

have been spectators is not relevant, nor is their identity of any importance, save as possible witnesses.

*Bishop v. Bishop*, [1901] P. 325, is an illustration of the kind of case in which the identity of the onlooker becomes important.

Then it is said that the driver is not now in the master's employment, and he is ordered to disclose the reason for his dismissal. This seems clearly irrelevant. On cross-examination at the trial, it may be that this question can be asked (as to this see *Cole v. Canadian Pacific R.W. Co.*, 19 P.R. 104); but the scope of examination for discovery is not determined by the same rules: *Mack v. Dobie*, 14 P.R. 465.

I have read the entire examination, and am impressed with the fact that the defendant has quite failed to understand that it is his duty to qualify himself to give some intelligent statement of the case, by learning what his servants and agents know. This is not, as suggested, only the obligation of officers of corporations, but the obligation of any person who is being examined for discovery—only by a fair regard for this rule can the plaintiff be informed of the nature of the case he has to meet. As a witness the party must confine himself to his knowledge. On examination he not only may but must give his information.

For this reason, while I modify the Master's order as indicated, I leave the costs as he dealt with them, and make the costs of this appeal in the cause.

Since writing the above, I have noticed the case of *Knapp v. Harvey* (1911), L.J.K.B. 1228, a decision which is quite in accordance with the order made.

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FALCONBRIDGE, C.J.K.B., IN CHAMBERS. DECEMBER 27TH, 1911.

REX v. PFISTER.

*Liquor License Act—Magistrate's Conviction for Second Offence—Evidence—Finding of Magistrate—Review on Motion for Habeas Corpus—Real Offender—Sec. 112 of Act—Refusal of Adjournment after Evidence Taken—Foreigner—Right to Have Interpreter—Assistance of Counsel—Discretion—Proof of Prior Conviction—Sec. 101 of Act—Formal Conviction.*

Motion by the defendant—who was convicted of a second offence of selling intoxicating liquor without a license, and sentenced to imprisonment—for a habeas corpus.