

Q. 325.—“Now, did you write a letter on 22nd March, 1902, to Mr. Samuel Gompers to this effect?” (reads the letter). A.—“I did not send that letter.”

Q. 326.—“Do you know anything about the letter?” A.—“I know there was some correspondence with Gompers.”

Q. 327.—“From whom in your establishment?” A.—“I could not say; one of the officers. I know it was not me.”

Q. 328.—“Mr. Carrick?” A.—“Possibly.”

Q. 329.—“Would it be Mr. Edward Gurney?” A.—“Possibly.”

Q. 330.—“Is that statement that they were discharged correct or incorrect?” A.—“It is not correct according to my information.”

Q. 331.—“Whoever wrote that would know, I suppose?” A.—“He would believe he was writing what was correct, no doubt.”

Q. 332.—“The chances are you would be wrong?” A.—“No, the chances are I am right, I think.”

Q. 333.—“Although you do not know anything about the dispute further than was reported to you?” A.—“That is right.”

Q. 334.—“Do you doubt that that letter was sent?” A.—“I know that there was some correspondence with Gompers.”

Q. 335.—“Would the letters from Gompers and copies of your letters in reply be in possession of the company?” A.—“I think so.”

Q. 336.—“Could you get them?” A.—“I could.”

Q. 337.—“I would like to have these letters—will you produce them?”

Mr. DuVernet said: “I will produce them if they are in existence.” The matter then dropped.

With that undertaking on the part of the solicitor, and with all the information in possession of defendants' examining counsel, and considering that this is, as before stated an examination upon an affidavit and not for discovery, and assuming for the sake of argument that defendants at the trial may be entitled to those letters, and that they are relevant to the issues therein, it is going altogether afield to talk of “contempt” on the part of the witness, or to ask for any order for production for further examination on this affidavit.

As to refusal to answer. Speaking generally, the defendants have not adopted the method prescribed by Rule 455. In a cast of this kind, where a witness is not contumacious, and where the objection is taken to the question by counsel,