

Many cases are cited . . . It is useless to try to reconcile the cases upon the point of practice.

Schmuck v. McIntosh, 2 O. W. R. 237, Marsh v. McKay, 3 O. W. R. 48, and Sangster v. Aikenhead, 5 O. W. R. 438, 495, all tend to support defendants' contention, and counsel for defendants alleged that he strongly relied upon Hennessy v. Wright, reported with Parnell v. Walter, 24 Q. B. D. at p. 448.

On the other hand, Parnell v. Walter, Elliott v. Garrett, [1902] 1 K. B. 870, Edmondson v. Birch, [1905] 2 K. B. 523, and White v. Credit Assn., [1905] 1 K. B. 613, support plaintiffs' view.

There is no reason to suppose that the inquiry is made for any improper purpose, nor does it appear that the information is being sought for purposes other than the present action. nor indeed will the giving of the information put defendants to any inconvenience or unnecessary trouble. Plaintiffs are entitled to explore all material facts involved or connected with the litigation that may tend to strengthen their own case to break down that of defendants. Defendants' good faith and honesty of purpose in sending out the circulars are in issue. It has, I think, been well said that "the paramount consideration must be the relevancy of the inquiry to the matter in issue, which is the state of the defendant's mind when he published the statements complained of."

In one aspect of plaintiffs' case, it may be essential to establish malice.

The name of defendants' informant, or access to the source of their information respecting plaintiffs' intention of abandoning the manufacture of separators, as well as inspection of the list of persons to whom the circulars were sent, might and probably would materially assist plaintiffs either in breaking down defendants' plea of bona fides and privilege and establishing mala fides, or of satisfying plaintiffs that defendants were acting honestly, although misled, and in either aspect, it would seem, the information should not be withheld unless offending against established practice. . . .

I think White v. Credit Assn., supra, ample authority to support the position that defendants must give the name of the person or persons from whom they allege they obtained the information that plaintiffs intended abandoning the manufacture of separators. Nor do the reasons given in that case apply here in support of defendants' contention that they