

By Mr. Rhodes:

Q. The question was asked:—

“Q. For how much?—A. He first asked \$150. I laughed at him, and he asked me if I would give \$125; and I said, No. I did not know at the time, but I afterwards learned.....”

Q. Now you say here—you acknowledge that is the evidence you gave?—A. Some of it seems to sound all right.

Q. Do you want to change any of it now?—A. No, I do not, not anything I have heard.

Q. You say you know two Frank Careys of Ayleford?—A. Yes.

Q. Are they reputable men?—A. I do not think it is fair to ask my opinion on that question.

Q. You do not wish to give it?—A. I do not wish to give it.

Q. Apparently you are the only reputable man in the county. If either of these men came upon the stand, and were placed upon their oath and said they knew the McGarvey horse and had known it since it was foaled, and had used it in the spring, and that they knew it to be sound, and never knew it to be spavined or saw anything unsound about it, that it was not foundered, or wind broken, would you say that either of these men would be wrong?—A. If it was the one you have reference to, I imagine I would.

Q. You want to differentiate between the two Careys?—A. Yes, one of them is a horse man and the other is a telephone man, but I do not think he is in Aylesford now. When I say that one of them is a horseman I mean that he is a farmer and has horses.

Q. Supposing the telephone man came on the stand and said that the horse which you said was spavined, foundered and wind broken was not, what would you say?—A. I would say in the first place that I never said that. What I said was that I thought the day I examined him he was and further I would say that if Frank Carey came up on the witness' stand and said that it was not so I would say that it was false—that is the farmer and the horseman.

Q. You say now that you only thought that—A. I think if you read it that is what I said.

Q. Might the horse have been sound?—A. Might he have been sound?

Q. Yes, that is the McGarvey horse?—A. He might have been once.

Q. Might he have been sound at the time you looked at him?—A. No, sir.

Q. Why do you say that you thought he was spavined, were you not sure of it?—

A. I was satisfied in my own mind that he was.

Q. You said he was?—A. I believed he was.

Q. You said that in your judgment you thought it was, you said he was foundered?—A. I thought he was.

Q. Might the horse not have been foundered?—A. That is the only thing that he might not have been, but if he wasn't foundered he was close to it; it would be hard to detect whether he was foundered or just coming on.

Q. As far as the question of foundering was concerned was the horse sound? Might he be sound?—A. He may have been once, but he wasn't the day I looked at him.

Q. You are sure he was foundered the day you looked at him?—A. I thought he was, it was very clear that he was either foundered or bogged.

Q. And the evidence was there that he had been foundered?—A. His chest was hollow and fallen in, and when I notice a horse that way I am suspicious.

Q. Eliminating the other defects that the horse may have had, as far as the question of foundering was concerned, might he have been a sound horse the day you looked at him?—A. Might he have been?

Q. Yes?—A. A sound horse?

Mr. S. SELFRIDGE.