

HON. MR. JUSTICE MIDDLETON, IN CHRS. JUNE 20TH, 1913.

RUNDLE v. TRUSTS AND GUARANTEE CO.

4 O. W. N. 1488.

*Discovery—Further and Better Affidavit on Production—Action to Re-open Accounts—Privilege—Necessity for—Prima Facie Case—Rule as to Discovery Generally—Costs.*

MASTER-IN-CHAMBERS (24 O. W. R. 733; 4 O. W. N. 1438) in an action to set aside a release and for a re-opening of certain estate accounts, ordered that production should be made of the estate papers even though plaintiff had not established a *prima facie* right to the relief sought.

MIDDLETON, J., varied above order by directing production of certain documents and affidavit to be made that they were all such documents.

An appeal by the defendants from an order of the Master-in-Chambers, 24 O. W. R. 733; 4 O. W. N. 1438.

Casey Wood, for the defendants.

W. E. Raney, K.C., for the plaintiff.

HON. MR. JUSTICE MIDDLETON varied order of Master by directing the production of the documents mentioned in part 2 of schedule 1 of the defendants' affidavit on production. Affidavit to be made as to the documents produced being all the documents.

---

HON. SIR G. FALCONBRIDGE, C.J.K.B., IN CHRS.

JUNE 24TH, 1913.

ST. CLAIR v. STAIR.

4 O. W. N. 1562.

*Pleading—Statement of Claim—Motion to Amend—Variation in Amendment—Costs.*

MASTER-IN-CHAMBERS (24 O. W. R. 764; 4 O. W. N. 1486), refused plaintiff leave to amend his statement of claim in the manner desired, but ordered that he be permitted to amend in accordance with a form suggested by the learned Master.

Costs to defendant in cause.

FALCONBRIDGE, C.J.K.B., affirmed above order.

An appeal by the defendants from an order of the Master-in-Chambers, 24 O. W. R. 764; 4 O. W. N. 1486.