

MACMAHON, J.

FEBRUARY 1ST, 1905.

CHAMBERS.

PICKEREL RIVER IMPROVEMENT CO. v. C. BECK
MANUFACTURING CO.

*Discovery—Examination of Officer of Plaintiff Company—
Action for Tolls—Timber Slide Companies Act—Infor-
mation as to Matters Passed upon by Commissioner of
Crown Lands—Production of Documents.*

Appeal by plaintiffs from order of McAndrew, official referee, sitting for the Master in Chambers, requiring Hieland Hancock, the secretary of plaintiffs, to attend again at his own expense and answer questions which he objected to answer upon his examination for discovery, and to produce the documents referred to in those questions, and requiring plaintiffs to make a further and better affidavit on production.

A. G. F. Lawrence, for plaintiffs.

F. E. Hodgins, K.C., for defendants.

MACMAHON, J.—Plaintiffs are a company owning timber slides, etc., on the Pickerel river, and defendants are a company owning timber, which they intended in the year 1904 to pass through and over plaintiffs' works, for which they were required to pay toll.

Plaintiffs had in January, 1904, made a report to the Commissioner of Crown Lands, which they assumed sufficiently complied with the requirements of sec. 21 of the Timber Slide Companies Act, R. S. O. ch. 194, and had fixed a schedule of tolls proposed to be collected for timber passing through and over the works, which schedule was published in conformity with the requirements of sec. 9.

On 18th March the solicitors for defendants wrote to the Commissioner of Crown Lands stating that they were acting for a client (defendants) who expected to drive timber over the works of plaintiffs, and that, in consequence of defects and omissions—which they pointed out—in the last annual report, dated in January, 1904, filed by plaintiffs in the Department of Crown Lands, it was impossible for them to decide whether the tolls fixed by plaintiffs were fair and reasonable or not.

A copy of the above letter was sent by the Department of Crown Lands to plaintiffs on 22nd March, with a request for an immediate reply, "so that a time for hearing both sides may be fixed and the matter disposed of."