

could not be found in the Defendant Mr. Mitchell and Mr. Morris *did excite*, Mr. Mitchell *and did make him feel indignant*, it is probable it did excite and did make Defendant feel indignant—but Defendant tells us that when he made his statement against Plaintiff he Defendant “was not excited”—“he was perfectly cool.” It is not probable that at this time he had not been attacked by Plaintiff—or he also would have been excited indignant, or agitated.

The foregoing considerations are more valuable than direct testimony—of a dozen of witnesses speaking of the *order of events* twelve or eighteen months after the meeting. In fact for any witness to speak *positively* of the *order* or priority of said events, is only to show an amount of foolhardiness sufficient to discredit his testimony.

If the Plaintiff had made said charge before Defendant spoke up to which time the meeting was orderly the Mr. Hutchison would have heard it, whereas it is quite probable that the charge of want of truthfulness on the part of the Defendant was made during the remarks of the Plaintiff which followed Defendant's statements. During these remarks the Plaintiff's witness, Mr. Hutchison states that Plaintiff styled Defendant's charge a “downright fabrication” an accusation very near akin to that of want of truthfulness. Mr. Hutchison also remembers the Plaintiff making what he terms a mere incidental reference to the manner in which Defendant kept his minutes and says that such reference does not appear in his short hand notes because it was incidentally made, but would have appeared therein had a direct charge been made. However, it is common in ordinary and even in parlia-