Judgment for possession without costs.

DuVernet & Jones, Toronto, solicitors for plaintiff.

J. M. Clark, Toronto, solicitor for defendant.

APRIL 7TH, 1902.

DIVISIONAL COURT.

CLERGUE v. McKAY.

Discovery—Production — Privilege — Letters between Solicitor and Client—Nature of, must be Set Forth in Affidavit.

Decision of STREET, J., *ante* 178, affirmed by a Divisional Court (BOYD, C., FERGUSON, J., MEREDITH, J.)

W. M. Douglas, K.C., for defendant Preston, appellant.

A. B. Aylesworth, K.C., and R. U. McPherson, for plaintiff.

FALCONBRIDGE, C.J. APRIL 7TH, 1902.

WEEKLY COURT.

STEPHENS v. O'CONNOR.

Liquor License Act—Transfer of License to New Premises—Notice—Report of Inspector—Injunction.

Motion for judgment, heard at Ottawa. The motion was originally to continue an interim injunction restraining the defendants, who are the license commissioners of the city of Ottawa, from permitting the transfer of the bar license for the Globe Hotel in Sparks street to other premises in the same street. The motion was turned by consent into a motion for judgment.

J. L. McDougall, Ottawa, for plaintiff.

G. F. Henderson, Ottawa, for defendants.

FALCONBRIDGE, C.J.—The action and motion were probably unnecessary or premature, inasmuch as it was not to be assumed that the board of license commissioners would do anything contrary to the law. But the Legislature has not required that public notice shall be given of an application for a transfer to premises within the same sub-division. See Sinclair's Liquor License Act, p. 32 *n.* The board will, doubtless, not grant, or assent to, the transfer without the report of the inspector under sec. 11, sub-sec. (1), of R. S. O. ch. 245, unless there are valid reasons under sub-sec. 4 for dispensing with the same. The circumstances of the case do not bring it within the mischief dealt with in East v. O'Connor, 2 O. L. R. 355. Injunction dissolved and action dismissed with costs.

Latchford, McDougall, & Daly, Ottawa, solicitors for plaintiff.

MacCraken, Henderson, & McDougal, Ottawa, solicitors for defendants.