

Q. What became of the \$2,500?—I kept the notes; I have them, or they are under my control. They are in the hands of the bank; they went into the bank from Mr. Starrs' hands.

Q. Did you get any receipt for them?—I did; I have been subpoenaed to produce my papers here. I produce it; I can prove it by Mr. Starrs. (Receipt read.)

*McCarthy, Q.C.*—I put that receipt in, Ex. 28.

Q. Did Mr. Boyle give you any authority, direct or indirect, to sell out his contract for that sum, or any other sum?—No, he did not; he had given me no authority.

Q. Did you tell Mr. Boyle that you had received this sum, or any sum, for selling out his contract?—I did not.

Q. Did you account to Mr. Boyle for any portion of this money, directly or indirectly?—I did not.

Q. Did it go to his benefit, directly or indirectly?—It did not.

Q. Is he one cent richer on account of that transaction?—No.

Q. Did you know about the other tenders; what position the other men were in? Did you and Roger talk the matter over?—I daresay I got the information from the published papers; perhaps I may have told Mr. Roger as much as he told me; I do not know that he told me.

Q. Have you in any way accounted to Mr. Boyle for any portion of this money, and any part of it?—No.

Q. Is there any secret understanding that you are to account for it?—No; no more than there is between you and I.

Q. Directly or indirectly, one way or the other, Boyle had no interest in that negotiation, or in the proceeds of it?—No interest in it at all; Mr. Boyle distinctly refused to negotiate anything at all about it.

Q. It is stated that at that interview at O'Meara's, when you were about separating, Mr. Boyle said, "I leave it to Charlton and Cotton," addressing this matter?—He said: "I will not entertain any offer to sell out; gentlemen, you can make what arrangements you wish in the matter, but I won't sell out."

Q. What arrangements could there be made?—They might have arranged about partnership.

Q. When did you first conceive that you could make some money out of this?—There are chances of speculation every day as you go along.

Q. Had it entered into your head that you had something for yourself in the matter at O'Meara's?—It had; I was then thinking I might do something in the matter.

Q. Have you ever received any money from Mr. Starrs?—Yes; I have received the amount of one note, and a large amount on the others; I have kept an account of it; I have not got the account here; that is a private account; I do not recollect exactly making this endorsement; about the time I reckoned up and saw the amount, I had a large account with Starrs standing.

Q. Do you know whether Starrs knew of this endorsement or not?—I think I told him I would endorse it on there; I think I showed it to him; if I did not, I told him I would do it; I won't be certain about that; I think Mr. Boyle returned to Toronto the next day after that letter was written, because I went down with another gentleman to the train, and I recollect seeing him going off.

Q. The date of the letter is the 1st of August?—Yes.

Q. And the date of the notes is the 23rd; do you know which day it was that you got this document from him; you concluded the matter the same day as you got the withdrawal?—I think so.

Q. The dates don't agree?—I cannot tell you exactly the date of the notes, because I did not look at them particularly; Mr. Charlton endorsed them over to me.

Q. Was it by the morning train that Mr. Boyle left for Toronto?—It was by the morning train.

Q. It was the day after you got this letter?—Yes; I won't be positive about it.

*Cross-examined:*

Q. What do you call yourself; what is your occupation?—Contractor.