

BOYD, C.]

[Dec. 12.]

KNARR *v.* BRICKER.*Reference—Report—Drawing—Settling—Notice.*

A judicial officer charged with a reference should himself draw his report, and not delegate it to the solicitor for the successful party. Both parties should be given equal facilities to know the result, and be present at the drawing or settling of the report.

*J. P. Mabee* and *R. T. Harding* for the plaintiff.

*E. P. Clement* and *W. H. P. Clement* for the defendant.

FERGUSON, J.]

[Jan. 14.]

HUNTER *v.* GRAND TRUNK R.W. CO.*Discovery—Production of documents—Railway casualty—Reports—Privilege.*

Where reports by officers or servants of a railway company as to a casualty, giving rise to an action, are in good faith prepared for the purpose of being communicated to the company's solicitor, with the object of obtaining his advice thereon, and enabling him to defend the action, they are to be regarded as privileged communications and exempt from production for inspection by the opposite party, even if they answer the purpose of giving information to other people as well.

*W. R. Smyth* for the plaintiff.

*D. Armour* for the defendants.

FERGUSON, J.]

[Jan. 18.]

MERCHANTS' BANK OF CANADA *v.* KEMP.*Examination—Special examiner's chambers—Discretion as to admission of persons.*

A special examiner has a discretion to admit or exclude from his chambers persons who desire to be present upon an examination.

And where the defendant attended for examination as a judgment debtor, but refused to answer questions unless a former partner of his, who was present to instruct counsel for the judgment creditors, was excluded;

*Held*, that the examiner rightly exercised his discretion in refusing to exclude; and the defendant was ordered to attend again at his own expense.

*C. R. W. Biggar*, Q.C., for the plaintiffs.

*Waldron* for the defendant.

FERGUSON, J.]

[Jan. 19.]

MACRAE *v.* NEWS PRINTING CO.*Jury notice—R.S.O., c. 44, s. 78 (2)—Filing—Time—Allowance.*

Where a jury notice is served in due time, but by inadvertence filed too late to comply with R.S.O., c. 44, s. 78 (2), there is power to make an order allowing it to stand good; and such an order should be made if the case is one proper to be tried by a jury.

*E. G. Rykert* for the plaintiffs.

*G. A. M. Young* for the defendants.