

THE  
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HON. SIR G. FALCONBRIDGE, C.J.K.B. JULY 4TH, 1913.

ST. CLAIR v. STAIR.

4 O. W. N. 1580.

*Discovery—Affidavit on Production—Claim of Privilege—Dates and Authors of Documents for which Privilege Claimed to be Disclosed.*

MASTER-IN-CHAMBERS held, 24 O. W. R. 707; 4 O. W. N. 1437, that where privilege was claimed in an affidavit on production for certain reports the date and author of such reports should in each case be given even though in so doing the names of witnesses are disclosed.

*Marriott v. Chamberlain*, 17 Q. B. D. 154, followed.

FALCONBRIDGE, C.J.K.B., reversed above order holding that it was not necessary here.

Appeal by the defendants the "Jack Canuck" Company from the order of the Master-in-Chambers, 24 O. W. R. 707; 4 O. W. N. 1437, directing the appellants to file a better affidavit on production.

R. McKay, K.C., for the appellants.

W. E. Raney, K.C., for the plaintiff.

HON. SIR GLENHOLME FALCONBRIDGE, C.J.K.B.:—The learned Master did not have the opportunity of considering *Swaishland v. Grand Trunk Rv. Co.*, 3 O. W. N. 960, in the light of certain English cases, for the simple reason that they were not cited to him: *Taylor v. Batten* (1878), 4 Q. B. D. 85 (C.A.); *Bewicke v. Graham* (1881), 7 Q. B. D. 400, (C.A.); *Budden v. Wilkinson*, [1893] 2 Q. B. 432 (C.A.); in accordance with which the reports in question were sufficiently identified. As the Master said, the rule requiring the use of the word "solely" was not of universal application. There would be no question if the documents were title deeds, etc. With some diffidence, I am of the