

taking part in getting the information or in inspecting it, and the question now is, whether, after action, the defendants are entitled to production and inspection of the written information or evidence obtained before the action by the solicitors for plaintiffs.

I am of opinion that defendants are not entitled to such production and inspection. While the information was not obtained for the purpose of supporting an action expressly contemplated at the time the instructions were given to the solicitors, it must have been contemplated that if the report of the solicitors was that a highway existed, an action would be brought against the defendants for obstructing it, if they persisted in disputing that it was a highway, in which event the information obtained by the solicitors would be necessary to assist them in prosecuting such action.

I do not think it is necessary that at the time the resolution was passed an action should have been actually decided upon in order to disentitle defendants to claim the privilege now set up.

The immediate purpose of the information was to aid the solicitors in forming an opinion as to the legal rights of plaintiffs in reference to the road, and I think also such information obtained by the solicitors for that purpose is privileged from production in an action brought as the result of the opinion formed by the solicitors. . . .

[Reference to *Southwark v. Quick*, 3 Q. B. D. 315; *Leroyd v. Halifax*, [1895] 1 Ch. 686.]

The appeal will, therefore, be allowed, with costs to the successful party in the action.

MAGEE, J.

APRIL 26TH, 1905.

WEEKLY COURT.

## RE DILLON AND TOWNSHIP OF CARDINAL.

*Municipal Corporations—By-law—Local Option—Voting on By-law—Irregularities—Publication of By-law—Designation of Newspaper by Council—Appointment of Agents or Scrutineers—Persons not Entitled to Vote—Compartments for Voters—Secrecy of Ballot—Presence of Strangers in Polling Place—Duties of Returning Officer at Close of Poll.*

Application by two voters and hotelkeepers in the village of Cardinal to quash a "local option by-law" passed by