

MATTHEW-ADDY Co. v. CANADIAN MALLEABLE IRON Co. LIMITED
—CAMERON, MASTER IN CHAMBERS—MAY 11.

Discovery—Production of Documents—Correspondence—Order for Better Affidavit.—Motion by the defendants for an order requiring the plaintiffs to file a further and better affidavit on production of documents. THE MASTER, in a written judgment, said that the action was brought to recover \$16,236.47 as damages for breach of warranty, or, in the alternative, for the return of that sum with interest, upon the ground that the goods delivered did not correspond with the description. The plaintiffs bought from the defendants 500 tons of reclaimed iron, and directed the defendants to ship it to the Inland Malleable Iron and Steel Company, at Terre Haute, Indiana. Part of the iron, approximately 365 tons, was shipped as directed. In the statement of claim it was alleged that the Inland company refused to accept the iron because, when it arrived at Terre Haute, it was covered with a thick coating of rust, and a large part of it could not be smelted in ordinary blast furnaces. In the statement of defence it was said that, if the Inland company refused to accept the iron, the refusal was on account of a change in conditions follow-upon the Armistice, and was not by reason of any failure on the part of the defendants to deliver iron of the description contracted for. The Master said that this was an issue which must be disposed of at the trial. On the examination of the president of the plaintiff company for discovery, counsel for the plaintiffs refused to produce the correspondence between the plaintiff company and the Inland company. Every document which will throw light on any part of the case is material and must be disclosed. Reference to *Compagnie Financière du Pacifique v. Peruvian Guano Co.* (1882), 11 Q.B.D. 55, 63. There should be an order requiring the plaintiffs to file a further affidavit of documents; costs to the defendants in any event. G. H. Sedgewick, for the defendants. M. L. Gordon, for the plaintiffs.