

Liability Act, for the production of a document which is admitted by the affidavit of the defendants' manager to be in their possession or power, but which they claim substantially to be privileged as being correspondence between themselves and their 'agents,' with reference to, and in view of, threatened proceedings of the plaintiff against them. The document in question is dated September 5, and was produced for the information of the Court. It is a printed form, and is headed as follows: 'Private and confidential. Answering these questions does not imply that the injured person is making or will make a claim. Employers' Liability Assurance Corporation (Limited). Preliminary particulars of the accident to be furnished by the agent of the corporation or by the employer.' Then follows a series of questions tabularly arranged as to 'the employer,' 'the person injured,' and 'the accident' in question, to which answers have been given in writing. The document was not signed, but was admitted to have been furnished to the assurance corporation by the defendant company or by their authority from information supplied by them. There is, of course, no doubt that the plaintiff is entitled to the production of this document if it be not privileged; but the defendant company contend that it is privileged because the assurance corporation to whom it has been furnished were their 'agents,' and it was so furnished to them in contemplation of litigation. I think that this contention is erroneous, and that the registrar's order was quite right. The only relation which appears to have existed between the defendant and the assurance corporation arose from a policy of assurance, which is not produced, but which common knowledge tells us was in the nature of an indemnity given by the latter to the former against pecuniary liability in respect of accidents to the workmen in their employment. Probably the defendant company was bound by this contract to furnish to the assurance corporation early intelligence of the particulars of any accident in respect of which they might claim to be indemnified. At all events it was proper for them to do so; and, accordingly, within a week of the accident in question, they fur-

nished to the corporation the information contained in this document. Besides the contract of indemnity contained in the policy of assurance, there is no evidence of any relation between the defendant company and the assurance corporation whatsoever, and consequently no evidence of any agency, and, least of all, of that legal professional agency, or rather relation, which, for the present purpose, is the only ground of privilege recognized by either the Courts of law or equity since the Judicature Act, 1873 (see the case of *Anderson v. The British Bank of Columbia*, and particularly the judgment of the Master of the Rolls, Sir George Jessel, 45 Law J. Rep. Chanc. 449; L. R. 2 Chanc. Div. 644). This appeal will therefore be dismissed, with costs; and, according to the undertaking of counsel, the document in question will be produced forthwith, as the trial is to come on next Friday at Brentford.

#### LORD MORRIS.

The Right Hon. Sir Michael Morris, who has been appointed Lord of Appeal in Ordinary in place of Lord Fitzgerald, deceased, and is, by virtue of his office, entitled during his life to rank as a baron, under the style of Lord Morris, of Spiddal, county Galway, is the eldest son of the late Mr. Martin Morris, J.P., of Spiddal, and was born in November, 1827. He was educated at Erasmus Smith's School, Galway, and at Trinity College, Dublin, where he graduated B.A., and was senior moderator and gold medallist in 1847. He was called to the Irish bar at the King's Inns, Dublin, in 1849, and obtained a silk gown in 1863. He was high sheriff of Galway in 1850, and recorder of Galway from 1857 to 1865, Solicitor-General for Ireland from July to October in 1866, and Attorney-General from that date to March, 1867. From 1865 to 1867 he represented the county of Galway in Parliament, and introduced the Attorneys and Solicitors Act, 1866, Ireland, assimilating the law regulating them to the English law. He vacated his seat in the House of Commons on being appointed Justice of the Common Pleas in Ireland, and was promoted to the chief justiceship of the the Queen's Bench in 1887. He is a magis-