

MASTER IN CHAMBERS.

JANUARY 23RD, 1913.

## WILSON v. SUBURBAN ESTATE COMPANY.

4 O. W. N. 679.

*Discovery—Examination as to Conversations—General Questions—Relevancy.*

MASTER-IN-CHAMBERS, *held*, that where an action was brought in respect of verbal misrepresentations alleged to have been made to plaintiff, defendant was entitled to enquire on plaintiff's examination for discovery as to the substance of the whole conversation, and was not bound to confine his examination wholly to the alleged misrepresentations.

Motion to have plaintiff attend for further examination for discovery.

J. Grayson Smith, for motion.

J. P. MacGregor, contra.

CARTWRIGHT, K.C., MASTER:—The action is to recover \$590 as damages for the false representations made by defendants and their agents whereby plaintiffs, a brother and sister, were induced to pay \$550 for two lots, 30 and 31, in Bay View Heights, town of Port McNichol, on 7th December, 1911.

The examination for discovery of Mr. Wilson took place on 16th inst. His counsel appears to have been suspicious of an attempt by the adversary to ask improper questions. As soon almost as the issue between the parties was touched the following was the course of the examination. Mr. Boulton had been stated by plaintiff to have been the agent of defendants, through whom the purchase was made.

"20. Q. When did the matter of the purchase first come up between you and Mr. Boulton? A. A few days previous to the day that we signed the agreement for purchase.

21. Q. How did it come up? A. He came to our office and said that he had a splendid investment to offer us."

At this point one is surprised to read the following:

"Mr. Macgregor. I here take the objection that my learned friend cannot ask for the general conversation that passed between them. He must enquire as to the representations that were made with reference to this property.

"Q. 22. What do you mean by us? A. This was addressed to myself personally at that time. 'Us' came in later.