

daughter is clearly entitled to one-fourth share of what it is worth or what it can be sold for now (at the end of the five years); and, subject to any contract or estoppel which Robert Paterson may be allowed to set up against his *cestui que trust*, the widow is entitled to an equal share.

Costs of all parties out of the estate.

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ST. CLAIR v. STAIR—MASTER IN CHAMBERS—JUNE 9.

*Discovery—Affidavit on Production—Claim of Privilege for Certain Reports—Necessity for Identification—Documents Obtained for Information of Solicitor—"Solely."*—Motion by the plaintiff for a better affidavit on production from the defendants the "Jack Canuck" Company. For the facts of this case, see ante 645. The affidavit attacked claimed privilege for "a quantity of reports fastened together, numbered 1 to 77 inclusive, initialled by this defendant." These were said to be privileged as "being reports and communications obtained for the information of solicitors and counsel and for the purpose of obtaining advice thereon with a view to litigation between the plaintiff and the said defendants." It was objected: (1) that the dates of these reports and the names of the authors should be given; and (2) that the claim of privilege was defective, because it did not state that these reports were obtained solely for the purposes of the pending action. The cases relied on in support of the motion were *Swaisland v. Grand Trunk R.W. Co.*, 3 O.W.N. 960, on both branches, and *Jones v. Great Central R.W. Co.*, [1910] A.C. 4, on the second. The Master said that in cases such as *Collins v. London General Omnibus Co.* (1893), 68 L.T.R. 831, no doubt, the word "solely" was necessary, in view of the previous judgment in the similar case of *Cook v. North Metropolitan R.W. Co.*, 6 Times L.R. 22. But this qualification was not of universal application, though it might be as well to use it in every case as a matter of precaution and for greater security. As at present advised, the Master did not deem it necessary to express any opinion on this point, because the motion seemed entitled to prevail on the first ground. The affidavit should comply with what was said in the *Swaisland* case, 3 O.W.N. at p. 962: "Moreover, it is essential that the documents should be so clearly identified that, if it turns out that the affidavit on production is untrue, there will be