

purchaser, and alleged that he had re-mortgaged the land to his vendors, and that the action could not be maintained in their absence. The defendant made an affidavit of documents in which he sufficiently claimed protection for a bundle of documents, which included the deeds by which the transactions referred to in his defence were carried out. The plaintiff, however, applied for the delivery of particulars of those transactions, namely, the date of the sale and conveyance to him by the mortgagees, and what was the valuable consideration for the same; the date of the re-mortgage by him, and for how much it was given. Kekewich, J., was of opinion that, because the documents were privileged from production by way of discovery, the defendant could not be required to give particulars nor permit inspection of them, as asked; but the Court of Appeal (Lindley, M.R., and Rigby and Williams, L.JJ.) came to the conclusion that the right to discovery, and the right to particulars of documents referred to in a pleading, are distinct and independent rights, and the mere fact that the documents are privileged from production for discovery does not render them also exempt from the operation of the Rules relating to particulars, but the appeal from Kekewich, J., so far as he refused inspection of the documents, was dismissed.

PRACTICE — DECEASED JUDGMENT DEBTOR — ORDER TO ISSUE EXECUTION AGAINST EXECUTOR — CHARGING ORDER — CLERICAL ERROR.

In *Stewart v. Rhodes* (1900) 1 Ch. 386, the original defendant having died after judgment, an order was made for leave to issue execution against his executor, and also charging the defendant's interest in certain stock unless sufficient cause should be shown to the contrary on a day named. Before the order was made absolute, an order for the administration for the estate of the deceased judgment debtor was granted; and on the motion to make the order absolute, it was objected that the order was wrong, because it purported to charge the debtor's interest in the stock, and not that of his executor, and that, after an administration order had been made, it would not be proper to amend the order nisi. The Court of Appeal (Lindley, M.R., and Rigby and Williams, L.JJ.) held the order nisi to be erroneous, and proceeded on the ground that it could not be properly made in any case as against an executor until a judgment had been obtained against him, and they seem to suggest that an order for leave to issue