

APPENDIX No. 3

Mr. BOYS: Does he admit that his judgment might be out five years in the age of that horse? If that is not a proper question... Do you admit that is proper?

Mr. CARVELL: That is not what you said before.

By Mr. Boys:

Q. Have you any objections to answering it? What are you antagonistic for?—A. I did not know I was antagonistic. What is the question?

Q. Have I to put it the third time? Are you prepared to admit that your judgment might be out five years in the case of that horse?—A. If Ingraham Bowlby came here and swore that the mare was only 12 years of age I would swear that he should know better than I.

Q. Are you prepared to say that your judgment might be out five years?

Mr. CARVELL: Don't answer that, witness. That is not a fair question, in view of the answer he just gave.

By Mr. Boys:

Q. Now, witness?—A. If, as I said before—

Q. Don't be afraid?—A. I am not afraid of anything.

Q. Then answer it?—A. No, sir.

Q. Why?—A. Because the Chairman says it is not necessary that I should.

Q. I didn't hear.

The CHAIRMAN: I do not see very much reason why it should after the explanation this gentleman has already put. You are basing a question upon a speculative foundation. The witness is not here, and no likelihood of his being here.

Mr. BOYS: I don't know about that. As far as I am concerned I would be right here waiting for him four or five days. What I want to say is that a veterinary has gone into the box and he has pledged his oath that after a careful examination these horses were under 10 years of age. This witness has made the statement that this horse was 17 or 18 years. He now admits that if Mr. Bowlby stated the horse was 12 years of age he would accept his evidence. I asked him if he is prepared to admit that his judgment might be out five years. Surely I am entitled to a direct answer to that question.

Mr. CARVELL: You have no evidence Mr. Bowlby will say that.

Mr. BOYS: We have a bunch of telegrams that you are afraid to have us read.

Mr. CARVELL: You have no evidence that Mr. Bowlby will swear that.

The CHAIRMAN: I want to make this statement why I am not just satisfied about the form of the question. This committee has had every latitude in so far as a thousand things probably worse have been admitted in the evidence than would occur from the answer.

Mr. BOYS: I ask no indulgence. If I am not entitled to ask that question as a matter of right I won't ask it.

The CHAIRMAN: The question has been answered in a great measure in many other ways by this witness. It is very difficult to pin a man down. You could then go further and say: If you say "yes" to that, then you could take at ten years. Then you come down to five, then you come down to four, and one is about as logical as the other. I do not think any witness should be held up too strongly to opprobrium.

Mr. RHODES: This is a question that would be allowed in the Supreme Court any day of the year.

The CHAIRMAN: I don't know that it would myself. However, I do not pretend to be infallible.

By Mr. Boys:

Q. I will get at it in another way: Are you basing your evidence as to the age of that horse on your opinion solely, or have you certain facts that enable you to reach a conclusion with certainty?—A. Certain facts this far, that I have known the

Mr. S. SELFRIDGE.