ing as now given, we cannot help thinking that effect ought to be given to the views of the Master of the Rolls by confining the undertaking to cases in which there is a misrepresentation or suppression on the part of the applicant.—*Law Journal.*

REPORTS.

RECENT ENGLISH PRACTICE CASES.

Lyell v. Kennedy.

Imp. O. 31, *r.* 12 (1883)—*Ont. R.* 222.

Discovery and production—Attempt to falsify claim for privilege—Affidavit of documents.

[27 Ch. D. 1.

Where in an answer to interrogatories, the party interrogated declines to give certain information on the ground of professional privilege, and the privilege is properly claimed in law, the Court will not require a further answer to be put in, unless it is clearly satisfied, either from the nature of the subject-matter for which privilege is claimed, or from statements in the answer itself, or in documents so referred to as to become part of the answer, that the claim for privilege cannot possibly be substantiated.

The mere existence of a reasonable suspicion which is sufficient to justify the Court in requiring a further affidavit of documents is not enough when a claim for privilege in an answer to interrogatories is sought to be falsified.

A waiver of privilege in respect of some out of a larger number of documents, for all of which privilege was originally claimed, does not preclude the party from still asserting his claim of privilege for the rest. Although *prima facie* privilege cannot be claimed for copies of or extracts from public records or documents which are *publici juris*, a collection of such copies or extracts will be privileged when it has been made or obtained by the professional advisers of a party for his defence to the action, and is the result of the professional knowledge, research, and skill of those advisers.

Lawson v. Vacuum Brake Company.

Imp. O. 37, *r.* 5—*Ont. r.* 285.

Evidence—Examination of witnesses abroad.

Where it is sought to have a material witness examined abroad and the nature of the case is such that it is important that he should be examined here, the party asking to have him examined abroad must show clearly that he cannot bring him to this country to be examined at the trial.

[27 Ch. D. 137.

Baggallay, L.J.—There is no doubt the Court has jurisdiction to grant the application, but on what principles is that jurisdiction to be exercised? The Court, in considering an application of this nature, will no doubt take into consideration the difference between the expense of the witness being brought over to this country and of his being examined abroad, and the inconvenience, apart from the expense, which may be occasioned by compelling him to leave his occupation in a foreign country and come over to this country to be examined. But it appears to me that if an application is made (whether it is made by the plaintiff or by the defendants) for the examination of a witness abroad, instead of his attending in this country to give evidence at the trial, it is the duty of the party making that application, when making it, to bring before the Court such circumstances as will satisfy the Court that it is for the interest of justice that the witness should be examined abroad.

Cotton, L.J.—But I think that in a case of this sort, where it is important that the witness should be examined in Court, a heavy burden lies on the party who wishes to examine him abroad, to show clearly that he cannot be reasonably expected to come here.

Platt v. Mendel.

Foreclosure action—Mortgage—Subsequent incumbrancers—Period of redemption.

In a foreclosure action by the transferee of the first mortgage, the statement of claim alleged that the defendants other than the mortgagor claimed to have some charge upon the mortgaged premises subsequent to the plaintiff's charge. None of the defendants, including the mortgagor, put in a defence or appeared at the bar.

Held, that the plaintiff was entitled to a foreclosure judgment on the pleadings, allowing one period for redemption as against all the defendants.

[27 Ch. Div. 246.

Chitty, J.—It is undoubted that in a simple case between mortgagor and mortgagee, and where there are no other incumbrances, the mortgagor has, whether he be defendant in a foreclosure action or plaintiff in a redemption action, six months, and six months only, to redeem. I put aside, of course, the cases in which by indulgence