

Cas. 3, 9 S.L.R. 432, [1917] 1 W.W.R. 600.

**CORROBORATION—CRIMINAL CHARGE—INDEPENDENT ASSAULT.**

R. v. Fontaine, 18 D.L.R. 275, 23 Can. Cr. Cas. 159.

**CORROBORATION.**

On a charge of conspiracy to defraud, the evidence of the accomplice may be sufficiently corroborated by entries found in a memorandum book found upon the prisoner.

The King v. St. Pierre, 19 Can. Cr. Cas. 82.

**GOVERNMENT INSPECTOR ENTRAPPING SUSPECT INTO OFFENCE—WAR REVENUE ACT (CAN.), 1915.**

The effect of the Act, 8-9 Geo. V., Can., c. 46, s. 2, amending the Special War Revenue Act, 1915, is to make a government inspector who buys an unstamped bottle of perfume a competent witness although he does this to entrap the seller and to convict him of an infringement of the law. Such purpose is legalized by the amending Act and its execution does not place the inspector in the position of an accomplice so as to throw doubt on his testimony.

Sifton v. Brunet, 31 Can. Cr. Cas. 1.

**CORROBORATION—DENIAL.**

Evidence which is consistent with two views is not corroborative of either, but if the accused has denied under oath the correctness of one of such views, the evidence becomes corroborative as to the other.

Peterson v. The King, 28 Can. Cr. Cas. 332, 55 Can. S.C.R. 115, [1917] 3 W.W.R. 345, affirming 32 D.L.R. 295, 27 Can. Cr. Cas. 3, [1917] 1 W.W.R. 600.

**(§ III—59)—DISSUASION FROM GIVING EVIDENCE.**

The provision in Cr. Code, s. 180, to the effect that every one is guilty of an indictable offence and liable to two years' imprisonment who dissuades or attempts to dissuade any person by threats, bribes, or other corrupt means from giving evidence "in any cause or matter, civil or criminal," contemplates that the person to be dissuaded must be one who is required to give evidence; it was not intended to apply where the dissuasion was from giving evidence before a person having no proper authority to take it.

R. v. Rosen, 33 D.L.R. 715, 27 Can. Cr. Cas. 259, 9 S.L.R. 401, [1917] 1 W.W.R. 382.

**TAMPERING WITH WITNESS.**

Tampering with a witness on any prosecution under a Provincial Liquor License Act (R.S.O. 1914, c. 215, s. 78 and R.S.C. 1906, c. 152, s. 150), does not include tampering with a possible witness before the commencement of the prosecution.

R. v. Armstrong, 31 D.L.R. 82, 26 Can. Cr. Cas. 151, 36 O.L.R. 2.

**INDICTMENT FOR RAPE—CROSS-EXAMINATION OF COMPLAINANT AS TO PREVIOUS IMMORAL CONDUCT—DENIAL—COLLATERAL MATTER.**

The King v. Muma, 17 Can. Cr. Cas. 285, 22 O.L.R. 227.

**IV. Credibility.**

**(§ IV—60)—UNCONTRADICTED TESTIMONY—DEMEANOUR.**

A judge or magistrate cannot legally refuse to give credit to testimony if the following conditions are fulfilled: (1) That the statements of the witness are not in themselves improbable or unreasonable; (2) that there is no contradiction of them; (3) that the credibility of the witness has not been attacked by evidence against his character (4) that nothing appears in the course of his evidence or of the evidence of any other witness tending to throw discredit upon him and (5) that there is nothing in his demeanour while in court during the trial to suggest untruthfulness.

R. v. Covert, 34 D.L.R. 662, 28 Can. Cr. Cas. 25, 10 A.L.R. 349, [1917] 1 W.W.R. 919.

**CREDIBILITY—CORROBORATION.**

Bank of Montreal v. Italian Merchants' Exchange, 16 D.L.R. 851.

Upon a reference to the Master in Ordinary, the Ontario practice, which tends to give him final discretion as to the credibility of the witnesses appearing before him on the reference, is tempered by the circumstances, including such tests as whether there be some unmistakable document or something of the kind which shews the contrary or which the Master has failed to take into consideration and in the absence of any such circumstances the rule of practice will be given effect.

Nassar v. Equity Fire Ins. Co., 8 D.L.R. 645, 4 O.W.N. 340, 23 O.W.R. 340.

The Master or other officer who hears the evidence of the witnesses is the final judge of their credibility.

Re Sanderson and Saville, 6 D.L.R. 319, 26 O.L.R. 616, 22 O.W.R. 672.

**(§ IV—62)—AFFIRMATIVE AND NEGATIVE TESTIMONY.**

A witness who testifies to an affirmative is ordinarily to be credited in preference to one who testifies to a negative. [Leffeunteum v. Beaudoin, 28 Can. S.C.R. 89, applied.]

Charlton v. The King, 8 D.L.R. 911, 14 Can. Ex. 41.

**AFFIRMATIVE AND NEGATIVE TESTIMONY.**

In estimating the value of evidence, the testimony of a person who swears positively that a certain conversation took place is of more value than that of one who says that it did not, because the person who denies the conversation may have forgotten the circumstances. [Chowdry Deby Perod v. Chowry Damlot Sign, 3 Moo. Ind. App.