

Q. 23. What else did he say? A. I asked him what the investment was, and he told me that it was in Port McNicol, and he went on to describe the great work that was being done up there.

Q. 24. What did he say?

Mr. MacGregor—I again take the objection and advise the witness that he need not answer the question put in that shape. The witness offers to tell defendants' counsel now what representations were made to him by the defendants' agents and by the defendants themselves upon which he acted. But I object to the question put in this general form."

Thereupon the examination was adjourned *sine die* for the purposes of this motion.

On the argument Mr. MacGregor stated he thought plaintiff (1) could not be obliged to disclose his evidence, nor (2) examined in such a way as to lay the foundation for impeaching his credibility at the trial.

He cited Bray p. 445 *et seqq.* and *Coyle v. Coyle*, 19 P. R. 97. I have read these authorities but do not think they bear the interpretation sought to be given them.

Q. 24 was not improper in any sense. The exact words spoken at any time are not usually important to define except in an action for slander for reasons well understood.

Here the question would have been sufficiently answered by saying: "I do not recall the exact words spoken." Indeed seeing that plaintiff was being examined on a conversation that took place more than 14 months ago it might throw doubt on his candour or veracity if he assumed to repeat the exact words used by defendants' agent.

That would be for him to consider in answering the question, but I think some answer should be given and that he should speak on this to the best of his "recollection." That is all he can be asked to give—with that the examiner must be satisfied.

The plaintiff must attend again at his own expense for examination if required, and the costs of this motion and of the abortive examination will be to defendants in any event.

The examination of defendants will stand until plaintiff's examination has been concluded.