

and to answer certain questions which he had refused to answer upon his examination for discovery.

The appeal was heard by MEREDITH, C.J., BRITTON, J., TEETZEL, J.

C. S. MacInnes, for defendants.

Grayson Smith, for plaintiffs.

MEREDITH, C.J.:—The action is for libel, and defendants plead, among other defences, that of qualified privilege.

Two questions are raised by the appeal. The first is as to the right of plaintiffs to discovery of the sources of the information, belief in the truth of which defendants plead by their defence of qualified privilege.

Whatever differences of opinion there may at one time have been as to the right of a plaintiff in an action of libel, where the defence of qualified privilege is set up, to discovery of the source of the information on which defendant alleges that he relied in making the statement for which he is sought to be made liable, it is now settled that plaintiff has that right: *Elliott v. Garrett*, [1902] 1 K. B. 871; *White v. Credit Assn.*, [1905] 1 K. B. 653; *Plymouth Mutual Co. v. Traders' Publishing Assn.*, 22 Times L. R. 266.

The first ground of appeal therefore fails.

The second question is as to the right of plaintiffs to discovery of the names and addresses of the persons to whom the alleged libel was published.

Prima facie, at all events, plaintiffs are entitled to the discovery sought. The inquiry they desire to pursue is undoubtedly relevant to the issues in the action, or some of them, and on the question of damages. The Judge from whose order the appeal is brought was of opinion that requiring the answers to be given was not oppressive to defendants, and that the information sought was not desired by plaintiffs for any purpose outside of the action, and in that opinion I agree. There is, therefore, no reason why defendants should not be required to give the information which is sought to be obtained.

Although *Parnell v. Walter*, 24 Q. B. D. 441, was disapproved of in *Whittaker v. Scarborough Post*, 12 Times L. R.