

am of opinion that the defendant, with full knowledge, ratified the unauthorised act of his agent Weaver in receiving the purchase-money from the vendor; that such payment was good payment to the vendor; and that the plaintiff is entitled to specific performance, with the costs of this action. G. Ross, for the plaintiff. R. McKay, K.C., and M. F. Pumaville, for the defendant.

SOUTHWELL V. SHEDDEN FORWARDING CO.—MASTER IN CHAMBERS
—JAN. 9.

Discovery—Examination of Plaintiff—Privilege—Information Obtained for Use at Trial under Instructions of Solicitor.—The plaintiff, who was injured in a collision with the defendants' runaway team, and brought this action for damages for his injuries, was asked, on examination for discovery, whether he knew the name of the defendant's driver; he said he did, but, on counsel's advice, refused to give the name and refused to answer similar questions, because it was a matter discovered under the direction of the plaintiff's solicitor in obtaining evidence for the trial. Upon an application by the defendants to compel the plaintiff to answer, it was contended on behalf of the plaintiff that the legal professional privilege must be extended equally to facts as to documents and reports. The defendants, by their statement of defence, alleged that the runaway arose from causes beyond the control of the defendants, who used all proper precautions, and without negligence on their part or that of their servants, and that the plaintiff was guilty of contributory negligence, and might with reasonable care have escaped injury. Upon the examination the plaintiff's counsel refused to allow him to answer whether he knew that either of the defendants' horses had previously run away; or whether the defendants knew of their having done so; or what started them or caused them to run away. The Master said that none of these matters, so far as he could see from the authorities, came within the protection claimed. The plaintiff must attend again at his own expense and answer all questions on matters of fact on which he relies to prove his case, or which may assist the defence—subject to this qualification, that he is not bound to disclose the names of his witnesses. He should also give the name of the driver, because it may be that he was not a servant of the defendants, but a volunteer or trespasser. Costs of the motion to the defendants in the cause. R. McKay, K.C., for the defendants. G. H. Kilmer, K.C., for the plaintiff.