

expense, for further examination for discovery, and to produce documents and answer questions for which he claimed privilege on his former examination, on the ground that such information and the documents relating thereto were obtained after consultation with and upon the advice of plaintiffs' solicitors, with a view to the litigation which has since arisen between the parties. The local Judge held that there being no litigation actually pending, or even threatened, when such information and documents were obtained, the same were not privileged.

J. H. Moss, for plaintiffs.

I. F. Hellmuth, for defendants.

FALCONBRIDGE, C.J., held that there was privilege, following the principles laid down in *Wheeler v. Le Marchant*, 17 Ch. D., 675; *Minet v. Morgan*, L. R. 8 Ch. 361; and *Loudon v. Blackney*, 23 Q. B. D. 332.

Appeal allowed. Costs in cause to plaintiffs.

E. L. Jeffery, London, solicitor for plaintiffs.

Ivey & Dromgole, London, solicitors for defendants.