

Yamashita v. Hudson Bay Insurance Co.

[1918] B.C.J. No. 53

26 B.C.R. 387

British Columbia Supreme Court
Vancouver, British Columbia

Morrison J.
(In Chambers)

October 29, 1918.

1 MORRISON J.:-- This is all application for leave to examine the local agent of the Hudson Bay Insurance Co., who wrote up the policy in question, by way of discovery under marginal rule 370c(2):

"After the examination of an officer or servant of a corporation, a party shall not be at liberty to examine any other officer or servant without an order of the Court or Judge."

2 The objection is raised that an "agent" is not liable, under this rule, to be examined; that, in the meaning of the rule "agent" is not synonymous with "officer or servant." There is no definition of these words in the rules and, therefore, the literal and popular extended meaning should be given them: *The Queen v. Local Government Board* (1874), L.R. 9 Q.B. 148 at p. 151, per Blackburn, J. *Murray's New Dictionary* [26 BCR Page388] defines "officer" as one to whom a charge is committed, or who performs a duty, service or function; an agent. The same dictionary defines "agent" as one who produces an effect; the efficient cause. And as was the case in *Hartnett v. Canada Mutual Aid Association* (1888), 12 Pr. 401; and *Dawson v. London Street R.W. Co.* (1898), 18 Pr. 223, the examination can do the defendant no harm, for the examination can be used at the trial only if the trial judge so orders: sub-rule (1); *Lilja v. Granby Consolidated Mining, &c., Co.* (1916), 23 B.C.R. 147 at p. 151.

Application granted.

