

cause was at issue and all parties had been examined for discovery, as well as one Stinson, who acted in the matter and submitted to be examined by the defendant "as a party interested in the claim sued for in this action." In that examination Stinson stated that he was to have a third of any commission recovered by the plaintiffs, and that the defendant agreed to this with him. Stinson also said that he was in a quasi-partnership with one Douglas, with whom he would divide anything he should get out of this. The defendant moved to have Stinson and Douglas made parties, and also to have the plaintiffs make better affidavits on production and attend for further examination, if required so to do. Stinson asserted positively that he saw Wilson on more than one occasion—that he was recognised by him as an agent for the sale, and that Wilson said he would protect him on the commission in question. This was confirmed by the plaintiff Graham, who said that Stinson was a partner and to share in this commission. The Master said that it seemed clear that Stinson was a necessary party to prevent Wilson being harassed by another action, and to have the whole of the matters in controversy disposed of in one action. But this did not apply to Douglas, who could assert no claim against Wilson, but could look only to Stinson. As to the other motion, the Master said that the plaintiffs should make further affidavits. Letters seemed to have passed between them prior to the bringing of the action. On the examination it was objected that these letters were privileged. This, however, must be shewn in the affidavits of the plaintiffs themselves. They should give the dates of these letters so that it may appear whether they were written before action or not. They must also conform to the rule laid down in *Clergue v. McKay*, 3 O. L.R. 478. Both motions were entitled to succeed, and should be granted with costs to the defendant in any event. F. Arnoldi, K.C., for the defendant. J. R. Roaf, for the plaintiffs.

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NEY V. NEY—MASTER IN CHAMBERS—MARCH 20.

*Husband and Wife—Action by Wife against Husband and Others for Conspiracy—Pleading—Statement of Claim—Depriving Wife of Consortium of Husband—Motion to Strike out Part of Pleading Containing Substance of Claim—Judgment—Con. Rule 261.]—This action was brought by the plaintiff against her husband, her husband's father, and another defendant, Reyburn. The plaintiff alleged a conspiracy of these three*