

CLARKE V. BARTRAM & O'KELLY MINES—MASTER IN CHAMBERS—
APRIL 18.

Discovery—Production of Documents—Allegations in Pleading.]—Motion by the plaintiff for further examination of the defendant Bartram, and for production of a book called the petty ledger, which is admitted to be in his possession. The learned Master held that, looking at the pleadings, it seemed that the defendant should make answer to certain questions which were relevant to the allegations in the statement of claim, as to which discovery was therefore reasonable: *Canavan v. Harris*, 8 O.W.R. 325. From the examination of the officer of the defendant company, it appeared that certain entries in their books are not original, but are taken from a book kept by the defendant Bartram, which is still in his possession. (He was, with the plaintiff, the promoter of the O'Kelly mines.) So much of it as is copied into the company's books should be produced. If it can be limited to this, that can be done. If not, the book must be produced as it is. The plaintiff was entitled to see that the entries in the company's books have been correctly transferred. The costs of the motion to be to the plaintiff in the cause. The plaintiff in person for the motion. F. E. Hodgins, K.C., for the defendants.

CLARKE V. BARTRAM—MASTER IN CHAMBERS—APRIL 18.

Discovery—Production of Documents—Privileged Claim—Claim not Assignable—Commission in Lieu of Costs.]—Motion by the plaintiff for an order for further examination of one of the defendants and production of documents. The action was in respect of certain dealings between one of the defendants and Thomas Crawford, leading up to the transfer by Crawford of his interest in the Lawson mine. In his statement of claim the plaintiff alleged that in October, 1905, he became liable to Crawford to pay all costs of the well-known litigation over the Lawson mine, and further, that in November, 1910, he obtained an absolute assignment from Crawford of all his interest in the premises, i.e., in the subject-matter of this action. On this was founded a claim by the plaintiff to have delivery and taxation of all bills of costs for services by Bartram against Crawford in this matter, an account of all the money received by Bartram in the matter, and a declaration that 100,000 shares of the Lawson stock said to have been bought by Bartram at 25c. a share were