

going to produce. Now, sir, my objection is that documents against the accused cannot be produced by a policeman or a police officer in this way for this reason; that documents must always be proved, as the Prosecution know, by someone who either made the document and can identify them with accused, or from whose custody they came. The only way in which a police officer in investigating a case can produce documents is by saying that, "I arrested the accused", which, of course, gives him the right of search of the person and search of the place in which the accused is, and then say, "I searched the accused and found these documents on him" or "I found these documents in a place in which he was". The policeman cannot for the Prosecution go around to the different places in which he thinks things are, which may incriminate the accused. I doubt if he had power to seize these documents and bring them to the Court and wish, as it were, to produce them in this order. The reason for that is that you cannot cross-examine on these documents. I cannot cross-examine this witness on them and they become hearsay because all he says is "I know nothing about these documents except that I found them in the Town Major's place". I don't know what the Town Major's business is or what he does. The right person to produce them is the Town Major or a person in whose custody they are. If I may take some simple example. Suppose a person is charged with driving a car without a certificate of insurance. The policeman can say, "I went to the Insurance Company and I seized their documents and here they are and they show that this accused person had not got a certificate of insurance". Well, of course, sir, that can never be allowed. The proper way is to call somebody from the Insurance Company who can speak as to whether the accused is insured or not and produce the relevant documents. If the policeman can do this you get the astonishing result that the policeman in charge of an investigation could go around seizing documents when and where he wishes as long as the people from whom he seized them are complacent enough to allow him to do so, and then he would go and say "I produce in a large bundle all exhibits in this case". And that is what is being done here. The documents may bear upon them the imprint of a Town Major and may relate to this particular place, but I don't know whether they have anything to do with the accused or relate to him. The documents are not being produced by the right person. Now, let me refer to one of the documents which I saw in the Summary of Evidence and which this witness is going to produce. Some are quite astonishing, like Exhibit "p" to the Summary, a letter you will see which is addressed to Brig. Lister. Now, sir, how can that be evidence against Brig. Lister? A letter written by one officer to the accused, which the accused never received, a letter which this Sergeant-Major seized from Capt. Bradshaw before ever the accused got it. Why, sir, if this is to be allowed in evidence I could write a letter now in which I state that the Prosecutor in my view was guilty of a fraudulent crime and the Sergeant-Major could take it off the desk before the Prosecutor saw it and if the Prosecutor was later charged, the Sergeant-Major could say "I produce this letter and it is evidence against the Prosecutor". Well, obviously it isn't, sir. Here is another one, a letter from the