

2. When such information is furnished it is for the judge to decide the actual question of privilege on further motion.

3. If any of the information sought was not within the knowledge of the deponent, he must ascertain the facts and give the information. *Bolckow v. Fisher*, 10 Q.B.D. 161; *Southwark Water Co. v. Quick*, 3 Q.B.D. 321, and *Harris v. Toronto Electric Light Co.*, 18 P.R. 285, followed.

4. The information required to be given is not privileged because thereby the names of some of the defendants witnesses might be disclosed: *Marriott v. Chamberlain*, 17 Q.B.D. 165; *Storey v. Lord Lennox*, 1 Keen 341, 1 M. & C. 525; *Humphrey v. Taylor*, 39 Ch. D. 693.

5. Questions as to whether reports had been sent as to the condition of the locomotive before the accident, and as to repairs thereto, must be answered.

O'Connor, for plaintiff. *Robson*, for defendant.

Province of British Columbia.

SUPREME COURT.

Duff, J.] McLAGAN v. McLAGAN. [June 15.

Probate—Affidavit verifying endorsement on writ—Citation—Service of—Order LXX., r. 1—Curative provisions of—Practice.

Where in an action brought for the purpose of revoking a probate, the rule requiring the filing of an affidavit verifying the endorsement on the writ has not been complied with, the proceeding should not be invalidated, but the curative provisions of Order LXX., r. 1, ought to be applied.

Where the rule requiring the issue of a citation calling on the defendant to produce the probate has not been followed, proceedings will be stayed until this is done, at the cost of the party responsible for the omission.

McDonnell, for plaintiff. *Griffin*, for defendant.

Duff, J.] MELLOR v. MELLOR. [July 31.

Interim alimony—Jurisdiction—Order LXXI., r. 1—Validity of—Statutory validation of Supreme Court Rules, 1890.

The Court has jurisdiction to grant interim alimony pending an action for divorce.