

Q. Do you know that in this case he charged as follows :

“Now you saw Freeborn and heard him give his evidence, and I must say there is nothing about his character to be commended. The only thing about it is that he frankly owned up to having been engaged in crooked work and in a number of transactions which were far from creditable to himself. But he tells you that he was a Conservative; that he acted for the Conservative party and that he was engaged in crooked work. That is what he says in giving his evidence, that he was engaged in crooked work in connection with elections, and then he said that after the election was over, not having been paid certain expenses that he thought he was entitled to, he thought that he would get the better of the candidate for whom he was working; that he would be avenged on him, and have Mr. Boyd unseated, and he went and disclosed to the opposite party what he professed to have been engaged in, for the purpose of having an election protest, and he tells you that ever since then he has been engaged working up evidence in connection with that matter, but that he did not expect criminal prosecutions in connection with it, but that—an election petition and the unseating of Mr. Boyd would be the result. Now it is very often necessary to use such persons in connection with such matters. Frequently criminals who have been engaged in such matters and who split on their associates come forward, and the Crown has to use them for the purpose of bringing other criminals to justice. As the saying is : When knaves fall out honest men get their own. Now, you see the way that he gave this evidence. He was subjected to a close and strict cross-examination, but he did not contradict himself. He told a straight story, whether true or not is for you to say.” Do you remember if in effect the judge charged in the terms here given ?—A. That was the first trial that took place. I have no doubt that was correct. I have no doubt that is a correct report of the charge if you have read it all. I think he modified his views as to the straightness of the man later.

Q. I am asking you if that is the charge ?—A. I think so.

Q. Have you any reason to doubt it ?—A. Not a particle.

Q. And as a result Saunders was convicted ?—A. He was convicted not as a result.

Q. Anyway as a sequel to the charge ?—A. He was convicted on that occasion.

Q. You say that Mr. Howell wrestled with the jury, with the Grand Jury (page 61 of last year's evidence). Was there anything improper or unusual in the fact that the Crown prosecutor attends before the Grand Jury ?—A. I think it is improper for a Crown counsel to be struggling with the jury to bring in a conviction, but to present evidence is not improper.

Q. I am not asking you that. Is it improper to attend before the jury ?—A. No.

Q. Is it a fact that Boyd, who got the benefit of these frauds, had his brother as foreman of the Grand Jury ?—A. You say “had his brother as foreman,” it is a debatable question. He did not “have his brother,” but I believe Hugh Boyd was on the jury. I do not know that he was ever foreman of it.

Q. Was he a member ?—A. He was a member of the Grand Jury.

Q. He being a brother of Nathaniel Boyd who was supposed to have the benefit of these frauds ?—A. Whether benefit or not, I do not know ; he was on the jury and it would be for the members of the committee to say whether being a brother it would be for his benefit or not. He was a juror.

Q. He was a juror ?—A. A grand juror of the whole panel.

Q. You say that you knew the magistrates Dawson and Hay ?—A. And Hay personally.

Q. And know of Campbell and Corry ?—A. I had heard of them, but do not think I had ever met them.

Q. Can you point to any one of these as being an incompetent magistrate or a man not qualified to hear evidence on these cases ?—A. Mr. Dawson is undoubtedly competent ; he is a barrister and a man of even mind. Mr. Hay is a layman, but he has had good experience as a magistrate. The other I cannot speak of.