

Bethune, Q. C.—I submit that I ought to be able to give this evidence whether I connect Cotton or not. I submit that the latter allegation merely means that the money was paid, whether to him or to a third party.

Osler, J. - You may prove that at a later stage, but not now.

Q. Produce some cheques you have, and promissory notes of the 23rd April.—
I produce them. That is Mr. MacLean's handwriting on the back of this.

Q. Are these all the cheques and notes you have at that date?—Yes.

Q. Have you any receipts for money paid since?—No.

Adjourned till 9.30, Tuesday.

TUESDAY, 27th January, 1889.

Bethune, Q. C., asks to have his witnesses out of court.

McCarthy, Q. C., opposes this. They are defendant's own witnesses, and the plaintiff does not ask to have them out of court.

Witness put out of court.

(On Mr. Cotton's being ordered out of court, he remarked: "Your Lordship, I should like to know the reason of this.")

MICHAEL STARRS, sworn.—I live in Ottawa. I am a merchant at present.

Q. How long have you been a merchant?—About three years. I am an Alderman in the City of Ottawa; I have been an Alderman about four years.

Q. Do you know Mr. Boyle?—Which?

Q. The plaintiff?—Yes, sir. I have known him about 13 years.

Q. He is proprietor of the *Irish Canadian* newspaper?—So I believe.

Q. Was Mr. Boyle in Ottawa in April last?—I think so. Part of the time he stopped with me. I do not remember the time he came to me. I do not know how many days he staid with me; to the best of my recollection, he stopped two or three days.

Q. And do you remember whether these two or three days included Sunday?—I think he came in on Sunday—Sunday morning. I do not know where he came from.

Q. I suppose he told you?—No, sir; he did not tell me, but I supposed he came from Toronto.

Q. Did he stay in the city after he left your place?—I do not know, sir; I did see him there after that.

Q. Were you agent of the *Irish Canadian* at Ottawa, at that time?—I had been acting as agent for some years.

Q. And therefore agent for Mr. Boyle. Were you in the habit of corresponding with the paper for matters at Ottawa?—Occasionally.

Q. Were you a tenderer for the House printing or Departmental printing at Ottawa yourself?—No, sir.

Q. Have you paid any money to Mr. Boyle since April last?—Yes, sir.

Q. How much?—I could not say, sir.

Q. About how much?—No.

Q. Have not the least idea?—No.

Q. \$100?—I think over that.

Q. Over \$200?—Over \$200.

Q. Over \$300,—come now?—I am not quite certain to the amount. I will not swear it was not over \$300.

Q. Swear it is over \$ 00.

McCarthy, Q. C., objects.

Osler, J.—I shall allow it, subject to your objection.

Witness.—I will not swear it was not over \$400; I will swear it was not over \$500.

Q. Is your memory equal to it?—I think to the best of my knowledge; to the best of my recollection.