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WINCHESTER, MASTER.

JANUARY 12TH, 1903.

CHAMBERS.

FARMERS' LOAN AND SAVINGS CO. v. SCOTT.

Discovery—Affidavit on Production—Identification and Description of Documents—Schedules—Mortgages—Discrepancies—Particulars—Striking out or Amending.

Motion by defendants for a further and better affidavit on production from plaintiffs, shewing specifically and in detail the books, papers, and documents relating to each mortgage in respect of which the plaintiff's are suing, and disclosing the books and portions of books which refer to each mortgage, and giving the pages and such other references as may be necessary, and accounting sufficiently for the absence of such papers relating to the mortgages as have been in the custody or control of plaintiffs and are not now produced; and also for an order striking out some words in the particulars delivered, and for better particulars.

W. H. Blake, K.C., for defendants.

W. M. Douglas, K.C., for plaintiffs.

THE MASTER.—A party should not be required to give, in an affidavit on production, such details as are sought in this case. All that is required is a list of the documents, books, etc. They should be clearly identified, and their nature should appear from the description given, but a separate description need not be given of every document. *Taylor v. Bullen*, 4 Q. B. D. 85, *Budden v. Wilkinson*, [1893] 2 Q. B. 432, *Cook v. Smith*, [1891] 1 Ch. 509, and *Millbank v. Millbank*, [1900] 1 Ch. 376, 384, referred to. It has also been held that if the documents are described at unnecessary length, the party may be ordered to pay the unnecessary costs occasioned thereby, or the affidavit may even be taken off the files as being prolix or oppressive: *Hill v. Hart-Davis*, 26 Ch. D. 470, 472; *Walker v. Poole*, 21 Ch. D. 836. See also *McDonnell v. McKay*, 2 Ch. Ch. 141. Therefore, as far as the ledgers are concerned, plaintiffs are not required to give the pages, etc. With reference to the letter books, the solicitor for plaintiffs wrote pointing out that there was nothing in them