

was guilty of. If it was objected to also on the ground that evidence of what took place was irrelevant and not applicable, and, therefore, ought not to be allowed on cross-examination. I think the learned Chief Justice right in refusing further evidence on the subject. The Crown having got improper evidence in, does not justify the introduction of illegal evidence by the prisoner. The inconvenience of evidence of other acts of the prisoner to shew he had been guilty of some illegal act prior to that upon which he is being tried, and to shew he is a bad character, is not admissible under English law. First, it would be taking the prisoner by surprise; and secondly, of raising many different issues. See *The Queen v. Holmes* (41 L. J. Rep., M. C. 12). Robert Young appears to have been called, on the part of the prosecution, to describe shot marks in the house where Gifford was shot, and the prisoner's counsel claim to cross-examine him upon this and other subjects arising out of the arrest of the prisoner; he having stated in the cross-examination that he was President of the Executive Council, and his cross-examination by prisoner's counsel disallowed on being objected to. Some of the questions were certainly not relevant, but others of them were, in my opinion, admissible as evidence to shew the feeling and prejudices of the witness, what part he had taken; all this went to his credit. What the shot marks were in evidence for does not appear. Because the witness was President of the Executive Council gave him no immunity from being cross-examined in the same manner as any other witness. If he had taken an active part in carrying on this prosecution, and the question is put to him on cross-examination, he must answer the same as any other person who may be on the witness stand. It by no means follows that having been placed in the witness box to prove one thing, he is exempt from answering upon all other subjects in connection with the offence upon which the prisoner is being tried. The answers which the witness might have given to some of the questions would lead to others which might benefit the prisoner. It appeared by the case that one of the constables discharged his rifle through the trap door of the entrance up stairs. There is a conflict of evidence whether there were shots prior to any act being done by the prisoners, and that they had not been ordered to surrender. The question to Sewell on cross-examination, whether he had not boasted "that he had shot Mailloux," the Frenchman killed in the loft. The question, if answered in the affirmative, would not criminate the witness. It appeared, if said, to be only a silly boast, but it would certainly go to his credit. He was called as a witness for the Crown to give an account of what took place; he having given part, must give the whole if interrogated to do so. The examination of Gammon having shewn there was difficulty in making arrests that