

the cause, demurred, amongst other things, to this prayer of discovery ; on the ground, that the complainant had no right to compel the defendants to a disclosure of their titles.]

THE CHANCELLOR :

It seems to be the well established rule of the court, that the right of a plaintiff in equity to the benefit of the defendant's oath, is limited to a discovery of such material facts, as relate to the plaintiff's case, and does not extend to a discovery of the manner in which, or the evidence by means of which, the defendant's case is to be established, or to any discovery of the defendant's evidence. 1 *Daniel's Prac.*, 645, 646.

If, to be sure, there is a privity shown between the title of the plaintiff and defendant, that priority may give him the right to call for an exposure of the defendant's title ; but unless such connection with his own title is shown, he has no right to call for a discovery, or production of the title of his adversary ; and this, whether the bill be for discovery only, or for discovery and relief. *Story's Eq. Pl.*, sec. 572 ; *Daniel's Prac.*, 647.

The rule as laid down by Judge Story is, "that a party has no right to any discovery, except of facts and deeds, and writings necessary to his own title, or under which he claims ; for he is not at liberty to pry into the title of the adverse party." 2 *Story's Equity*, sec. 1490.

Upon an examination of this bill, I am of opinion, that there is not that immediate connection and privity, if indeed there be any, between the titles of these plaintiffs and defendants, as warrants an application for the production or discovery of the title of the latter. The title of the plaintiffs is stated distinctly, and does not appear to be at all dependent upon or connected with that of the adversary, and, therefore, it seems to be an attempt without necessity, to pry into the title of the latter, in opposition to the fixed rule upon the subject. The bill does not allege that the plaintiff's title is at all complicated with, or at all dependent upon, that of the defendants ; or that the former will have any difficulty in establishing their right, without an exposure of the title of those from whom the discovery is sought ;