ate men, sometimes is the proper construction. They ought to be such as an illiterate man could construe.
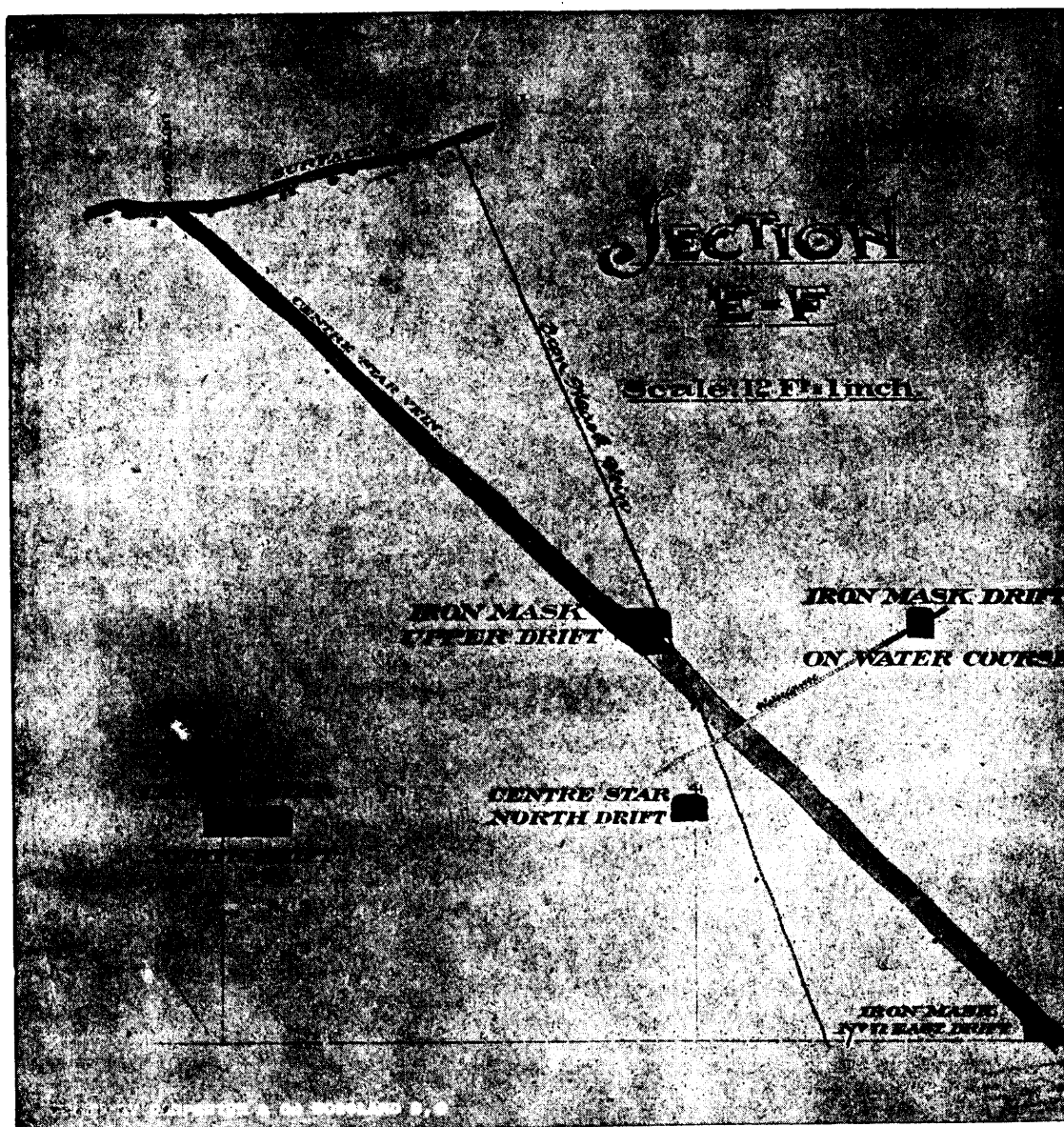
Mr. Davis—Yes.

The Court—Yes; I am going to read it as it is there and, of course, I was not decided at first, but I don't say which way I am disposed now, because I have not made up my mind either one way or the other. I thought at first the Full Court evaded the question. Frankly, I do not like to use that language, and I say so with the greatest deference to the Full Court, be-

point wtih regard to the issues raised. I think that language is very clear.

The Court—I am really with you this far, that this is at the trial, because I called the case on, not knowing anything about this argument, so there is nothing preconcerted.

Mr. Davis—Now, what did they leave for the trial? It being at the trial, and an application being made to leave it to the Judge, what is it they left to the Judge? Because it will not do for my learned friend to argue

cause everything was before them. Mr. Bodwell says they have not evaded the question; they have decided it. You think otherwise. It is a question certainly that arises with me, and aside from the decision of mine which was taken up to the Full Court, on the ground that I was wrong. The Full Court decided I was right.

Mr. Davis—The language which they used is this. (Reading):"I think it should be left to the Judge at the time to say whether or not actual work should be done for the purpose of elucidating any particular

that the Full Court settled the case and referred it to the trial Judge. They left somthing to the trial Judge, sure. What was it? It is not a question of when further evidence is in or is not. They don't say that it is to be left to the Judge at the trial upon hearing the evidence, or some portion thereof; they do not suggest that. That is all left to his discretion, as it should be, because, if he comes to the conclusion that it is going to facilitate matters to have this dork done while the trial is going on or before, as in this case, as there is an adjournment arranged, as I understand it, be-