bers of June 9th, 1913, 24 O. W. R. 707, requiring the Company to file a further and better affidavit on production.

To support his application, plaintiff relied on two grounds: (1) that the claim of privilege for the documents in question is defective and insufficient in law, and (2) that the dates of the reports (the documents referred to) and the names of the authors should have been given.

S. H. Bradford, K.C., for the motion.

R. McKay, K.C., contra.

HON. MR. JUSTICE KELLY:—The application is not sustainable on the latter ground. In the schedule to the affidavit on production the documents are described as "a quantity of reports fastened together numbered "1" to "77" inclusive, initialled by this defendant." This falls clearly within the authority of the three cases cited in the judgment of the learned Chief Justice of the King's Bench, namely, *Taylor* v. *Batten*, 4 Q. B. D. 85; *Bewicke* v. *Graham*, 7 Q. B. D. 400, and *Budden* v. *Wilkinson*, 1893, 2 Q. B. 432. In the last named of these, where the description of the documents was to the same effect as used here, the Court adopted the principle of decision laid down in *Taylor* v. *Batten, supra*, "that the object of the affidavit is to enable the Court to make an order for the production of the documents mentioned in it, if the Court think fit so to do, and that a description of the documents which enables production, if ordered, to be enforced is sufficient," and held the affidavit in that respect to be sufficient. Following these cases, the reports mentioned in Rogers' affidavit are sufficiently identified.

On the other ground, however, I think it desirable that the leave asked for should be granted. Plaintiff relies upon *Swaisland* v. *Grand Trunk Rw. Co.*, 3 O. W. N. 960, where Mr. Justice Middleton expressed the view that the claim for privilege should have been more clearly and specifically stated and that the affidavit should have stated that the reports there referred to were provided solely for the purpose of being used by the defendants' solicitors in the litigation, etc. The rule requiring the use of the word "solely" is not of universal application; and while it may be argued that the present case is distinguishable from *Swaisland* v. *Grand Trunk Rw. Co.* I am of opinion that that decision, coupled with the fact that the learned Chief Justice