

On the jury bringing these findings into Court, they were further asked:—

Q. Where do you find the plaintiff Julia Letcher was when the car started? The Foreman: "At the edge of the step." The jury were polled and were unanimous on that.

Q. What do you mean by the edge of the step?

The Foreman: "At the edge of the platform."

FALCONBRIDGE, C.J. after consideration): — With unusual doubt and hesitation I enter the verdict for the plaintiffs.

MASTER IN CHAMBERS.

OCTOBER, 15TH, 1909.

GREENE v. BLACK.

*Discovery—Production of Documents—Affidavit on Production—  
Claim of Privilege—Insufficiency—Fraud.*

Motion by the plaintiff for a further and better affidavit on production by the defendant.

The plaintiff claimed specific performance of an agreement by the defendant to purchase a mining claim for \$15,000, or \$7,000 damages for breach of the agreement. The plaintiff alleged that, when he had, under the agreement, made all necessary arrangements with the owner and another person interested in the claim, the defendant "conspired with (them) to procure, and by false and fraudulent representation did procure the breach by (them) of their said agreement, and in fraud of the plaintiff obtained a conveyance of the mining claim to himself on payment of only \$8,000, whereby the plaintiff lost his profit upon the sale of the said mining claim, being \$7,000."

The second part of the defendant's affidavit on production set out 10 documents which he objected to produce as "privileged, as they are communications between my several solicitors," naming them.

C. C. Robinson, for the plaintiff.

Z Gallagher, for the defendant.

THE MASTER held that the claim to privilege was not sufficient within the rule laid down in *Clergue v. McKay*, 3 O. L. R. 63, 478;