

through an accident on the defendants' railway on the 16th June, 1911. In the 4th and 5th paragraphs of the statement of claim the accident was alleged to have been caused by the negligence of the defendants' servants or agents. The defendants moved, before pleading, for particulars of the negligence alleged. The deceased was killed by the car in which he was seated running off the track and falling on its side—he was so seriously injured that he died almost immediately. It was stated on the argument by their counsel that the defendants had not been able to ascertain the cause of the accident. And the plaintiff made affidavit that she was unaware of the cause. Her counsel relied on *Smith v. Reid*, 17 O.L.R. 265; *Young v. Scottish Union and National Insurance Co.*, 24 Times L.R. 73; *McCallum v. Reid*, 11 O.W.R. 571. The Master said that the conclusion to be derived from these cases was, that the motion was at least premature. The defendants could safely plead as was done in *Smith v. Reid*, supra. On examination for discovery, they could find out whether the plaintiff intended to rely solely on the principle of *res ipsa loquitur*. If not, she could be required to give particulars of any specific acts of negligence to be adduced at the trial. Motion dismissed, without prejudice to its renewal later if desired. Costs to the plaintiff in the cause. Frank McCarthy, for the defendants. J. A. Paterson, K.C., for the plaintiff.

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SHAPTER V. GRAND TRUNK R.W. CO.—MASTER IN CHAMBERS—  
MAY 29.

*Discovery—Affidavit on Production—Claim of Privilege—Sufficiency—Railway Accident—Reports for Information of Solicitor—Absence of Special Direction—Reports Made to Board of Railway Commissioners—Examination of Servants of Company.* ]  
—In this case an affidavit on production was filed by the defendants, which admittedly was not adequate. Another affidavit was then filed. It, also, was objected to; and the plaintiff moved for a better affidavit. The second part of the first schedule, shewing documents which the defendants objected to produce, mentioned two reports made to their solicitor by their claims agents. In the affidavit privilege was claimed, because “the reports were made solely for the information of the defendants’ solicitor and his advice thereon and under a reasonable apprehension of an action or claim being made.” It was objected to this that it should have said that these reports were made after