

REPORTS AND NOTES OF CASES.

Province of Ontario.

HIGH COURT OF JUSTICE.

Master in Chambers.] PLATT v. BUCK. [June 10.

*Production—Letters between solicitor and client.*

Letters passing between a solicitor and his client, who was the common grantor of the plaintiff and defendant, in respect to the property in dispute, which had passed into the possession of the defendant from the executor of the writer after his decease are not privileged from production.

*H. L. Drayton*, for plaintiff. *Masten*, for defendant.

Meredith, C.J.] MCGILLIVRAY v. WILLIAMS. [July 15.

*Lis pendens—Vacation of—Ex parte application.*

The plaintiff having registered a *lis pendens*, the local judge, on his *ex parte* application, vacated it, and the plaintiff registered the order within fourteen days of its being made.

*Held*, that ss. 98, 99 of the Judicature Act, giving a judge the power to vacate a certificate of *lis pendens* where the plaintiff or other party at whose instance the certificate was issued, does not in good faith prosecute the litigation, and allowing registration of the vacating order only on or after the fourteenth day from the date of the order, are applicable only when the party seeking to vacate the certificate is not the person by whom and for whose benefit it has been registered. Where a party to an action registers a *lis pendens* for his own benefit he may get an order vacating it at any time, and register the same.

*E. A. Anglin*, for appellant. *Middleton*, for respondent.

Divisional Court.] REX v. JAMES. [July 16.

*Fruit Inspection Act—Having in possession for sale—Fraudulent packing—“Faced or shewn surface.”*

The mere having in possession for sale packages of fruit fraudulently packed within the meaning of s. 7 of the Fruit Inspection Act, 1901, is an offence thereunder, though no one is imposed on thereby or any fraud intended.

*Seemle*.—The “faced or shewn surface” within the meaning of the section is not limited to the branded end of the package.

*J. D. Montgomery*, for defendant. *Beaumont*, contra.