

bank consisting of deposit ledgers, liability ledgers, manager's register of collateral securities and letter books," the Full Court decided that this description was altogether too indefinite, and ordered the bank to file a further affidavit showing how many and which of the letter books referred to contain any entry relating to the matters in question in this cause. The order would have included the other books as well as the letter books, but that plaintiff's counsel was satisfied with the offer to furnish copies of the accounts.

With regard to the other branch of the order appealed from, the Full Court affirmed the Chief Justice and the Referee, holding that it was sufficient reason for objecting to produce letters that had passed between the managers at Brantford and Winnipeg that they were privileged communications relating solely to the defendant's case, and did not concern plaintiff's case.

Appeal allowed in part without costs.

*Mulock*, Q.C., for plaintiff.

*Perdue*, for defendants.

BAIN, J.]

[June 25.

DIXON v. WINNIPEG ELECTRIC STREET RAILWAY CO.

*Workmen's Compensation for Injuries Act—Retrospective legislation—Limitations of actions—Notice of injury.*

The plaintiff sued for an injury sustained by the alleged negligence of a fellow workman. The accident causing the injury occurred in May, 1894; there was no evidence that a notice of the injury had been given within 12 weeks; and the action was not commenced until September, 1895, so that at the time of the passing of chapter 48 of the statutes of 1895, 29th March, the plaintiff's right of action for the injury had ceased to exist. Under section 7 of the Workmen's Compensation for Injuries Act, by the amendment of 1895, however, this section was repealed, and the following substituted therefor: "No action for the recovery of compensation under this Act shall be maintainable unless commenced within two years from the occurrence of the accident causing an injury or death.

*Held*, that this legislation was not retrospective, and had not the effect of restoring a right of action which was gone before it was passed, and that the plaintiff should be non-suited.

*Howell*, Q.C., for plaintiff.

*Munson*, Q.C., for defendant.