could be taken for scab. The sheep was not rendered unfit for food. It might have taken months to come to this stage. I did not find an insect. I do not think I have ever been mistaken in scab. Some people have been mistaken. Some good judges may, to my knowledge, have made mistakes. I think insect could now be found on skin. I might find one with good light and good glasses in five minutes. As far gone as that sheep, I could find scab in the dark. This could not be mistaken for a wound. I think I have known wounds taken for scab, three times. My own sheep have had scab. No room for mistake in this case. It would not alter my opinion as to scab, if this sheep had never been dipped. I will not swear the centre was scab, it was reddish brown when I saw it—ripe scab. I did not lift the wool and look underneath. Might have been greenish there. I did not care to examine another sheep. This is not a very bad case—an ordinary case—bad enough to infect other sheep. If one sheep in a flock is affected as bad as this one, others would be scabbed, and if put in fresh pasture, the scab would shew. There were 50 or 60 sheep in the pen. A sheep might run some time with others, before scab on any other is developed. I said, it is possible twelve months after, you might find the insects in the skin—in the wool part of the skin.

DEFENCE.

Objection.—Mr. Hesketh asked that, the case should be dismissed on the ground that it was not proved the Defendant had knowledge that the sheep were infected.

Ruled.—That under Section 23 of "The Sheep Act, 1875," it was not necessary that knowledge should be proved.

Arthur Carter, sworn.—I am employed by Mr. Clayton. I produce a sheep skin. Mr. Lewis asked me to keep the skin on a Monday morning. The sheep was dead and the meat gone. Mr. Lewis picked out the skin, ear marked. Cut in near ear. Positive this is the same skin. The skins were all in the slaughterhouse. I was there when Mr. Lewis said this was not the skin. Did not hear Mr. Howard say this was not the skin. Heard Mr. Lewis say it was not. I cannot say I killed this sheep. Did not myself take away any sheep from Hunter & Nolan's.

Cross-examined by Mr. Brookfield.—I only slaughter. The sheep was killed a fortnight come Monday, the 6th of May. I took the sheep out of the pen, for it came out of the pen. I know nothing more. A score of sheep, likely, were killed there that day. Mr. Lewis came to me about one o'clock on that same day. This skin was then amongst the others. Mr. Lewis asked if I killed a sheep with an ear brand. This was the only one so marked, it was a fresh mark. I sent the skin in for Mr. Lewis to Clayton. I don't know where it has been since Hunter's man gave it to me now. I sent it to Mr. Clayton to be kept for Mr. Lewis. I got it to-day from Hunter's man, the man who was shewing it during the adjournment.

Frederick George Clayton, sworn.—I remember Mr. Lewis seeing a sheepskin last Monday week at my place. I got it from the slaughterhouse. I believe this to be the skin now here. Picked this skin out of a lot more sent to my yard, and told me to take care of it. I kept it in my stable till this afternoon, and gave it to Mr. Hunter. Saw Mr. Howard and Mr. Lewis look at this skin in this Court. Mr. Lewis said, after looking at it, this is not the skin. Mr. Howard did not say anything. I knew nothing of sheep myself. I bought some sheep supposed to be scabby, at Hunter & Nolan's yard on the 30th of April. I did not examine them, but they did not look like scabby sheep. I did not buy them for myself. I exercise my own judgment in buying. I thought if infected, it was only slightly. Many mistakes have been made lately. To my own knowledge mistakes have been made by competent people. There was a mistake last year.

Cross-examined by Mr. Brookfield.—Lately sheep have not been condemned by mistake. Lambs some years ago. I did not examine these sheep myself. This is the skin Mr. Lewis gave me custody of.

Re-examined by Mr. Hesketh.—I never examined the skin, nor do I know scab.

William Hunter, Auctioneer, sworn.—I got a sheepskin from Clayton this morning, and gave it to my man Olney.

Cross-examined by Mr. Brookfield.—My son was salesman on the 30th of April. Mr. Lewis told me he thought they were infected. I looked at one. He said the sheep had not been thoroughly dipped. I told my man to cut the sheep's ear, and he did so. I can't say I handled it.

20th MAY, 1878.

Thomas Jolly, Defendant, sworn.—I sent down sheep to Messrs. Hunter & Nolan on the 29th of April. I had done so on seven previous times weekly, by train. I mustered them in the yard. I had 800. I have sent down 560 ; sent down lambs first and then fat ewes, sending fattest, did so the last