

Lushington, 6 Ch. D. 70, 79-80. Should they ratify it, it is obvious that a judgment for plaintiff in this action would be of no avail. Should they disapprove, such a judgment may be necessary to preserve substantial rights. A special meeting of the shareholders may accordingly be called by the directors for 27th June, 1906. Due notice should be given of the time, place, and purpose of this meeting to all persons who are now or who were shareholders on the 1st and 3rd February, 1906. The president of the company may report fully to the registrar upon affidavit the results of such meeting. This action will then be disposed of.

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JUNE 13TH, 1906.

DIVISIONAL COURT.

CHAMBERS v. JAFFRAY.

*Discovery — Libel — Examination of Defendant — Answers Tending to Criminate—Privilege — Evidence Act — Rule 489.*

Appeal by defendant R. M. Jaffray from order of MULLOCK, C.J., 7 O. W. R. 371, requiring the appellant to attend, at his own expense, and answer certain questions which had been put to him on his examination for discovery, and which he had refused to answer, on the ground that his answers to them would tend to criminate him, and all other lawful questions which might be put to him on such examination, and that in default of his doing so a writ or writs of attachment should be issued against him.

The appeal was heard by MEREDITH, C.J., BRITTON, J., MAGEE, J.

R. McKay, for appellant.

J. B. Clarke, K.C., for plaintiff.

MEREDITH, C.J.:—The action is for libel, and the principal question raised upon the appeal is as to the application of the provisions of sec. 5 of the Ontario Evidence Act, as