

be raised as there were specific charges of immorality suggested, and the prosecutrix could not be expected to come prepared to meet them, though she might well be prepared to repel an attack upon her general character for chastity: *Rex v. Hodgson*, Russ. & Ry. 211; *Regina v. Laliberté*, 6 S. C. R. 117; *Regina v. Holmes*, L. R. 1 C. C. R. 334; *Phipson on Evidence*, 3rd ed., pp. 158, 453.

As regards the question put to the witness Brennan, different considerations apply. In one sense, it was a question to credit, and, if it was nothing more, though a proper question to be put, the witness was not bound to answer it, for the reasons already assigned in the case of the prosecutrix.

The question, however, had a wider tendency, which was to ascertain whether from his relations with the prosecutrix the witness was likely to be biassed or unfavourably affected towards the prisoner. . . .

[Reference to *Attorney-General v. Hitchcock*, 1 Ex. 91; *Thomas v. David*, 7 C. & P. 350; *Ex p. Yewin*, 2 Camp. 638 n.]

It appears to me that the relations between the witness Brennan and the prosecutrix on the evening in question were shewn to be such as to justify the prisoner's counsel in insisting upon a full disclosure of all that had taken place between them which might tend to affect his evidence favourably towards the prosecutrix, whose favours he may have enjoyed, or unfavourably towards the prisoner, who had aided Blais in taking his mistress away from him. I think the question was a proper one for this purpose, and that the witness was bound to answer it, and that the Judge should have so ruled.

Whether any substantial wrong or miscarriage has been occasioned by the contrary ruling, is another matter. This, though one of the questions, or part of the question, reserved, is not in strictness the subject of a reservation, but is rather a matter to be dealt with by the Court in considering whether, though they may be of opinion that the evidence was improperly rejected, or that something not according to law was done at the trial, or some misdirection given, the case is not one for the application of clause (f) of sec. 746 of the Code, on the ground that no substantial wrong or miscarriage was thereby occasioned.