his solicitor, and that must necessarily involve that he is not to be fettered in preparing documents to be communicated to his solicitor. If such a distinction prevails, what is to be the rule where the application is made before a document is laid before a solicitor, but which it is intended should be laid before him? Is is then to be produced? If so, is it to be saved from production, because after the original application, but before the appeal is heard, the party has in fact laid the document before his solicitor? The distinction, in my opinion, is not one which can be supported."

"Je citerai une autre cause *The Theodor Kömer, Probate Division*, 1878,3*PD*.,p. 162, dans laquelle il s'agissait d'une action pour dommages causés à une cargaison.

"Les propriétaires du navire avaient demandé à un de leurs employés de faire une enquête sur les causes de l'accident, en interrogeant les passagers, les membres de l'équipage, et de toute autre matière.

"Le rapport fait en réponse à ces instructions fut déclaré un document privilégié, et Sir Robert Phillimore s'exprimait ainsi:

"I do not see how, having regard to the language of the plaintiff's affidavit, I can grant the motion. The affidavit states in effect that the plaintiff have in their possession these two reports of survey, but that they object to produce them, on the ground that the documents in question were written and prepared solely for the purpose of proceeding in this action. This being so, I am of opinion if I did grant the motion I should be disregarding the principle, in accordance with which the Court of Appeal decided the case of the *Southwark Waterwork Co, vs Quick*. This I cannot do."