

APPENDIX No. 3

Q. You haven't sworn positively that he was foundered?—A. I haven't sworn positively that he was foundered?

Q. You were round there all the time?—A. I swear I think it was, there was something wrong with him forward and I thought it was either a founder or a bog.

Q. Are you willing to swear he was foundered?—A. No, I told you the other day I thought he was.

Q. Eliminating the other defects, so far as the question of foundering was concerned on the day you look at the horse might he not have been sound and not foundered? You can't say?—(No answer.)

Q. I have asked you, eliminating all other defects which any horse might have, spavins, splints and all the rest of it, leaving those out and coming down to the founder alone, on the day you looked at that horse, might he, as far as the question of founder alone is concerned, have been a sound horse?—A. Well—

Q. That is a question you can answer yes or no. You do not have to hedge on it at all?—A. I do not know how I am going to answer that yes or no. It was my opinion he was, but, as I said before, I have a little knowledge of horses, and I consider it quite a difficult matter. I have had a horse only last week, that I was sure was foundered, and come to find out she had a bad case of thrush.

Q. You are in doubt whether it was a founder?—A. In doubt whether it was founder or what it was, but there was something wrong forward.

Q. You were in doubt as to whether it was a founder or not?—A. I was.

Q. But in your judgment it might have been a founder?—A. It was my opinion that it was.

Q. You were not sure?—A. No, because a founder is something that takes a shrewder man than I am to be sure of.

Q. Was it your opinion when you looked at that horse that he was foundered?—A. It was.

Q. And if F. Carey, the horseman, is willing to swear that the horse wasn't foundered would you say he was mistaken?—A. I would say he was mistaken, yes.

Q. Now you gave some evidence with respect to the Bowlby horse, as to how old that horse was?—A. A mare, you mean?

Q. Yes?—A. As far as my memory goes I considered that mare was 17 or 18; perhaps I said 18 or 19. At the time I was figuring on the age of a colt I raised the same year that she was raised, and I might be mistaken in a year or so but not more than a year.

Q. You have brushed up your' memory, have you?—A. I have been thinking it over since.

Q. You say the horse would not be less than 15 years old?—A. I do not think so.

Q. You were very positive in your evidence, I have it here, that she would be 17 or 18 last spring?—A. I would think so, and yet, as I have said before, I might be mistaken a year or so.

Q. Will you say now that she may have been only 15?—A. I would not say but what she might not have been more than 15, but I think she was.

Q. Would you say you think she is more?—A. I think she was.

Q. But she may not have been 15?—A. Yes.

Q. Might she not have been more than 14?—A. No, sir, I think not.

Q. Now, if this man Carey would swear that he knew this horse intimately and that she was only 12 years this spring, would you say that he is mistaken?—A. Yes, I think he must be mistaken, but if Mr. Bowlby would tell me that I would say I would believe it.

Q. You mean to say that you believe Mr. William Bowlby more than you would Carey?—A. Yes, upon that question.